



Scottish Police Federation

East Area Committee

Minutes of the Third Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 31 August 2022 within the Houston House Hotel, Uphall, Livingston, EH52 6JS

1. OPENING OF THE MEETING

The Chair welcomed all those in attendance to this, the Third Quarterly Meeting of the East Area Committee for 2022, reminding those representatives present that quarterly meetings of the East Area Committee are an occasion of police duty supported by the Chief Constable. The Chair went on to emphasise the importance of representatives attending and contributing on behalf of the members ensuring that their views were represented.

The Chair gave a special welcome to those newly elected EAC Representatives in attendance going on to congratulate Craig Stephen (P), Patrick Devaney (P), Anthony Clark (P), Norman Kinloch (P), Blair Rennie (J) and Lee Dickson (E) who had recently become EAC Representatives within their respective divisions.

The Chair then welcomed Assistant to General Secretary (Equality) James Thomson. James would be giving a short input on Equality. The Committee were encouraged to take advantage of James' expertise and knowledge.

The Chair highlighted the change at the top table since the last EAC meeting due to the retirement of our three colleagues Andy Malcolm, Stevie Clark and Heather Macdonald. He went on to express his thanks on behalf of the Committee for all their hard work and commitment during their time with the Scottish Police Federation wishing them good luck in their retirements. He next informed of the resignation of Kevin Taylor, a P Division Representative wishing him all the best for the future.

The Agenda and evacuation protocols were highlighted, Standing Orders were adopted, and the meeting was declared open.

2. ATTENDANCE

Sergeant Anne Begley	C - Forth Valley
Constable Lyn Redwood	C - Forth Valley
Constable Gavin Grant	C - Forth Valley

Inspector Mark Sherman	E - Edinburgh
Inspector Peter Jones	E - Edinburgh
Inspector Neill Whiteside	E - Edinburgh
Inspector Norman Towler	E - Edinburgh
Sergeant Christopher Richardson	E - Edinburgh
Sergeant Willie Rennie	E - Edinburgh
Constable Stevie Neilson	E - Edinburgh
Constable David Davison	E - Edinburgh
Constable Euan Sinclair	E - Edinburgh

Inspector Andrew Toombs	J - The Lothian's & Scottish Borders
Inspector David Hughes	J - The Lothian's & Scottish Borders
Inspector Blair Rennie	J - The Lothian's & Scottish Borders
Sergeant Ross Drummond	J - The Lothian's & Scottish Borders
Constable Gareth Watt	J - The Lothian's & Scottish Borders
Constable Darren Gallagher	J - The Lothian's & Scottish Borders
Constable Eric Dickson	J - The Lothian's & Scottish Borders

Inspector James McLaren	P - Fife
Sergeant Craig Menzies	P - Fife
Sergeant Graeme Mathers	P - Fife
Sergeant Patrick Devaney	P - Fife
Constable Ben Pacholek	P - Fife
Constable Anthony Clark	P - Fife
Constable Norman Kinloch	P - Fife

OBSERVER

James Thomson	Assistant to the General Secretary (Equality)
John Turley	Chair
Graham Ross	Secretary
Ricky Wood	Vice-Chair
Davie Reid	Deputy Secretary

3 **APOLOGIES**

Apologies were received from Martin Vickerman, Craig Stephen, James Gowling, Michael Williamson, Heather MacIntyre, Liam Harman, Christopher Scott, Lee Dickson and Allan Lapsley.

4 **MINUTES OF THE PREVIOUS MEETING**

Those present approved the minutes of the previous meeting held on Wednesday 1 June 2022. The minutes had previously been disseminated to the Committee via Teams.

5 **MATTERS ARISING**

(a) **JOINT CENTRAL COMMITTEE UPDATE**

The Secretary for the benefit of the new representatives, reminded those present how the JCC worked thereafter he gave a combined update to the committee following the two meetings of the Joint Central Committee (JCC) held in Inverness on 21st and 22nd June 2022 and Dundee on 23rd and 24th August 2022. Points worthy of note included the following:

Legal Update:

Allard & Others v Devon & Cornwall - After years of little movement, a “without prejudice” offer has been made by the Service to resolve this claim however, it is apparent there is a significant difference between what the Service value this claim to be and what the SPF’s position is. Matters progress and negotiations continue.

Holiday Pay - The Holiday Pay Claim is ongoing and sisted until a decision is taken in respect of a similar case in Northern Ireland.

