



Scottish Police Federation

East Area Committee

Minutes of the Fourth Quarterly Meeting of the East Area Committee of the Scottish Police Federation held on Wednesday 7 December 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 Fourth Quarterly Meeting of the East Area Committee for 2022 giving a special welcome to those who had recently been elected to the Committee or who were attending for the first time, Liam Harman, Willie McFarland, Mark Wilson, Michael Hart, Craig Moran, Craig Stephens.

Since the last EAC Meeting Peter Jones (E Division) and Andy Toombs (J Division) had both resigned from the Committee due to their impending retirements. The Chair wished both all the best for the future thanking them on behalf of the SPF and its membership for all their efforts and commitment during their time serving on the Committee.

The Chair advised that Brendan Inness from PSD would be attending late morning to give a brief input in all things relating to PSD.

The Chair next informed those present of the passing of Police Sergeant Laura Black, who sadly lost her long battle with cancer on 29 November 2022. Laura is survived by her husband, serving officer Colin Black and their two infant children Gracie and Caoimhe aged 3 and 2 years. As a mark of respect a minute silence was held in Laura's memory.

The agenda, evacuation and need for attendance were highlighted, Standing Orders were adopted and the meeting was declared open.

2. ATTENDANCE

Inspector Liam Harman	C - Forth Valley
Inspector Martin Vickerman	C - Forth Valley
Inspector Mark Wilson	C - Forth Valley
Sergeant Wm (Billy) McFarland	C - Forth Valley
Sergeant Anne Begley	C - Forth Valley
Sergeant Christopher Scott	C - Forth Valley
Constable Lyn Redwood	C - Forth Valley
Constable Gavin Grant	C - Forth Valley

Inspector Mark Sherman	E - Edinburgh
Inspector Neill Whiteside	E - Edinburgh
Inspector Norman Towler	E - Edinburgh
Sergeant Heather MacIntyre	E - Edinburgh
Sergeant Craig Moran	E - Edinburgh
Constable Stevie Neilson	E - Edinburgh
Constable Euan Sinclair	E - Edinburgh

Inspector David Hughes	J - The Lothian's & Scottish Borders
Inspector Blair Rennie	J - The Lothian's & Scottish Borders
Sergeant James Gowling	J - The Lothian's & Scottish Borders
Sergeant Michael Harte	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
Inspector Craig Stephen	P - Fife
Sergeant Craig Menzies	P - Fife

John Turley	Chair
Graham Ross	Secretary
Ricky Wood	Vice-Chair
Davie Reid	Deputy Secretary

3 APOLOGIES

Apologies were received from Michael Williamson, Lee Dickson, Willie Rennie, Christopher Richardson, Patrick Devaney, Norman Kinloch, Graeme Mathers, Ben Pacholek, David Davison, Alan Lapsley and Anthony Clark.

4 MINUTES OF THE PREVIOUS MEETING

Those present approved the minutes of the previous meeting held on Wednesday 31 August 2022. The minutes had previously been disseminated to the Committee via Teams.

5 MATTERS ARISING

(a) JOINT CENTRAL COMMITTEE UPDATE

Those present were updated accordingly on the content of the two JCC meetings that had taken place since the last EAC Meeting. The first having taken place over the 4th and 5th October and the second 29th and 30th November 2022. The relevant points covered and most up to date position from both meetings are as follows:

ALLARD v Devon and Cornwall - England and Wales have won their cases which, undoubtedly strengthens our case. A meeting was held on 28th November 2022 over a resolution to take a position regarding what a settlement looks like and fixes for any possible tax implications that may arise. Details are with the SPF actuaries to progress.

Holiday Pay Claim - ongoing but remains sisted until a decision is taken in respect of the comparable case in Northern Ireland which could now go back 30 years! A decision is expected on 15th December 2022.

WhatsApp - an application to appeal to the European Court of Human Rights has been lodged and a decision is awaited.

