



Scottish Police Federation North Area Committee

Minute of the second quarterly meeting of the Scottish Police Federation North Area Committee, held on Monday 30 and Tuesday 31 May 2022, at SPF meeting room, Dundee.

1. Members Present

Full Time Officials

David Threadgold	Chair
Caroline Macnaughton	Secretary (Elect)
Ross Polworth	Vice Chair
Andrew Sawers	Deputy Secretary (Elect)

Observers

Calum Steele	General Secretary
James Thomson	AGS Equality
Ian Florence	Secretary – West Area

Constables	Sergeants	Inspecting Ranks
Shirley Moran Mark Douglass Allen Begg Yvonne Sloan Garry MacLennan David Mackay	Fraser Robertson Pat Nicoll Andy Bilton Alex Carle David McAlpine Simon Lewis-Dalby Gary Johnston	Allen Shaw Gillian Donald Kevin Hird

Apologies Received

Apologies were received from - Neil Macdonald, Graham Smith, Ronnie Irvine, Andy Horne and Nick Clasper.

2. Opening of Meeting

The Chair opened the meeting and welcomed all members present. The Committee were encouraged to take an active part in the meeting and to contribute to discussion and debate. The Chair welcomed new Divisional Rep Gillian Donald to her first meeting and also welcomed Calum Steele, James Thomson and Ian Florence as Observers.

3. Approval of Previous Minutes

The previous meeting Minute was formally approved, having been proposed and seconded by Allen Shaw and Kevin Hird.

4. Matters Arising Action/Decision Log

No update required.

5. Elections for North FTOB Positions

The elections for upcoming vacancies in the Full Time Office Bearer roles were carried out in the following order;

Chair – Candidate:

Allen Shaw (A Div)
Proposer: Andy Sawers
Secunder: Allen Begg

Vice Chair – Candidates:

Gary Johnston (D Div)
Proposer: Shirley Moran
Secunder: Fraser Robertson

Garry Maclennan (N Div)
Proposer: David McAlpine
Secunder: David MacKay

Yvonne Sloan (N Div)
Proposer: Kevin Hird
Secunder: Andy Sawers

The results of the election were as follows:

Chair – Allen Shaw
Vice Chair – Yvonne Sloan

6. Guest Speaker – Calum Steele, General Secretary – 2022 Pay Claim

The Chair advised that the original guest speaker, David Ross was unavailable to deliver his input on pensions / retirements and would be replaced by Calum Steele, General Secretary who gave a presentation on the 2022 pay claim. This was followed by a Q&A session.

7. Rank Separate Meetings

Rank Separate meetings were held.

8. Standing Items

8.1 JCC Update

For the benefit of newly elected members, the Secretary (Elect) provided an overview of the remit and structure of the JCC and formation of the new Sub Committees, and summarised the most pertinent points for the NAC as follows: -

Election of AGS (Conduct)

David Threadgold elected to AGS (Conduct) – congratulations to our current Chair.

Legal Advice & Assistance

The **Allard** case is ongoing, with a review of the current offer and claims. Main focus is the view of four hours claim for each recall. There is preparatory work ongoing for a potential court case. Dr John Pollock (actuary) is assisting in the preparation of a formula in respect of claims. The time taken for this case is impacting on members – particularly as one of the claimants has died whilst the action remains ongoing.

(***NOTE** – Allard is in respect of recall payments for CHIS handlers and has been ongoing since 2015).

The **Holiday Pay case** is still ongoing at an Employment Tribunal but has been sisted, pending the result of an analogous case with PSNI officers. Request made to PSoS in relation to a negotiated settlement based on NI case but they have rejected this offer.

(***NOTE** – The SPF is the only trade union pursuing cases in Scotland – this follows the EAT ruling that workers are entitled to overtime payments as part of holiday pay. The SPF were on the cusp of settling with the PSoS but the case in NI – which is almost identical to that in Scotland – is ahead of SPF and has cleared legal hurdles, so we have delayed resolution pending outcome).

The WhatsApp case

The Chair gave an update re conduct and legal side. Misconduct proceedings are coming to a close.