WhatsApp - An appeal to the European Court of Human Rights has been lodged and Counsel await a result of that application. All but three of the officers involved resigned from the Service prior to the Misconduct Hearing into this matter. At the Hearing the remaining three were dismissed from the Service. Notwithstanding the obvious impact on those officers, this case has a significant impact on all police officers rights to a private life and continues to attract national attention.

Sheku Bayoh Public Enquiry - The first phase of the Inquiry is now complete with all Police witnesses who had been in attendance, having given evidence. The professional and dignified way in which the members involved had given their evidence was acknowledged. SPF continue to provide support to those officers involved. The Public Inquiry is ongoing.

Judicial Reviews - There are currently no Judicial Reviews ongoing.

Request for Legal Opinion - There had been no requests for legal opinion since the last meeting.

Pay – The Secretary took those present through a timeline in relation to the pay negotiations. He thanked those in attendance who had contacted their respective MSPs with special mention being given to Neill Whiteside. Discussions ensued and the Secretary asked those present for feedback received from the members. Generally speaking the feedback had been positive. Losing the College Allowance however caused some concerns, this will now fall back to Regulations.

PNB (Police Negotiating Board) - The Secretary updated the committee in relation to the meeting held in Inverness on 21st June 2022. A number of issues were discussed including the ongoing pay negotiations and how the SPF should respond to the formal offer made to the Staff Side. The Committee unanimously endorsed a plan of dispute tactics after being informed that given the legal restrictions placed on Police Officers, legal advice from counsel would be taken at the outset.

The Secretary updated the committee in relation to the meeting held in Dundee on 23rd and 24th August 2022 giving a detailed account of the events leading up to the pay deal being agreed on 15th August 2022. He provided further background information and rationale in respect of the agreement reached. The significance of the efforts of our members and the initial show of strength undoubtedly assisted in getting negotiations moving ultimately leading to an acceptable offer being made. A wide ranging discussion took place around the impacts of the pay deal, the position in respect of the withdrawal of goodwill and the future pay deal for 2023/2024.

Discussions ensued in respect of the planned 59 Pay Roadshows hosted by the General Secretary and whether or not to continue with these in light of the pay deal for 2022/23 being reached. It was widely accepted that there is a need for as many of our members as possible to understand the background in relation to pay talks and the real challenges ahead in respect of future deals and the learnings from this year's events. It is imperative that officers continue to engage even now that a pay deal has been confirmed for this year therefore, the JCC universally supported that the planned events should continue. The Representatives were asked to encourage the members to engage and attend the remaining Road Shows giving them a better understanding of how pay negotiations work. Disappointingly the turnout has not been great. The Secretary reminded those present that communication works two ways!

Pensions - The pensions environment is particularly frustrating at this time. The remedy timetable is lengthy and complex. The issue of the pension trap has still to be properly addressed. Relationships with the SPPA were slightly better following a meeting with the Minister. While there has been an improvement in engagement, there remains tensions and frustrations regarding progress with concerns growing that some of the remedies detailed for late 2023 may not be met till 2025! Approval was sought from the JCC to, along with other Staff Associations, begin to lobby those within the House of Lords to seek assurances that this matter will be resolved satisfactorily.

The next Joint Central Committee Meeting will be held on 4th and 5th October 2022.

Scottish Police Consultative Forum (SPCF) - A meeting to review Dame Angiolini's recommendations and the progress on these recommendations was attended by the key bodies including the SPF, PSOS, and legislators from the Scottish Government. There was an acceptance to some degree that many of Dame Angiolini's recommendations in terms of how Police Complaints were handled would be counterproductive. The Chair of the Forum is to write a response in relation to these recommendations reflective of that position.

The difficulty the Service are having in respect of a shortage of qualified officers to "temp up" was discussed at length. The diploma is no more and the My Career replacement is showing no signs of being able to fill the void of retirements from the Service. The Service are exploring a temporary fix consisting of officers being given a "suitability assessment" to establish their capability to perform at the higher rank. This was debated at length with a host of real challenges and risks identified should the Service go down that route.

Scottish Police Authority (SPA) - The Chair reported that changes in some senior positions within the SPA appear to have helped build a better relationship between the SPA and SPF.

Scottish Police Budget & Finance - The Scottish Government Spending Review (SGSR) was published on 1st June 2022, showing potential implications for the Police Service and wider justice arena.

Permission was sought and given from the JCC to further talk with partners such as judicial bodies, Judges and Parole Boards etc. to take a holistic approach in addressing these matters ensuring the issues and impacts are presented with unity.

Scottish Parliament & Political Engagement - The committee met local councillors from the area sharing conversations relating to issues impacting policing locally and ways in which they could support the Service and our members.