Sheku Bayoh Inquiry - Public Inquiry is ongoing and evidential hearings resumed in the last week of November 2022. SPF continues to support officers whether through legal or by assisting pre and post evidence. SPF have raised concerns with regards to some of the technical evidence that is being led.

Legal Opinion - is awaited relative to any tax issues that may arise from the Allard case. A legal opinion request has been received as to which agency had legitimacy in relation to investigation of injuries/deaths in police contact. A legal opinion has been sought relative to 'with cause' drug testing and our counsel has agreed with the legal opinion Police Scotland obtained which is, it is lawful to carry out with cause testing.

Police Negotiating Board (PNB) - there has been no actual meeting of PNB however, a Technical Working Group met to address the issue of Island Allowances as there is a 4 tier allowance depending on location. Inspector and Superintendent pay elements were discussed in relation to recall to duty etc. and will hopefully be clarified and ratified shortly.

The future of police pay was discussed and the difficult financial environment that is likely to persist for some years along with the pros and cons of a pay index for Police. No pay claim has been submitted to date for 2023/24, the content of which will be shaped by the budget due on 15th December 2022.

Pensions - the Chair updated in relation to the pension remedy stating it was unlikely that the matter would be fully resolved legislatively prior to October 2023. A Judicial Review has been lodged in respect of those affected which is currently sitting with Senior Council.

Injury to Feelings - a resolution is still awaited from the England and Wales case. The Scottish Government have intimated they will settle in accordance with the agreement reached down south.

There is a Government consultation out on tax in respect of the immediate detriment and SPF will respond accordingly.

Scottish Police Consultative Forum - a Temporary Promotions Committee has been set up to ensure those carrying out temporary ranks are being paid in accordance with the rank they are fulfilling.

Scottish Police Authority (SPA) - meetings were held on 24th and 28th November 2022 at which the Chief Constable spoke about the clear impact of a flat cash budget for the Service. There had been discussions around the IOD and IHR processes. The SPA voiced frustrations at the lengthy timescales, something which the SPF have been very vocal about.

Scottish Police Budget and Finance- the General Secretary reported on the Governments Resource Spending Review (RSR.) Almost 50% of the growth in the public sector over the course of the pandemic occurred in health and their commitments had been ring fenced. This will undoubtedly come at a cost to the rest of the public sector and will have a disproportionate impact on the police whose headcount did not increase over the course of the pandemic.

The General Secretary raised the need to retain a focus on the role of the Police with the Committee accepting the notion of implementing a campaign akin to the "It's what we do" campaign.

There is a real possibility police officer numbers could drop to around 15,500, which would be the lowest since 2003!

Scottish Parliament & Political Engagement - a submission has been made to the parliamentary consultation on the Bail and Release from Custody (Scotland) Bill. The new Policy, Procedure, and Regulation Subcommittee has proved invaluable in formulating the SPF response.

Six police officers attended Mental health workshops and related their individual experiences, in private, at the Scottish Parliament to MSPs and HMICS. This was well received by those in attendance at the sessions, and the impact and feedback from the members of parliament was overwhelming. They were shocked to hear what had happened to these officers and to hear that it was a regular occurrence for officers on the street.

Joint Negotiating Consultative Committee (JNCC) - The JNCC met on 28th October 2022. Topics discussed had been Allard, as previously with some acceptance from the Service this had to be rectified. The practise of

officers being reduced to half pay after 6 months was discussed again and hopefully, some positive movement will be made towards this position.

Proposals were put forward to have officers living in Police accommodation with inferior insulation, to be given assistance to combat rising energy costs. The cost and what the Service was doing to help counter the issues officers are having, prompted lengthy discussions with transfers being a huge issue. Representatives were asked to speak to the members seeking suggestions as to what they feel the Force could do to assist officers through the cost of living crisis.

Operational Duties Public Order Monitoring Group – the Chair informed that the notes from this group meeting had previously been disseminated to the Committee via Teams.

Armed Policing Monitoring Group - the Chair informed that the notes from this group meeting had previously been disseminated to the Committee via Teams.