The right to appeal to Supreme Court was refused, legal position was sought by the SPF. Meeting has been held with counsel; counsel are confident that there is a case for the ECHR, costs in Europe have already been met – only outstanding cost is the lodging of papers. As appeal has been refused, the costs for Police Scotland would require to be met by SPF.

The appeal judgements focused on the content of the messages, rather than the intrusion of privacy and right to a family life of police officers. The principle does not alter the case for the three officers facing Gross Misconduct (the other seven have resigned). However, it could create potential damages claim for them and the SPF in the future if the case was successful.

PSoS continue to use officers' private mobile data in respect of ongoing conduct and criminal enquiries.

(*NOTE – this is a case of international significance and is being watched by police unions all over the world).

Sheku Bayoh Public Inquiry

The Secretary (Elect) gave an update.

This is ongoing, we continue to support members involved and are recognised as an interested party. First witnesses are scheduled for May 2022, the Enquiry have started to release productions. The question of prosecution post the Enquiry was refused by Solicitor General, this may change in the future. Officers involved have given statements to the Enquiry and will continue to receive advice depending on their status of immunity, this may restrict their ability to answer questions.

Immunity could be granted to enable the truth to be established, similar cases have occurred including the George Square bin lorry, there could be civil and conduct implications. Principal officers are being funded and supported by QC and Junior Counsel. There is potential of adverse media attention in relation to immunity,

SPF will be challenging the published letter of DCC Taylor in relation to her position. Duty of candour is fundamentally opposite from position established in Scots Law as suspects have a right to silence, one of the major differences between English and Scots Law.

LEGAL COMMITTEE – now established to provide governance of legal process and applications.

JUDICIAL REVIEWS – non ongoing.

NALOXONE – still with counsel to confirm if officers can be required to use and is it regarded as PPE. Legal advice awaited on four questions –

1. Can CC require carriage of Naloxone.
2. Legal issues arising from administration of Naloxone.
3. Legal issues may arise if officer doesn't carry Naloxone and results in DSI.
4. Remedies in respect of lack of consultation with SPF by CC.

PIRC cannot give assurance of there not being a FAI after Naloxone administration due to statutory obligations.

COVID 19 ENQUIRY – the Scottish enquiry does not include reference to justice so SPF have appointed QC Shelagh McCall to seek inclusion of justice into the enquiry – to include the impact on officers, their protection, the prioritisation and actions of the Service, and contradictions between legislation and guidance.

Police Negotiating Board

PAY CLAIM – 2022 – circulated on JCC 7/22.

Friday 3 June has been granted a public holiday for the Queen's Jubilee.

Extension of maternity pay period to bring in line with England and Wales still outstanding.

Date of next PNB meeting – 13 May 2022.

Impact of cost of living and impact of NI on members take home pay, this will impact on members this month.

Pensions

CS provided an update on pensions, the situation on pensions continues to be chaotic in respect of the application of the MS remedy (legislatively applied from 1/4/22, practical application is reserved until October 2023).

CS wrote to Kate Forbes in relation to the performance of SPPA, no response has been received.

The Chair spoke about notice period for retiring and lots of officers are retiring before getting calculations. He also told of the huge impact about shortfalls and lots of experience being lost. He has also been advised there is a high volume resigning during Basic Training at SPC.

Concerns remain around the performance and ability of the SPPA in relation to the administration of pensions.

Operation Loch – Force response to number of retirements in PSoS, this is meeting weekly – Gold Chair is Jude Helliker, Silver is Supt Simon Wright. 50 +25 – 588 had submitted resignation (09/04); what is worst case scenario – 1659 potential. FTE is 16,800 – max recruitment is 300 per course. PSoS are confident that they can manage the potential impact, the loss of experience is to be significant.

75% of ASPs members are likely to retire. This was entirely predictable and was highlighted in the SWFP (work force planning) meetings.

People are leaving because they have had enough, Force unwilling to accept that majority are leaving due to lack of organisational acknowledgement of personal factors – institutional negligence of awareness of working time and lack of care.

David Ross updated on the publication of the pension calculator.

PENSION BOARD – Met on 22 February 2022 – Board expressed concerns around SPPA inability to effectively respond to pension changes and needs. SPPA keen to establish joint working group to mitigate concerns.

