



Scottish Police Federation

PO Box 27163, Glasgow, G3 9EZ

Joint Central Committee Minutes

Minutes of the Joint Central Committee meeting held at the Macdonald Drumossie Hotel, Old Perth Road, Inverness, IV2 5BE on 21st /22nd June 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

David Mackay (Day 1)
Caroline Macnaughton
Allen Shaw
Yvonne Sloan
David Threadgold

East Committee

Andy Malcolm
Heather Macdonald
Stevie Neilson
David Reid
Graham Ross
Ricky Wood

West Committee

Lorna Cunningham
Ian Florence
Iain Gray
Lynne Gray
Emma-Louise Smith

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

The Chair opened the meeting by welcoming everyone to the first travelling JCC in recent times and invited all to take an active part. He advised that the next travelling meeting would be held in the East Area and a venue etc would be arranged in due course.

He informed the Committee that a Finance Standing Committee meeting would be held at 9.30am the following day.

Apologies were received from Nick Clasper, John Turley, and Jennie Macfarlane. Lynne Gray and Stevie Neilson replaced Jennie and John respectively.

Ross Polworth attended the meeting as an Observer on Day one.

The Chairman reminded the meeting that Councillors from Highland, and Moray Councils would be attending a reception with the SPF later that evening. He urged all members to attend promptly.

2 Minute of Previous Meeting

The draft Minute of the previous meeting was circulated with JCC Circular 17 of 2022. It was proposed and seconded and thereafter adopted as a true record.

3 Election of General Secretary

Calum Steele, General Secretary had previously intimated that he was retiring from the police service and his position on the JCC on 23rd February 2023. Notification of an election had been issued with JCC Circular 14 of 2022 and David Kennedy, the incumbent Deputy General Secretary was the sole nominee for the post. David was proposed and seconded by Andy Malcolm and Heather Macdonald and duly elected to the post. David was congratulated on his election and thanked the Committee for their support.

Following the election, the Committee was formally notified of the process for candidates for the position of Deputy General Secretary (elect).

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			
Civil Legal Defence			
Contract Dispute			
Criminal Legal Defence	1		2
Employment Dispute (EX OFFICER)			
Employment Dispute (serving officer)	1	1	1
FAI			
Judicial Review			
Misconduct			
Other		1	
Personal Injury	1	2	2
Property Protection			

RTA			
TOTAL	3	4	5
Legal Cases Off Duty			
Type of case	North	East	West
CICA			
Civil Legal Defence		2	2
Contract Dispute		1	1
Criminal Legal Defence	2	4	7
Employment Dispute (EX OFFICER)			
Employment Dispute (serving officer)			
FAI			
Judicial Review			
Misconduct		1	
Other			
Pension			
Personal Injury		1	1
Property Protection		1	1
RTA	1	1	1
TOTAL	3	11	13
LEGAL FEES RECLAIMED - £0			
CLAIMS SETTLED - £36,950			

The Deputy General Secretary gave an update on the first meeting of the Legal Claims and Administration Committee (LCAC) meeting that was held on 14th March 2022 and advised that it was set-up to assist the Deputy General Secretary relative to the design and operation of the Legal Advice and Assistance Scheme.

At its first meeting, that LCAC looked at the current Guidance document which is available to all members on our website.

The LCAC had drafted a revised Guidance document and it was circulated on Teams along with the JCC Agenda papers.

The LCAC had other work ongoing including a review of the Memorandum of Understanding between the SPF and its solicitors and that would be brought to the JCC for discussion and decision at a future meeting.

The Deputy General Secretary went through the draft and explained the changes. He referred to what we cover, who is covered and what is covered, and explained that there was a significant improvement there. Under what is covered it included the information about legal advice and assistance from the Police Federation (Scotland) Rules 2013, Rule 15, which covers the use of funds and mentions certain types of legal advice and assistance previously unmentioned in the Guidance. Bringing the two sources of legal

advice and assistance made sense. Elsewhere under what is covered, we had included the essential details about each type of cover without the screeds of insurance jargon.

He said that it had been made clearer what is not covered and proposed a change to exclude cover on contract disputes and had included this in the list.

The draft was explicit about Family Law not being covered. This had always been the case but was not included in the original guidance document. The draft also emphasised that in exceptional cases, the JCC may exercise its discretion in covering a particular case.

Under SPF discretion, the draft proposed to include a statement about 'good faith' which read "the JCC may apply a 'good faith' measure to ensure the good reputation of the SPF and its members. This might be particularly relevant to criminal matters. Good faith will be defined as 'honesty or sincerity of intention'".

The remainder of the document was unchanged and the LCAC approved the draft.

Allard & Others v Devon and Cornwall

The Deputy General Secretary gave an update and said that the matter was still ongoing. A formula was being prepared in respect of the claims. It was hoped that a decision would be made soon.

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. He reported that application to appeal to the European Court of Human Rights had been lodged and the Counsel was awaiting a result of that application.