Strategic Working Group - the Vice Chair informed that PSoS are looking at a 5 year Taser operating warranty and have given assurances that any use of tasers older than 5 years will be limited to training. They are looking for more Hubs to be identified and only 7 officers had been trained in the last quarter due to divisions not releasing officers to attend. Worryingly, as with OST, 46% of officers are out with ticket! Due to there not being the capacity to release officers since COVID.

Sect 19 of the Road Safety Act 2006 which was to be rolled out on 1st December 2022 was discussed. This provides that adequate training **must be given to all officers driving under “Blues and Twos”** conditions and that failure to be trained would impact those individuals should they be involved in a collision. The national standard that response drivers must be trained to is a three week Driver Training Course with a ratio of three to one. Every suitably trained officer who was trained over 5 years ago, **must have had the National Standard Refresher Training in the last 5 years.** Clearly this has a huge implication for our members (historically an officer has been sent to prison for the manner of his driving while responding to an emergency). We cannot wait for that to happen again. 3500 officers are waiting on a Standard Driving Course. That makes this situation fraught as,

despite the Service being aware of this law change, no training courses are yet scheduled despite Driver Training being ready to do so! In some parts of the country divisions have been rushing through hour long courses as if to mitigate the change. This has shown **not to be adequate**. This is being progressed urgently by SPF and, worthy of note, the PFEW website is now advising their members not to drive 'grade 1' unless suitably trained.

Finance Standing Committee (FSC) - at the last FSC meeting it was reported that Investments had hit a downturn due to global events however, remain healthy overall.

People & Operations Sub-Committee - issues surrounding the grievance process, promotion process and My Career had been discussed. Overwhelmingly the feeling was that the PODG meeting where this was raised with the Service had lost its way and did not appear to serve any purpose. PSoS have acknowledged this and are looking to streamline the current format.

Promotion Process - Sergeants to Inspectors - the Vice Chair gave an update on the recent process and anomalies identified. Lengthy discussions ensued including some of the processes that had taken place and the complete lack of foresight shown by the Service in some of the decisions they have taken. Several issues for concern had been raised.

This has led to considerable angst with our members with confidence in this process being described as "Fragile". The concerns of the Committee were noted and SPF will write to the Chief Constable in relation to the process as a whole.

Policy Procedure & Regulation Sub-Committee - issues discussed related to transportation, accommodation, overtime compensation and kit. De-briefs will be held where any concerns can be raised. Members of the Committee reported problems relating to compensation claims and issues relating to double-lock, excessive rest day disruption, and Inspectors' working arrangements. An internal group has been established to deal with overtime inquiries.

In the November/December meeting an update was given in respect of CJSD and the impact on custody of there being an over reliance on PCSO's following the return of 114 officers to divisions and concern about abstractions from divisions back to cover shortfalls.

Issues have been identified around report checking with reports being rejected by the PF and bounced back to officers, mostly through poor quality of submissions and evidence, presenting a raft of issues in respect of service to the public, time spent re-submitting reports and identifies glaring issues in respect of training and lack of experience on teams submitting reports. Various contributing factors to this issue were discussed. Some areas are looking to introduce checking officers. Divisions are fairly inconsistent in how they approach report checking and in some areas this may invariably mean resources being pulled to address this or using modified officers, regardless of their own report writing abilities, to fill this breach. The General Secretary will write to the Chief Constable highlighting the SPF's concerns.

Health & Safety Forum – at the September meeting, updates were given on fire safety issues, station inspections, body armour, and naloxone. It was agreed that a deep dive would be held relative to police accommodation.

In November an update was given by the AGS for H&S (Gordon Forsyth) with thanks offered to FTOB's who had carried out a nationwide examination of the 100 plus properties, mostly in the Islands, and who had reported some very concerning issues. Gordon is pulling together a report from these activities which will form a letter to the Chief Constable.

SPF Training - Basic Training Courses will be held in January for 20 new representatives. Training is available in Equality, Conduct and Health & Safety.

