



Scottish Police Federation

PO Box 27163, Glasgow, G3 9EZ

Joint Central Committee Minutes

Minutes of the Joint Central Committee meeting held at the SPF (Scottish Police Federation) Training and Meeting Facility, Unit 29, City Quay, Camperdown Street, Dundee, DD1 3JA on 19th/20th April 2022.

1. Attendance and Opening

SPF Office Bearers:

David Hamilton	Chair
Calum Steele	General Secretary
David Kennedy	Deputy General Secretary
Brian Jones	Vice Chair

North Committee

Nick Clasper
Neil Macdonald
Caroline Macnaughton
Allen Shaw
David Threadgold

East Committee

Stevie Clark
Andy Malcolm
John McLaren
Graham Ross
John Turley
Ricky Wood

West Committee

Lorna Cunningham
Ian Florence
Iain Gray (Day 2)
Lynne Gray
Kat Glass
Jennie MacFarlane (Day 1)
Richard North

Assistants to the General Secretary

James Thomson AGS (People & Equality)
Gordon Forsyth AGS (Health & Safety)

Also in attendance

Doug Keil	Business Manager
David Ross	Policy & Co-ordination Officer
Lesley Stevenson	Business Administrator

Andy Sawers attended the meeting as an observer.

The Chair opened the meeting by welcoming everyone and inviting all to take an active part.

He informed the Committee that a Finance Standing Committee meeting would be held at 4pm that day.

Apologies were received from Scott MacDonald who was replaced by Allen Shaw, Cath McNally who was replaced by Richard North, Yvonne Sloan who had no replacement and Heather Macdonald who was replaced by John McFarlane. Lynne Gray replaced Iain Gray on Day one and Jennie Macfarlane on Day two.

Andy Sawers attended the meeting as an observer.

2 Minute of Previous Meeting

The draft minute of the previous meeting was circulated with JCC Circular 13 of 2022. It was proposed and seconded and thereafter adopted as a true record.

Caroline Macnaughton asked if the Minute could be circulated earlier in advance of the meeting. This was noted.

3 Election of AGS (Conduct)

Amanda Givan, the Assistant to the General Secretary (Conduct) was retiring from the police service and her position on the JCC on 1st July 2022. Notification of an election had been issued with JCC Circular 8 of 2022 and David Threadgold was the sole nominee for the post. David was proposed and seconded by Ian Florence and Neil Macdonald and duly elected to the post.

4 Legal Advice and Assistance

The Deputy General Secretary gave the following report to the Committee:

SINCE THE LAST JCC MEETING			
Legal Cases On Duty			
Type of case	North	East	West
CICA	1		
Civil Legal Defence			
Contract Dispute			
Criminal Legal Defence	1	5	2
Employment Dispute (EX OFFICER)			
Employment Dispute (serving officer)	4	2	2
FAI		2	1
Judicial Review			
Misconduct		1	
Other			
Pension	1		1
Personal Injury	4	3	6
Property Protection			

RTA		2	
TOTAL	11	15	12
Legal Cases Off Duty			
Type of case	North	East	West
CICA			
Civil Legal Defence	1		2
Contract Dispute		2	
Criminal Legal Defence	2	1	2
Employment Dispute (EX OFFICER)			1
Employment Dispute (serving officer)	1		
FAI			
Judicial Review			
Misconduct			
Other			
Pension			
Personal Injury	1		
Property Protection			
RTA			1
TOTAL	5	3	6
LEGAL FEES RECLAIMED - £38,169.94			
CLAIMS SETTLED - £31,440.00			

Allard & Others v Devon and Cornwall

The Deputy General Secretary gave an update and said if no decision was made soon, the case would be taken to Court. He said that an actuary had been asked to assist in the preparation of a formula in respect of the claims. It was noted that the length of time taken in respect of this had a negative impact on officers.

Holiday Pay Claim

The Deputy General Secretary reported that the holiday pay claim was ongoing and was sisted until a decision was taken in respect of the analogous case in Northern Ireland.