Sheku Bayoh Public Inquiry

The Deputy General Secretary informed the Committee that the Public Inquiry was ongoing and acknowledged the professional and dignified way the members involved had given their evidence. He thanked the East representatives and FTOBs for their assistance.

Judicial Reviews

There were no Judicial Reviews ongoing.

Requests for Legal Opinion

There were no requests for legal opinion since the last meeting.

Appeals

There were no appeals against decisions to decline or withdraw legal advice/assistance.

5 Police Negotiating Board (PNB)

The General Secretary updated the Committee on the status of the pay negotiations. He advised that today's meeting had considerable significance in terms of how the SPF should respond to the formal offer made to the Staff Side.

The General Secretary laid out a number of strategic and tactical considerations for the Committee. He sought the Committee's endorsement for a planned scale of dispute tactics and advised that given the legal restrictions placed on police officers that legal advice from counsel would be always relied on. The Committee unanimously endorsed the approach laid out by the General Secretary.

The General Secretary undertook to keep the members apprised of developments.

6 Pensions

The General Secretary reported that the pensions environment was particularly frustrating at this time. The remedy timetable was lengthy and reflective of the complexity of the issues to be unpicked. He reported that the treasury was not being particularly helpful, and this was compounding the ability to make progress.

The issue of the pension trap had still to be properly addressed (despite being recognised by the Government in its own response to the remedy consultation).

The chair said that relationships with the SPPA were slightly better following a meeting with the Minister. He said a Joint Working Group was established to project manage the McCloud Remedy.

7 Scottish Police Consultative Forum (SPCF)

The General Secretary said that there had been no meeting since the last JCC meeting but some concerns over the general approach to consultation process had been raised.

8 Scottish Police Authority (SPA)

The Chair reported to the Committee on SPA matters.

9 Scottish Police Budget & Finance

The General Secretary reported on the Scottish Government Spending Review (SGSR) that was published on 1st June 2022, and its potential implications for the police service and wider justice arena.

The key headlines from the SGSR were that it laid out a flat cash projection for the police service for the next five years, identified that the size of the public sector had to reduce, and that future pay increases (outside of a public sector pay policy) could only be

delivered at the cost of headcount. Overall, the SGSR laid out a bleak forecast for the next number of years.

He told members that the Report was available on the Scottish Government website and recommended that they read it.

10 Scottish Parliament & Political Engagement

The Committee discussed the various political engagements there had been and a meeting with local councillors which was to be held later in the day.

11 Joint Negotiating Consultative Committee (JNCC)

The General Secretary reported on the meeting of the JNCC that took place on the 9th June at the Scottish police College. The SPF had raised the following issues including 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, & Protect the Protectors.

The General Secretary reported on the work of the ad-hoc SPF Committee which comprised Area Chairs and Secretaries which was established in advance of the JNCC.

12 Finance Standing Committee (FSC)

The General Secretary reported on a meeting of the FSC and updated on the Voluntary Funds and Trusts. It was noted that our investment company had merged with Everland.

The Committee endorsed a recommendation from the FSC that recurring annual funding to the Police Scotland and Federation Pipe Band, and the Police Scotland Community Choir be made.

The committee also endorsed a recommendation from the FSC that a substantial charitable donation be made to the Police Treatment Centres.

13 Operational Duties

The Committee discussed the Public Order Monitoring Group, CBRN and the Force Armed Police Monitoring Group.

The Chairman reported on the exceptional public order knowledge that had been gleaned at the recent ICPRA meeting. He advised he would be feeding this into national bodies.

The meeting was advised that tasers and PDAs were coming to the end of their lives and would need replaced.

14 Committees of the JCC

The General Secretary reported that the new structure of Sub-Committees and the agendas would be as follows:

Policy, Procedure, & Regulation Sub-Committee

Agenda items: Conduct, Performance & Complaints; Review of Complaints Handling, Investigations & Misconduct; Police complaints, investigations & misconduct – Consultation (160822); Legal Assistance Circular and Appeals and Improving victims' experiences of the justice system – Consultation (050822)

People & Operations Sub-Committee

Agenda items: Leadership, Training and Development; The Special Constabulary; My Career & ACDLP; Equality, Diversity & Inclusion; Grievances & Employment Tribunals and Ill Health

Working Practices Sub-Committee

Agenda items: Custody and Criminal Justice; Events & Rostering; C3 and Post Incident Procedures

The Committee agreed membership as follows:

Policy, Procedure, & Regulation Sub-Committee – JCC Officers, AGS's, and 2 x FTOB from each area.

People & Operations Sub-Committee – JCC Officers, AGS's, 2 x FTOB & 1 Area Representative from each area.

Working Practices Sub-Committee – JCC Officers, AGS's, 2 x FTOB & 2 Area Representatives from each area.

These arrangements were approved by the Committee.

15 Health & Safety Forum

The AGS (H&S) circulated a paper prior to the meeting. It was noted 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. It was noted that there had been 7046 assaults on officers over the past year which was 251 down on the previous year.