Police Service of Scotland Reform – there are concerns arising from a lack of funding however it is hoped these issues will be resolved in the near future. The lack of finance has affected the reform projects and the Committee expressed concerns that the body worn video project could be delayed for financial reasons.

EuroCOP/ICPRA - the last meeting had been held in Skopje. Areas of particular interest were in relation to how assaults on Officers were dealt with in different countries. One issue in looking at Police Assaults in the UK is the lack of standardised data that is readily available throughout Europe and used by our European counterparts. The practices of PSNI had been discussed and how PSoS treats assaults on officers falling far behind the PSNI.

Police Related Charities & Scottish Police Memorial Trust (SPMT) - the memorial service had been held on 7th September 2022 at the Scottish Police College. Concerns relating to the foundations of the memorial wall need to be addressed and a meeting will take place to consider options as how to remedy these issues.

Police Treatment Centre (PTC) - there has been a drop off in those attending the PTC at Auchterarder in 2022 with numbers down by 1/3rd overall. The Wellbeing Course remains popular however there is a need to remind members of the benefits of physiotherapy etc as there seems to be a lack of awareness regarding the options open and that this is a duty.

National Police Memorial Day (NPMD) - the service had been held in Belfast on 25th September 2022. The 2023 National Police Memorial Day will be held in Cardiff in 2023 and Scotland in 2024.

SPF Awards - the event was held on 24th November 2022 and demonstrates the outstanding and diverse work carried out by officers on a daily basis. At times officers do the work of other agencies alongside their own without recognition. Members were invited to submit nominations for the event in 2023. The online form to nominate an officer/s can be found on the SPF website www.spf.org.uk

Competent Business - the General Secretary reminded the Committee of the dates for Conference 2023.

The SPF Chair, David Hamilton notified the JCC of his intention to stand for re-election at the JCC meeting in February. Nominations to stand in this

election will be forwarded as per the usual process. The next meeting is to be held on 7th and 8th February 2023.

(6) PSD INPUT

The Deputy Secretary introduced Brendan Innes and Heather McIntyre who gave an input on PSD providing the committee with an understanding of conduct processes and guidance on common issues they deal with.

(7) AREA LEADS UPDATE:

- (a) EQUALITY** – Minutes of the **People and Operations Subcommittee** meeting held on 24 October 2022 had previously been circulated on Teams. The Chair provided an additional update to that which had previously been disseminated to the Committee via Teams.

CASE TYPE	NUMBER
PROBATIONER PERFORMANCE MEETINGS	0
DISCRIMINATION – DISABILITY	0
GRIEVANCE	6
Ill Health	10
Ill Health Retirement	17

Probationers - we continue to support probationers on action plans with the majority of which continue to relate to failures in respect of fitness or exams.

Grievance - we continue to support members in relation to grievances, particularly challenges experienced by officers in respect of disability with resolutions in respect of treatment have been achieved since the last meeting. Flexi working and treatment of officers where resourcing is a challenge continues to feature in respect of discrimination towards them rather than embracing the benefits that adjustments could make.

III Health Retirement - support continues for officers within the IHR process, a challenge is the perception of the SMP around exhaustion of all treatment options. We are beginning to see progress in officers obtaining SMP appointments. Those entering the IHR process continue to be negatively impacted by the case backlog created between February and September 2020 when PSoS had no SMP.

III Health - we currently continue to support officers who are long term absent. In terms of critical illness and support around pay it is important to emphasise the need to comply with timescales specified in the policy.

(b) CONDUCT- The Deputy Secretary provided an update which had previously been disseminated to the Committee via Teams.

In times of austerity, crime will rise and the Government will need the Police, not only to tackle criminality but to Police and manage demonstrations/disputes etc. The General Secretary has sent a letter to the Government highlighting what the actual reality would be for the public should these budget cuts be implemented.