Mental Health Workshops are to be carried out by the Scottish Government and 6 officers with varying mental health needs have volunteered to give evidence to them.

Health and Safety - The Health & Safety AGS (Assistant to General Secretary) Gordon Forsyth advised that COVID Guidance remained in place for attending incidents where a known or suspected COVID case existed. The clean-shaven instruction remained in place for that purpose. Other matters discussed were Your Safety Matters, equipment, body armour, fleet and Naloxone.

SPF Training - SPF training commenced on 15th August 2022 for new Full-Time Office Bearers with Basic Training Courses planned for 10th and 11th October 2022 for new representatives.

SPF Elections

- At the meeting on 21st June 2022, the election of current Deputy General Secretary David Kennedy to the role of General Secretary upon the retirement of the present incumbent Calum Steele in February 2023 was ratified by the committee. As such notice was given of the process to elect a successor to the role of Deputy.
- At the meeting of 21st June 2022, Assistant to the General Secretary for Equality, James Thomson, notified the committee of his resignation from the position due to retirement. As such notice was given of the process to elect a successor to his role.
- At the meeting 23rd August 2022, Lorna Cunningham was duly elected to the post of Deputy General Secretary.
- At the meeting of 23rd August 2022, Emma-Louise Smith was duly elected to the post of Assistant to the General Secretary for Equality.

Police Service of Scotland Reform - The Secretary reported on the Change Programme. The SPF have grave misgivings about the monies being paid to external consultants to provide advice that the Service can have for free within the confines of the Service.

EuroCOP/ICPRA – The last meeting of ICPRA Council took place in Glasgow on the 6th and 7th June 2022. Topics discussed had been the reliability of video evidence; climate change; the evolution of protestor activity terrorism and Ukraine. As part of a publicity campaign the organisation are seeking to use photographs of officers injuries. The Reps were asked to approach members to see if any may wish to anonymously share pictures of their injuries.

Police Related Charities PTC & Police Children's Charity - Prior to the meeting the Vice Chair disseminated an update to the Committee via Teams. He reminded those present of the Benevolent Fund and how it benefited officers and their families. He further informed that the St. George's Fund had changed its name to the Police Children's Charity.

Police Care UK are piloting a revolutionary new PTSD treatment. Results in the Netherlands have been very encouraging, and this could be a significant treatment for those suffering with complex PTSD. The trial had a relatively small number of officers take part however was shown to have a 100% success rate. Police Care UK have invited officers from all UK Forces to partake however, disappointingly, none were put forward by PSOS. The Charity are not subscription based but provide a critical service. It is hoped Forces will see the benefit of this course and employ the charity to deliver it for them to improving officer wellbeing and assist officers in returning to work.

The PTC is back to pre-covid levels and applications are currently turning around in 2 – 3 weeks.

Scottish Police Memorial Trust (SPMT) - The service will be held at the Scottish Police College on 7th September 2022. Members of all ranks and roles within the Service are encouraged to attend.

The National Police Memorial Day (NPMD) - This is an annual event which takes place around the UK, this year it will be held in Belfast on the 25th September 2022.

SPF Annual Awards - The Chair reported that the East had been well represented and he gave thanks to all those who took the time and effort to spread the word, to nominate colleagues or, to sit on the panel of judges. The awards ceremony is scheduled for Thursday 24th November 2022. Nominations are now open for the 2023 event. The Secretary reiterated the value of these awards asking the committee to spread the word within their respective areas to ensure that our colleagues are properly recognised for their dedication and hard work.

SPF Quadrennial Elections - Local Representatives - To break the cycle of elections clashing with SPF Conference and the uncertainty of having each representative nationally up for re-election at once, a proposal was put forward to alter the SPF Rules to allow for an election every 2 years to include half the representatives thus ensuring continuity. These elections will not fall on SPF Conference years. The proposal was agreed and the forthcoming elections due in December have been put back a year extending the current representatives terms.

The date of the next JCC is 4th and 5th October 2022.

b) STANDING COMMITTEE UPDATES

The Committee were updated by the Chair on the pertinent elements as per the agenda papers.

Joint Negotiating Consultative Committee (JNCC) - The last meeting took place on the 9th June 2022 at the Scottish Police College. Issues discussed worthy of note included the Cost of Living Crisis, Covid-19 Booster, Annual Police Plan -Consultation, Low Emission Zones, Annual Leave - Notice & Reply, Regulatory Entitlement - Communications, Resourcing of Events, Rank Ratio - SWP, Allard, S.19 Road Safety Act, and Protect the Protectors.