Amongst the other matters discussed were Your Safety Matters, equipment, body armour, fleet, and naloxone.

16 SPF Training

The Vice Chair gave an update on training and said that there was an FTOB training course scheduled for August and basic training courses planned for later in the year.

17 JCC Circulars

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

- 13/2022 JCC Minutes Feb 2022 and FSC Minutes Feb 2022
- 14/2022 Election of General Secretary – Information
- 15/2022 Equality & H&S Subject Committee
- 16/2022 Staff Side Circular – Police Pay 2022 – Information
- 17/2022 JCC Minutes April 2022 and FSC Minutes April 2022 - Information

18 Police Service of Scotland Reform

The Chair reported on the Change Programme and said there were huge problems getting change managers and project managers and that the whole situation was in danger of collapse. There were massive time and cost implications with questionable benefits.

19 SOP Consultations

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

- 08.06.22 Information Assessment Disclosure (IAD) NG – Initial Consultation
- 08.06.22 Draft Data Policy v0.03
- 01.06.22 Collisions & Incidents on the Roads Network v1.03
- 25.05.22 The Management & Transport of Casualties v1.00
- 25.05.22 Child Abduction SOP v6.03
- 16.05.22 Firearms Licensing SOP v5.07
- 12.05.22 Products of Conception NG v0.07
- 11.05.22 Second Consultation – Post Incident Procedures NG v1 + Aide Memoire v1

The Vice Chair reported that there had been concerns about timescales and process and that he had communicated with PSoS regarding this.

20 EuroCOP/ICPRA

The General Secretary reported on the meeting of ICPRA Council that took place in Glasgow on the 6th and 7th June 2022. He reported on the discussions surrounding;

- The reliability of video evidence
- Climate change
- The evolution of protestor activity
- Terrorism and Ukraine

The Committee noted that the General Secretary had once again be re-elected as the General Secretary for ICPRA.

The General Secretary reported on the Joint EuroCOP project with EuroMIL, and EPSU examining the industrial rights of Civil Servants across Europe. He further reported on the meetings that took place on the 10th and 11th May which involved members of the SPF and others from police unions in the UK and Ireland as part of this project. The findings will be presented in a conference in North Macedonia in the Autumn.

21 Police Related Charities

PTC & Police Children's Charity

Andy Malcolm gave an update on the AGM held on 14th June.

The Chair congratulated Andy on his appointment as the CEO of PTC Auchterarder and thanked him for the work he had done in this regard on behalf of the SPF.

Police Care UK

The Chair advised that Police Care UK were piloting a revolutionary new PTSD treatment. Results in the Netherlands were very encouraging, and this could be a significant treatment for those suffering with complex PTSD.

Scottish Police Memorial Trust (SPMT)

It was noted that the service was to be held on 7th September at Tulliallan and encouraged members to attend. He reminded the Committee that remedial works were required to the foundations of the memorial wall. He reported that at this time the PSoS was taking responsibility for the issues relating to the groundwork (which was expected to be very costly).

National Police Memorial Day (NPMD)

It was noted that this was to be held in Belfast at the end of September and asked for 2 representatives from each area

Restitution Fund

The Chair reported on the Restitution Fund first raised by the then Minister for Justice in 2008. The Committee agreed that the JCC should be involved and that the Chair should put forward a proposal as to how it might operate. This could require the establishment of a small JCC sub-group to meet annually to manage it.

UK Police Memorial at the National Memorial Arboretum

The Chair informed the Committee that the event would take place on 20th August 2022.

22 SPF Annual Awards

The Chair reported that there had been 60 applications which would be further considered by the Judging Panel. He said that arrangements were in place for the ceremony.

23 Correspondence

The Chair advised that he had received letters of resignation from Andy Malcolm, Heather Macdonald and Stevie Clark as they 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 them for the future.

24 Competent Business

The General Secretary advised the Committee that the AGS (People & Equality) James Thomson, had notified him that he intended to retire from the police service (and by extension the JCC) at the end of October 2022. He thanked James for his commitment to the role and to SPF members and noted that he would leave big shoes to fill. He thereafter advised that he was giving formal notice of the process for the election of a new AGS and would issue a circular in this regard in time.

The Chair advised that an election for the post would be held at the next JCC meeting.

The General Secretary reported that obligations for the arrangements for elections fell on the Committee. He advised that he had held lengthy discussions with full time officials in respect of breaking the cycle of elections with conference. He reported this was seen as a positive step and offered many benefits for representatives and the wider SPF. He sought the committee's formal approval to bring proposals in this regard back to the next meeting. He advised that if the Committee does not mind adopting such an approach, they should say so at this time as the formal quadrennial election process would have to be put in motion imminently

The Committee unanimously endorsed that the elections should move as suggested and that the General Secretary should bring a formal detailed proposal to the next JCC.

25 Closure

The Chair thanked everyone for their attendance and inputs at the meeting. The next meeting would be held on 23/24th August 2022.

A vote of thanks was given to the Chair.

David Hamilton
Chair

Calum Steele
General Secretary