DR updated JCC – SPPA person responsible for remedy has reported sick; calculator has now been introduced and was hosted in the interim by PSoS, this should be migrated by SPPA site on 19 April 2022. The new calculator includes the remedy provision, SPPA unable to provide confidence in identification of affected individuals. Next meeting is in two weeks. Estimates are currently taking eight weeks, members are often retiring without figures. SPPA continue with implementation of new IT platform which is extremely complex and challenging even without the number of changes.

Scottish Police Consultative Forum

Last meeting was 22 February 2022. There are a number of outstanding workstreams being worked through, including Drug Consumption Rooms, Dame Eilish Angelini Review, Promotion and AP Schemes.

The Chair gave an overview of the Gross Misconduct procedure and advised resigning is better than dismissal as nothing could be disclosed to new employers on resignation.

The Chair asked for thoughts on Gross Misconduct Hearings being held in public. Discussion took place – changing procedures could be positive. Impact of witnesses was mentioned. The Chair advised legal representation would have to be funded by PSoS as the Voluntary Fund would be unable to cope.

The Chair asked for thoughts on Accelerated Misconduct Hearings for all ranks of officers where evidence supports this – lots of discussion took place.

The Chair spoke about new processes (not defined) to deal with Gross Misconduct even after officers have left the Service. Again, lots of discussion took place – how open ended is the new process? Bad list for future employers, legislation will be required, not necessarily a bad idea.

The Chair asked for thoughts on additional powers for PIRC (not defined) including recommending suspension of officers – already recommending restrictions.

SPA to have liability for unlawful conduct by a Chief Constable.

Lack of transparency.

The Vice Chair found a website online Misconduct 999 for Forces across England – vary in seriousness – officers named and details of case published. Advised Committee to have a look at the website and feedback thoughts to the Chair.

ACTION – NAC members to view online website - Misconduct 999 for Forces across England and feedback any comments to the Chair.

Scottish Police Authority

Still meeting virtually.

SPF sit on People Committee, DH provided an update on the current work of that Committee. Prevalence of assaults in certain Divisions compared to others; remains still under evaluation.

Scottish Police Budget & Finance

CS provided an update on the Report commissioned by SPF with the FOA institute – funding by Police Service remains good and has grown, police wages has not enjoyed the same benefits. This reinforces the position of SPF and focus should be on PSoS spending or use of the allocation they receive.

Police pay for PSoS officers increased by 25% however police pay has been cut by 9% when allocated by inflation, average is 1% and not exceeded 1.6%. Pay has only exceeded inflation in four years out of 17. The median rate is lower than in the other home nations, the report will be published when finalised and will highlight the PSoS spend of funding it received.

Scottish Parliament & Political Engagement

SPF attended the Scottish Conservative Party Conference in Aberdeen on 18 and 19 March 2022. The Chair gave an update and advised we need to engage with local councillors in relation to campaigns against the closing of Police stations.

Political Engagement – resourcing and impact on local communities; need to engage with local politicians around lack of protection for communities by the Police Service. Desire for Committees and representatives to engage with politicians on the state of the Service.

Evidence session on pyrotechnics bill – concerns around watering down of legislation in relation to public places which have potentially made the legislation unenforceable, potential for Governmental change.

Eurocop and ICPRA

CS provided an update on the recent Eurocop meeting in April; pension and pension access were discussed – UK has some of the lowest pension ages in Europe (Malta is lower however is fixed at same level for life).

Presentation by Ken Pennington in relation to the events in Ukraine and policing issues for exploitation of women and children including people trafficking. Challenges around criminality involving refugees and impact of Ukraine war (gun crime etc.).

Discussions around wealthy Federations and members around the benefit of a single issue conference in relation to refugee and criminality arising out of this crisis, including the investigation of war crimes including genocide. This is at the embryonic stage. JCC will be consulted if being progressed and any potential costs.

Joint Negotiating Consultative Committee

Met on 3 March 2022. Next meeting is 9 June 2022.

Discussion around the effectiveness of the JNCC and the Force decision-making structures. The view of the Service is that the JNCC is low in respect of decision-making and there is a lack of recognition of the need for consultation and engagement with staff associations.

The next meeting is 9 June 2022 and if any members of the NAC have subjects for the JNCC, to raise this to Woodside Place / Executives for a paper to be drafted for the meeting, through the Area Secretary.