WhatsApp

The Deputy General Secretary gave a detailed update on this important case, and after debate the Committee agreed that an application to appeal to the European Court of Human Rights should be made.

Sheku Bayoh Public Inquiry

The Deputy General Secretary informed the Committee that the Public Inquiry was ongoing, and the SPF continued to support the members involved and was recognised as an interested party. First witnesses were scheduled to give evidence in May 2022. Productions had started being released by the inquiry.

The Committee discussed the question of immunity from prosecution, the potential media coverage, duty of candour, misconduct allegations and the questions and decisions being asked and taken by the Inquiry Chair.

Judicial Reviews

There were no Judicial Reviews ongoing.

Legal Claims and Administration Committee (LCAC)

The Deputy General Secretary gave an update on the first meeting of the above Committee which was held on 14th March 2022 and said that the main aim of the Committee was to support him and provide governance of legal process and applications. The LCAC was examining what was and was not covered by the scheme and the Terms and Conditions of engagement for solicitors.

Naloxone

An update was given on naloxone and members were advised that the matter was still ongoing and was still with counsel. A meeting is arranged with counsel on 28th April 2022 to establish the legal position.

The Committee agreed that the previous stance in relation to naloxone remained unless legal advice suggested otherwise.

COVID 19 Update

The General Secretary provided an update on both the United Kingdom, and Scotland Inquires. He said that SPF had engaged Shelagh McCall QC in respect of this matter. Following a detailed legal consultation in respect of the SPF concerns, Ms McCall would write to the Deputy First Minister seeking expanded Terms of Reference for the Scottish Inquiry.

5 Police Negotiating Board (PNB)

The General Secretary gave an update on the meeting held on 16th February 2022 where the Staff Side Pay Claim had been submitted. A copy of the Claim had been distributed with JCC Circular 7 of 2022. He reported that one additional public holiday for the Platinum Jubilee had been agreed for 3rd June 2022. He further reported that a claim for increased maternity pay was being considered by the PNB EWG.

The meeting noted that the next meeting of the PNB was scheduled for the 13th of May.

6 Pensions

The General Secretary and Chair reported to the Committee concerns over the performance of the SPPA. The General Secretary reported he had written to the Cabinet Secretary for Finance on this and was and was awaiting a response.

The General Secretary also reported that the commutation cap for officers with over 50 years with 25+ years' service had been removed. This meant that officers in this category can now retire and commute up to 25% of their pension and have the commutation factors applicable to him applied. He further reported that within the Police Service of Scotland (PSoS), a specific "operation" (operation Loch), had been established in response to the potentially large numbers of retirements. Op Loch was meeting weekly and that the actual, and projected number of retirements was resulting in concern for operational resilience.

The Chairman reported that the SPPA calculator was still not satisfactory with large numbers of officers unable to receive any reliable forecast of pension benefits.

The meeting heard concerns that some officers were coming out of the CARE Pensions Scheme in the belief this would still allow access to the '87 pension benefits at retirement. The meeting was reminded that risks of being considered as deferred pensioners was real in many cases and that no one should take any action in respect of their pension without taking financial advice. A member needed to be 'an active' member of the CARE Scheme at the point of retirement to retain the link to final salary benefits.

It was also reported that the link between Scottish commutation factors and those applying in E&W was to be extended indefinitely.

David Hamilton gave an update on the Pensions Board meeting held on 22nd February 2022. He said that a revised pensions calculator was due imminently. Members also discussed the McCloud Sargeant case, the cost cap review, remedy costs and SCAPE (Superannuation Contributions Adjusted for Previous Experience).

7 Scottish Police Consultative Forum (SPCF)

The General Secretary gave an update on a meeting held on 22nd February 2022 relative to the work-plan for the forum and said that work-streams included legal advice/assistance, promotion, in-service compensation, and standard entrance tests. No formal date had been set for a future meeting.

8 Scottish Police Authority (SPA)

The Chair gave an update and reported that meetings were still being held virtually. He said SPF continued to sit on the People Committee and gave an update on its current work. The General Secretary gave a report on a meeting he and the Chair had with the SPA Chair, Martyn Evans on 30th March 2022.