6. SUBJECT COMMITTEE UPDATES

- (a)** The Deputy Secretary reported that the new **Policy, Procedure and Regulation Sub Committee** had met twice since the committees inception most recently on 26th August 2022. This committee reviews and discusses the SPF's responses to consultations.
- (b)** The Secretary reported on the meeting of the **People & Operations Sub-Committee** which took place on 12th August 2022. The committee discussed many of the key issues being faced by our members and those that require to be addressed by PODG (People and Operations Delivery Group). The issues taken to PODG included Leadership/Training and Development Issues, Grievance Process, My Career and Flexible Shift Patterns.
- (c)** The Vice Chair reported that the inaugural meeting of the **Working Practices Review Sub-Committee** had taken place on 4th August 2022. Issues discussed had been Custody, Criminal Justice, C3 and Events and Rostering.

7 **EQUALITY MATTERS** – The Chair introduced James Thomson, the current Assistant to the General Secretary for Equality, who gave the committee an insight into the Equality world. He gave an overview discussing topics such as disability, the wearing of beards and how this was a Health & Safety issue and not equality; flexible working and how it is a need and not want; what constitutes discrimination and the difference between feeling aggrieved and having a grievance. A question and answer session followed and the committee appear to have benefitted greatly from discussions.

8 **AREA LEADS UPDATES**

(a) **EQUALITY** – The Chair updated the committee in relation to equality matters within the East Area including the following items worthy of note:

Issues around flexible/agile/part-time working affecting members; Ill-Health retirement process and the continuing delays for our officers who remain within the process. (These officers continue to be supported by the SPF).

(b) **HEALTH & SAFETY** - Prior to the meeting the Vice Chair disseminated an update to the Committee and highlighted significant issues for them to consider including the undernoted:

COVID - Numbers are reducing however, it has not gone away therefore, it is important that officers continue to carry their FFP3 mask. These masks are not only required for COVID as highlighted recently when officers attended a fire with asbestos. All officers had to be pulled back and FFP3 masks collected as not one officer was carrying one! Officers with beards had to stay clear of the locus currently a cleanshaven policy is still in place (unless for medical, religious or cultural reasons). Whilst this is under review by the Force there are approximately 30 SOPS stating officers are required to be clean shaven. **All** frontline officers require to be face fitted and retesting is ongoing.

Although no real issue at present, guidance on Monkeypox can be found on the Intranet. PPE will be the same as COVID.

Body Worn Video – The survey was deemed a success however, there is no monies available from the Policing Budget at this time.

Assaults – Assaults on officers remains high particularly within custody however, there is still an under reporting of assaults within custody! Posters encouraging this have been distributed to the custody centres and Training Champions will encourage the recording of assaults.

Concerns had been raised regarding Probationers not taking a hold of custodies due to the fear of complaints. This was found to stem back to PSD's inputs at the Scottish Police College. Whilst the input was found to be at the correct level by CJSD, a revised memo is being circulated. Officers/staff are to have control of prisoners at all times. There is no requirement to hold every prisoner.

Work is being carried out by Criminal Justice to raise awareness of the impact of assaults on officers and staff via impact statements.

TASER - Training is ongoing with the intention to increase numbers across divisions.

Personal Protective Equipment (PPE) - Body Armour - Phase 3 continues with the vast majority of officers now having had their out-of-date armour replaced. All AFO's should have their new armour by the end of this year.

Clothing & Equipment Working Group - Health & Safety have approved 2 hard hats per vehicle. Clarification has been sought on cost as these hats will require face shields and require to be changed every 5 years due to the 5 year warranty.

Naloxone Pouch - Money coming from Scottish Government should cover this during next 4 years of procurement.

Operational Equipment - Ongoing work around issues with BMW.

First Aid - Naloxone is being driven through and it looks like it will be mandatory in relation to training and the carrying of same however, it will be a personal decision by the officer to use or not! This is politically driven as drug deaths in Scotland continue to rise.

There is a lack of officers trained in the new first aid package. OST have been given this to administer but have no capacity at this time.

Administration & Governance - There are currently 4 ongoing investigations in the East. Custody audits and 6 monthly Health & Safety Inspections are ongoing. A number of these have been carried out via the new "I Auditor" recording system which produces a report. There remains a lack of invites from division's to attend these Health & Safety visits, except "J" Division who have a very proactive Sergeant who has taken this onboard. Several personal claims are being progressed due to injuries on duty.

- (c) **CONDUCT**- Prior to the meeting the Assistant Secretary disseminated an update on conduct matters to the Committee via Teams.