The Chair advised that the SPF have just re-aligned their Committee structure so that it is aligned with the JNCC.

Police Related Charities

Update given by Andy Malcolm.

Currently an amnesty for the Police Children's Charity – getting families to join now and use benefits immediately. £1.50 per month. Applies to IHR cases as well as deceased officer's families.

NPMT – 6 September 2022
NPMD – 2022 – Belfast; 2023 – Scotland – Dundee

Other Business

Deep Dive – feedback re PPU deep dive.

Conference 2023 dates – Monday 27 to Wednesday 29 March 2023.

Air Support Monitoring Group – Drones being deployed in East and West but not in the North as there is a lack of trained staff.

Events – DGS provided an update re G7 deployment in Devon and Cornwall. Officers involved likely to be recontacted.

Workforce Agreement Working Group has been created as current WFA is scheduled for June 2023.

RDU review ongoing by PSoS. The Secretary (Elect) stated following a meeting it has been advised an uplift of 100 officers was proposed.

Fleet – Fleet User Group has not met in last six months. Have deployed 36 electric vehicles but there is a lack of training, charging and equipment.

8.2 Subject Committees

The Chair advised all Subject Committees have now been disbanded with the exception of the Finance Standing Committee which all Area Chairs will attend. The Health and Safety Committee is replaced by the Health and Safety Forum.

- **Conduct**

There is no longer a JCC Conduct Subject Committee but there is a Legal Committee to provide governance over the legal process and applications. However, all conduct matters across the North will continue to be overseen by North Area conduct lead, and escalated as required to AGS (Conduct), which will be David Threadgold.

David Threadgold provided an update on Conduct matters. He advised suspensions have gone up and also spoke about inappropriate comments being a common problem. He spoke about being pro active rather than reactive. There was discussion around changing behaviours and challenging supervisors with regard to inappropriate comments.

The Chair also advised SPF now have to support witnesses which proves difficult as PSoS did not name witnesses.

The members of the NAC were requested to bring to the table areas and issues for consideration under this subject.

- **Equality and People**

There is no longer a JCC Equality Subject Committee. However, all North Area People and Equality matters will continue to be overseen by People and Equality Lead in the North, Andy Sawers and escalated as required to AGS (People and Equality), James Thomson.

Caroline Macnaughton provided a brief update on People and Equality matters.

The Deputy Secretary (Elect) will be Equality Lead and gave an update on increase in SMPs. He spoke about Grievances – get in early and put things in place. He advised the Optima contact is up for renewal. Lifelines training – very positive. There was discussion around Moodle training packages – face-to-face training is so much better.

The members of the NAC were requested to bring to the table areas and issues for consideration under this subject.

- **Health and Safety**

There is no longer a JCC Health and Safety Subject Committee. This has now been replaced with the Health and Safety Forum, to cover statutory obligations. North Area Health and Safety matters will continue to be overseen by H&S Lead, and escalated as required to AGS (H&S), Gordon Forsyth.

Ross Polworth provided a Health & Safety update. He congratulated D Division in being outstanding in submitting Accident at Work forms, A Division's submission of the same has increased and N Division is getting there. He stressed the importance of these forms as evidence to provide to PSoS.

He spoke about Asbestos Records, in particular D Division, Bell Street where there is no immediate risk but work will be required to be done.

Vehicle equipment – missing equipment for road accidents – signs not meeting standards and shortage in supplies. Fleet issues – no servicing available for Peugeots. Electric vehicles – no infrastructure / charging incorrectly.

There was discussion around ARVs having too much equipment / weight issue. When will thermals be issued. Transporting casualties instead of ambulances. SLWG formulating policy.

ACTION – Circulate Transportation of Casualties SOP – Caroline Macnaughton

The members of the NAC were requested to bring to the table areas and issues for consideration under this subject.

8.3 Standing Committees

Approval was gained from the JCC to dissolve the current Standing and Subject Committees to reflect the JNCC and create a new structure that aligns with the JNCC (as discussed at the last NAC).