9 Scottish Police Budget & Finance

The General Secretary reported on the emerging findings from the Fraser of Allander report commissioned by the SPF. He said that it would be published when finalised.

10 Scottish Parliament & Political Engagement

The General Secretary provided an update on political engagement and recent consultations. The Committee discussed the SPF view's, training courses for FTOBs, the potential for a petition to the Scottish Parliament, and a snapshot of police resources.

The Chair gave an update on the Pyrotechnics Bill and said that an evidence session had been held recently where there were concerns regarding the legislation being diluted in relation to pyrotechnic use in public places potentially making it unenforceable.

11 Joint Negotiating Consultative Committee (JNCC)

The General Secretary reported on the JNCC meeting held on 3rd March 2022. He said issues discussed included naloxone, on call, and the delays relative to recruits being sworn in.

It was reported that a review had been agreed by the Chief Constable regarding the effectiveness of the JNCC and work was underway.

The General Secretary told the Committee that small sub-groups were to be formed to discuss items for future JNCC meetings.

12 Finance Standing Committee (FSC)

The General Secretary reported on a meeting of the FSC which had been held the previous day and updated on the Voluntary Fund, donations, SPF Awards and EuroCOP.

The FSC agreed to recommend to the JCC that a donation of \$2700 should be given to Edinburgh Direct Aid in relation to supporting current challenges in policing in Lebanon. This was approved.

The FSC considered and recommended for approval the voluntary fund, and the member benefit trust accounts for 2019, and 2020.

The Committee was thereafter presented with the voluntary fund accounts, and the member benefit trust accounts for 2019, and 2020. All four sets of accounts were formally approved by the Committee.

13 Committees of the JCC

The Committee noted that following the last meeting of the JCC, the General Secretary had further engagements with Areas in respect of the structure of the JCC's Committees.

The JCC were asked to agree to formally dissolve the existing Committees of the JCC apart from the Finance Standing Committee. This was approved.

It was noted that a new H&S Forum would be created to deal with the considerations of

H&S matters.

The JCC noted that three new Committee's would be created namely, Policy, Procedure & Regulation; People & Operations and Working Practices. It was agreed that they would meet on a quarterly basis and would comprise at least 2 or 3 members from each area. The meeting agreed that the drawing of membership from the wider cadre of representatives for some of the subcommittees, would be helpful.

The Committee agreed the General Secretary should populate the new subcommittees with relevant agenda items from the former subcommittees.

14 Health & Safety Committee

A paper had been circulated prior to the meeting and was noted. Items included Op Talla, Your Safety Matters, Health & Safety Board, Clothing & Equipment Working Group, Shields, respiratory protective equipment, fleet, Clinical Governance/First Aid, and the Programme Board.

The AGSH gave an update on a meeting he had with DCC Fiona Taylor the previous week relative to the deployment of STO's to incidents involving bladed weapons and the supply and storage of body armour. They had also discussed the lack of taser training and FFP3 face masks in particular equality issues relative to facial hair and medical conditions.

The Committee also discussed MOODLE courses for H&S training, driver competency and the SPF drive to restart station inspections.

Equality Committee

A paper had been circulated prior to the meeting and was noted.

The Committee were updated on EDI training, grievances, modified duties, MyCareer, the Special Constabulary, the POMG, the Air Support Monitoring Group (ASMG), the APMG, fleet, events and rostering and the Resource Development Group.

15 SPF Training

The Vice Chair gave an update on training and said that there were courses scheduled for May and June and would then be suspended until 2023 following the quadrennial elections in December 2022.

16 JCC Circulars

The following JCC Circulars had been issued since the last meeting and were noted:

- 5/2022 Equality Subject Committee Minutes January 2022 – Information
- 6/2022 Police Pensions – Commutation – Information
- 7/2022 Staff Side Pay Claim 2022 – Information
- 8/2022 Election of Assistant to the General Secretary (Conduct) (AGSC) - Information
- 9/2022 SPF Regulations, Rules & Standing Orders – Information
- 10/2022 ICPRA Press Release Investigation of War Crimes in Ukraine – Information
- 11/2022 Staff Side Circular – Additional Public Holiday – Platinum Jubilee – Information

- 12/2022 Public Sector Equality Duties in Scotland - Consultation

17 Police Service of Scotland Reform

The Chair gave an update on project management and change function currently operating within PSoS and the challenges between implementation and project management.