In relation to Conduct issues in the East, the most up to date figures are undernoted:

CASE TYPE	NUMBER	DIFFERENCE
Criminal Cases – On Duty	24	Increase of 3
Criminal Cases – Off Duty	19	Increase of 1
Conduct Cases – On Duty	4	Increase of 3
Conduct Cases – Off Duty	4	Increase of 1
Number of Suspended Officers	11	Increase of 2

- (c) **HEALTH & SAFETY** - The Vice Chair had provided an updated which had previously been disseminated to the Committee via Teams.

COVID Update - officers are still catching COVID and going absent, however it is now accepted as part of a pattern of other general illnesses. FFP3 should be carried, these are not just for COVID related incidents but also for incidents involving fires and when dealing with certain drugs.

Monkeypox – this has not materialized as a major threat to date.

Violence/Assaults – although down slightly from last year, assaults on our members are still high and up on the 5 year average. Younger officers, with less than 5 years' service who form the majority of the Response Teams, tend to be those who are assaulted. An analysis showed that OST is a perishable skill and the longer an officer has had this training, the more likely they were to be injured as a result of an assault.

Assaults in police vehicles account for a substantial number of assaults with no vehicle tactics currently being taught! OSTI's will review this. The case is growing to train officers in higher risk roles.

Officers are being bitten increasingly more often and the Vice Chair has asked OST to push awareness to reduce opportunistic bites and to remind officers to use the Spit and Bite Guards when necessary, whilst not perfect, the use of these will make it harder for the subject to bite our members. Handcuffing to the rear is safer and may help to reduce assaults however, this is for individual officers to risk assess.

Victim Impact Statement – slow uptake for the inclusion of victim impact statements. Case Managers have been tasked to retrospectively review cases and establish why the statements are not included in the SPR.

Training has been affected by Operation Unicorn with reports of 56% of staff back with 1 year recertification leaving 44% out of card! OST are providing enough courses however, staff are not being released due to OBL.

Refresher Training will include First Aid Training with funding available for enhanced first aid kits for officers.

TASER – seven officers were trained in the first quarter of 2022, primarily due to divisions not releasing officers to attend. DCC has now stated that there had to be a push by divisions to release staff for the TASER Courses and to fill the available training spaces.

Body Armour - the vast majority of officers should have now had their out of date armour replaced, with AFOs having received their new armour by the end of 2022. Due to concerns raised about the new armour by some Edinburgh officers, a review of the armour should currently be ongoing.

Heating – numerous complaints have been received in relation to heating within the stations mainly due to the age of the boilers. Office temperatures have been reduced from 21 to 19 degrees, a decision made by the Executive without consultation with estates, PSoS H&S or the SPF.

PSoS Health H&S Safety are advising officers to put in near misses if the offices/stations are too cold. Officers have been reduced to bringing in their own heaters (which have not been PAT tested) and hot water bottles. The Service have failed to look at the wider fall out from this as the demand for additional heaters and the cost to run same may well outstrip any savings.

Unicorn – apart from long hours worked, there were only a few minor issues and considering the size of the operation they were quickly resolved.

Fireworks – pre-event work went well however, unfortunately a hardcore group of youths who would not engage launched fireworks at officers with several attempts to force PSU to engage. There were issues with direct comms with the Fire Brigade and the use of hire vans.

First Aid - Naloxone is being driven through via training and carrying will be mandatory however, it will be the officers decision whether to use or not. This is politically driven as drug deaths in Scotland continue to rise. The SPF stance on Naloxone has not changed it is still against officers being made to carry this. The Service are aware that it is their responsibility to indemnify officers. The SPF will be there in a supporting role only.

Beards – the clean shaven policy began during COVID in order for masks to provide a tight seal. A significant amount of work was carried out by SPF H&S to pressurize the Service to provide suitable PPE.

During the implementation of the FFP3 it was recognized that there have been numerous SOPS and advisements written whereby officers were required to wear FFP3 masks and protective gear however, the equipment had never been provided.

There has been mixed messaging due to the Service never really explaining that continued wearing of an FFP3 was not just for COVID. Although the message came out that everyone was required to be clean shaven, police promotional material shows officers and senior managers with beards!

The final policy on beards which was being reviewed is awaited.