The three new Committees formed were as follows:-

1. Policy, Procedure and Regulations
2. People and Operations
3. Working Practices

The Policy, Procedure and Regulations Committee will include what was previously the Legislations and Regulations Sub Committee, along with work around SOPs and consultations.

The People and Operations Committee will include what was previously the Operational Duties Sub Committee.

Working Practices Committee will focus primarily on shifts, include on-call, issues around deployment, risk and expectations of members.

Meetings of these three Committees will be held quarterly and there is a desire for membership to be as broad as possible – to include Divisional Reps along with FTOBs. The new formation will allow for overlap between the previous subject areas which may fall into various of the new Committees depending on relevance.

*****AWAITS FURTHER INFORMATION FROM GENERAL SECRETARY**

- **Finance Standing Committee**

This Committee is comprised within the JCC meetings and meets six times a year. An update from the FSC was given by the Chair. He advised as previously spoken about the ability to present cases to the Committee for charitable donations and at the next meeting he will present a case for funding for Epilepsy Scotland and report back.

He then sought ideas / suggestions for spending some of the Voluntary Fund money to benefit the members – gym memberships, public transport discounts etc.

9. Area Meetings Update

N Division

The Vice Chair gave an update advising on regular monthly meetings with the Divisional Commander and also meetings with part-time Reps with the next one scheduled for 19 July 2022. A few issues that keep coming up are staffing / resourcing of areas.

A Division

The Chair gave an update and spoke about issues around pensions, grievance procedures, impact on service delivery.

D Division

The Secretary (Elect) gave an update advising last meeting with Divisional Commander was held on 1 April 2022. A further meeting will be arranged once the results of recent elections are known to include new Reps.

New shift patterns have now been implemented across the Division for uniform Inspectors, based on locality model rather than previous PIO model, so there's now an increased number of Inspectors. Dundee City Centre model has been re-introduced for new City Centre team and about to start a consultation for new CID shift patterns, based on locality teams.

There are still issues around cancellation of Rest Days for policing of events, SMT trying to get more national teams involved. Red days have been reduced around the Golf Open. The new agreement around 25% of event policing to come from national teams has been taken up to ACC level to ensure compliance when there was a recent pushback against the request by RDUs.

There are still issues around the Fiscal Liaison role and officers being told they are on "stand by" when on AL for High Court trials. This will be raised again with the Divisional Commander at the next meeting.

Discussion took place around countermands / Rest Days etc.

ACTION – make NAC aware of date of next meeting with RDU – Andy Sawers

10. New Business

No new business.

11. AOCB / Correspondence

The Secretary (Elect) advised the Chair of SPF is looking for issues / anecdotes in relation to CAM, all such issues / anecdotes to be forwarded to the Secretary (Elect) in the first instance to feed back to the Chair. Discussion took place around this subject.

ACTION – Provide any anecdotal evidence around issues with CAM - All

The Secretary (Elect) updated on the SPF Award Ceremony taking place in November 2022, advising the following nominations:-

North Area – 11

East Area – 0

West Area - 9

Thanks to those that have already completed second stage nomination procedure.

The Committee were reminded that attendance at the four NAC meetings per year, is vitally important to ensure the success of the NAC. Any apologies must be notified in advance of the meeting. All accommodation must be completed via the link sent by Louise / Cara. Anyone not completing this will not get accommodation.

The Secretary (Elect) advised of the following resignations:-

Karen Harrison, Scott Macdonald and Alan Devine

The Committee recognises the time and commitment given by all to Federation business and thanks all for their support during their time with us.

There are still a number of vacancies for Divisional Reps.

The Chair advised of the upcoming retiral of Kevin Hird and thanked him for his efforts over the years as a Federation Rep.

He also advised of Vice Chair, Ross Polworth who is returning to Division and this would probably be his last meeting and thanked him for his time as a FTOB.

He then advised this is also his last meeting as he is moving to a new role as AGS (Conduct).

A vote of thanks for all three from the Committee.

12. Time and Date of Next Meeting / Closure of Meeting

The Chair advised that the next Meeting of the North Area Committee is to be held on 5 and 6 September 2022.

The Chair thanked the Committee for their active and constructive participation and closed the Meeting. He was thanked by the meeting in the customary manner.

David Threadgold

Chair

Caroline Macnaughton

Secretary (Elect)