It was noted that projects were being initiated which were then unable to be resourced. It was agreed that this approach was unsustainable. The Committee also expressed serious concerns about the proliferation of consultants and the associated costs, and the number of police officers and analysts involved in quality assurance.

18 SOP Consultations

The Committee noted the SOPs that were issued for consultation since the last meeting:

- 31.03.22 Public Sector Equality Duties in Scotland – Consultation
- 29.03.22 Post Incident Procedures National Guidance v0.08 + Aide Memoire v0.01
- 18.03.22 Missing Person Investigation SOP v8.05
- 16.03.22 Bomb Threats/Suspicious Packages v11.00
- 08.03.22 Bail Operational Toolkit – Additional Consultation
- 01.03.22 Probationer Governance v2
- 24.02.22 Warrants NG v0.14
- 22.02.22 Contact, Command & control (C3) Division NG V2.04
- 18.02.22 Draft Annual Police Plan 2022/23
- 15.02.22 Fireworks and Pyrotechnic Articles (Scotland) Bill
- 15.02.22 Care 7 Welfare of persons in Police Custody v16.01
- 14.02.22 Complaints about the Police v6.17
- 14.02.22 Coronavirus (Recovery and Reform) (S) Bill
- 09.02.22 Criminal justice (Scotland) Act 2016 (Arrest Process) NG v0.13/EqHRIA

19 EuroCOP/ICPRA

The General Secretary reported on the meeting of EuroCOP held on the 6th and 7th April where the following was discussed; Violence against Police; Pensions and Pension ages; Ukraine, and CEPOL.

He reported on the ICPRA (International Council of Police Representative Associations) driven proposal to allow all police forces to aide with the gathering of evidence of war crimes, the forthcoming International Labour Conference, and the subsequent meeting of ICPRA Council on 6-8 June. He reminded the meeting the meeting of ICPRA Council had been postponed from 2020.

20 Police Related Charities

PTC & St George's Trust (now the Police Children's Charity)

Andy Malcolm reported that there had been no meetings since the last JCC. The annual report was due to be circulated in June. He said that the St George's Trust was now known as the Police Children's Charity.

He said that the PTC continued to operate and it was hoped that current restrictions being

lifted would help to increase the number of attendees.

Police Care UK

The Chair reported that the Police Care UK was proactively fundraising and there were some concerns over targets. He also said that Mark Lindsay was retiring from his role as Chair of the Charity.

Scottish Police Memorial Trust (SPMT)

The SPMT was to meet on the first week in September at the SPC. Members wishing to attend should notify the Chair.

National Police Memorial Day (NPMD)

The NPMD was to be held in Belfast on 25th September 2022 and members wishing to attend should notify the Chair. He also said that the Royal Irish Constabulary 100th Year service was to be held in the Guard's chapel in London on 28th April 2022.

21 Correspondence

There were no items.

22 Competent Business

SPF Annual Awards

It was agreed that the SPF Annual Awards would be standing item on the agenda.

He asked the Committee for any nominations to be notified to him as soon as possible.

SPF Policy Conference

The Committee discussed the conference and agreed it was a great success. The Feedback received was incredibly positive and members agreed it should be held on an ongoing basis.

23 Closure

The Chair thanked everyone for their attendance and inputs at the meeting. The date of the next meeting was 21/22 June 2022.

Neil Macdonald & Stevie Clark were retiring from the Police Service and consequently the JCC. Thanks were recorded for all the work they carried out while in post. Best wishes were given to both for the future.

The Chair reported that the next meeting of the JCC would be held in Inverness on 21/22nd June 2022.

A vote of thanks was given to the Chair.

David Hamilton
Chair

Calum Steele
General Secretary