If it is to be a clean-shaven policy where does this leave officers with religious views or medical grounds for not shaving? 3 separate claims from RPU officers on medical grounds have been forwarded onto legal, with a separate application having been submitted on religious grounds. The outcomes are awaited.

Legionnaires Disease - contamination was found during part of a standard water check in Dunvegan at the Scottish Police College.

The Legionnaires flagged up so far is the standard SG1 1-14 strain and not the more virulent SG 0-1. A SOP is to follow which will be in line with standard industry good practice.

Driver Training - New legislation has come into force offering more protection for officers. To be afforded with this protection, officers should be given clear guidelines on the standards of training and refresher training. SPF is of the opinion that PSoS does not hit the criteria in relation to some of the training afforded to officers, particularly response driving and refresher courses. This has been made clear to PSOS on several occasions who disagree and there is an ongoing debate in relation to this.

Administration & Governance - There are currently four ongoing investigations in the East.

Custody Audits and six-monthly H&S Inspections – these are ongoing and will gradually be passed to H&S Reps to carry out. (There is still a lack of invites from divisions!)

Several Personal Injury Claims are currently being progressed due to Injury's on Duty. Not all officers injured on duty will be entitled to compensation.

9. **DIVISIONAL SEPARATES AND UPDATE**

The Committee broke into separates forming each division in the East supported by a FTOB to discuss area specific issues and allocate tasking between each local representative. Thereafter each division gave an update.

Edinburgh – 'E' Division - the meeting had taken place via MC Teams on 30 November 2022. Those present had been Chief Superintendent Sean Scott, Superintendent Ainslie, Chief Inspector Whiteside, Inspector Sherman and Constable Davison. Some items discussed had been:

Resources - the division are now regularly operating under OBL, often struggling to meet basic demand with entire diary car days being cancelling in order to divert officers to immediate calls. Last minute request for officers to work O/T to makeup numbers most weekends, pointing to a resourcing model/structure which is not fit for purpose. New Probationer intake will be swallowed by retirals and moves with the impact of the 50/25 April 2023 as yet unknown!

Time off/cancelled rest days - Response Officers are not getting time off or having requests for time off answered in good time yet, at the same time, are having Rest Days cancelled which is having a significant detrimental effect on morale. This has been recently exacerbated by the new shift pattern. Response Officers are having rest days cancelled, with the highest number cancelled in the East!

Resolution Team – it was felt that they were not fulfilling their role properly due to creating more work rather than reducing it!

Other items discussed had been meeting with Senior Management Team within 'J' and 'E' in relation to C3; weekend cover shift and the lack of cross over due to the new shift pattern, recoding change in start times on SCOPE and yet again relying on officers goodwill; annual leave blocks; refitting of masks; new vehicles arriving in division with 'E'.

Lothian & Scottish Borders 'J' - Division - a meeting took place on 7th November 2022. Some items discussed included the travel distance for OST in West Lothian who are often asked to attend Coatbridge and Stirling. Concerns had also been raised in relation to the distances officers had to travel until blue light conditions particularly given the deployment model in Haddington and attendance at Dunbar/North Berwick.

Low resourcing levels at Halloween and the subsequent call demand and disorder experienced was discussed; the clean shaven policy which has resulted in a number of Road Policing officers being restricted from operational deployments. Also discussed was Court on Annual Leave and Soul and Conscience and the issues that officers are having in relation to these.

Forth Valley – 'C' Division – no update received.

Fife – 'P' Division – no update received.

10. NEW BUSINESS

No New Business or Motions had been received.

11. ANY OTHER COMPETENT BUSINESS

No competent business.

12. CORRESPONDENCE

None received.

13. CLOSURE OF MEETING

The Chair informed those present that the next scheduled Quarterly Meeting of the East Area Committee would take place on Wednesday 1st March 2023.

The Chair thanked everyone for attending and for their valued input into proceedings wishing everyone a safe onward journey home thereafter, formally closing the meeting.

Graham Ross
Secretary

John Turley
Chair