The position in the East as of 31st August 2022:

- Criminal Cases – On Duty 21
- Criminal Cases – Off Duty 19
- Conduct Cases – On Duty 1
- Conduct Cases – Off Duty 3
- Suspended Officers - 9

The 3 remaining officers involved in the WhatsApp Case were dismissed without notice at the Gross Misconduct Hearing held in June. The Chair's disposal is being appealed, as is the ruling on Police Officers not having the right to a private life which stems from how the evidence against them was obtained in the first place. Permission was sought and given to take the appeal to the European Court in Strasbourg however, it will be several years before the appeal is heard. Police Officers need to be mindful what messages they are sending to partners, friends and especially on work group chats.

It is still unclear where the 'with reasonable cause' regarding a drugs test case will go. PSD have commenced a gross misconduct investigation with regards an officer failing to obey a lawful order. The SPF's stance is that the order is not lawful and we await developments at any potential disciplinary hearing and subsequent judicial review.

Officers are being reported to CAPD with little evidence supporting the allegation(s) against them. The knock-on effect of this process is concerning as often through no fault of their own, officers find themselves complained about purely for doing their job. These officers can then find themselves on restricted duties for months or even years. Putting an active officer on restricted duties for a lengthy period of time with promotions and new posts on hold with little or no updates from Crown can make the officer feel abandoned and demoralized.

The Vice-Chair informed that he was looking for more reps to be trained in conduct in order that they can assist with conduct cases therefore, anyone who wished training was to make contact with him.

- 9 **DIVISIONAL "SEPARATES"** - The committee broke into divisional separates to discuss area issues and allocate tasking between local representatives. This is to ensure consistency of messaging and to provide confidence that each of our members, of each rank and in each area are catered for and receive the same level of messaging. This allocation of roles should

improve SPF visibility and give support to some areas such as C3, the SPC, SCD and departments who have often been overlooked.

DIVISIONAL UPDATES:

'C' Division – No meeting since the last EAC Quarterly.

'E' Division – A meeting was held on 26 August 2022 on MS Teams, in attendance were Chief Superintendent Sean Scott, Superintendent Tracy Robinson, Constable Stevie Neilson and Constable David Davison. Key topics discussed had been the daily issue of Mental Health Incidents and how other agencies are using the Police as a first port of call. The Resolution Team not fully fulfilling their roles thus creating more work rather than reducing it. Annual leave and the length of time it is taking to process. The doubling up of diary slots. The lengthy time delays in relation to RRD's. Direct parading and transport plans not being put in place. Lack of resources within the division on top of the enhanced number of probationers with the lack of experienced officers to assist with the development of these new probationers. Slow computers and mobile devices. The removal of 10 acting shifts. Hybrid working and modified duties. Summer City/Operation Nightguard. Also discussed was the hope for a regular 'E' Division Federation Rep surgery to address officers concerns personally being set up within division.

'J' Division – a meeting took place with the Command Team on 10th August 2022. In attendance were Chief Superintendent Paton, Superintendent Carson, Inspector Hughes and Constable Dickson. The following items were discussed: Overtime authorisation and delay in Payment: Court Citations (for serving by officers): Court on Backshift (short notice cancellation): Lack of clarity why RRD's refused; Optima Issues and Welfare.

The date of next meeting is 14th September 2022.

'P' Division - Ben Pacholek and Graeme Mathers met with the Fife Management Team on 24th August 2022. Key topics discussed had been promotion and Sergeants gaining experience through acting or shadowing; employee benefits in relation to the possibility of a salary sacrifice scheme for electric vehicles similar to the bike to work scheme; uniform and equipment; replacement kit and PPE being issued without officers having time to try it on to ensure correct sizing; Custody; Terms and Conditions and Regulations (Exigency to Duty); Training and Development; Court and Officers Wellbeing.

10 NEW BUSINESS -The Chair informed that no New Business had been received.

11 ANY OTHER COMPETENT BUSINESS

The Chair informed those present that this was Peter Jones' last meeting due to his impending retirement in October. The Chair went on to thank Peter for all his hard work on behalf of the Federation wishing him a very long and happy retirement. The committee showed their appreciation in the time-honoured fashion

12 CORRESPONDENCE

No relevant correspondence had been received.

13 CLOSURE OF THE MEETING

The Chair closed the meeting wishing everyone a safe onward journey home. The Vice Chair then asked those present to show their appreciation for the orderly running of the meeting.

14 TIME AND DATE OF NEXT MEETING

The Fourth Quarterly Meeting will be held on Wednesday 7th December 2022 at 1000 hours within the McDonald Houston Hotel, Uphall.

GRAHAM ROSS
SECRETARY

JOHN TURLEY
CHAIR