



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 30 August 2023 within the Houston House Hotel, Uphall Livingston, EH54 6JS

1. OPENING OF THE MEETING

The Chair opened the meeting by welcoming all those in attendance to this, the Third Quarterly Meeting of the East Area Committee for 2023.

The Chair informed the attendees of the Fire Procedures in the event of an emergency, thereafter, reminding those present that every member would have the opportunity to express their views and that **all** points or issues **must** be directed through the Chair allowing everyone who wished to speak the opportunity to do so.

The Chair further informed that the AGS (Assistant General Secretary) for Equality had requested that invites to attend the East Area Third Quarterly meeting be sent to various diversity groups. The invites were sent however, none of the groups acknowledged the invitations regarding attendance. There will nonetheless be some diversity groups in attendance at both the West and North Area Meetings.

Since the last meeting, local elected representative Patrick Devaney has resigned as a Federation Representative and the Chair wished him all the best for the future thanking him for his efforts and commitment in relation to the work he had carried out on behalf of our members.

Standing Orders were adopted, and the meeting was declared open.

2. ATTENDANCE

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

Inspector Norman Towler	E - Division
Sergeant Christopher Richardson	E - Division
Sergeant Lee Dickson	E - Division
Sergeant Heather MacIntyre	E - Division
Constable Stevie Neilson	E - Division
Constable Craig Moran	E - Division

Inspector David Hughes	J - The Lothian's & Scottish Borders
Sergeant James Gowling	J - The Lothian's & Scottish Borders
Constable Eric Dickson	J - The Lothian's & Scottish Borders

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

John Turley	Chair
Ricky Wood	Vice-Chair
Davie Reid	Deputy Secretary
Deborah Kennedy	SPF Staff

3. APOLOGIES

Apologies were received from Graham Ross, Gareth Watt, Euan Sinclair, Darren Gallagher, David Davison, Willie Rennie, Michael Harte, Ross Drummond, Blair Rennie, Neill Whiteside, Michael Williamson, and Anne Begley.

4. MINUTES OF THE PREVIOUS MEETING

The minutes of the preceding meeting held on Wednesday 7 June 2023 had previously been disseminated to the Committee via TEAMS. The minutes were agreed and thereafter recorded as a true reflection of the meeting.

5. MATTERS ARISING

(a) JOINT CENTRAL COMMITTEE (JCC) - UPDATE

The Deputy Secretary provided an update following the Joint Central Committee Meeting that was held in Grangemouth on 20 June 2023. This being a traveling JCC within the East Area, local representatives were afforded the opportunity to attend as observers and the Deputy Secretary thanked those who managed to attend. The key points worthy of note from the JCC had been circulated via TEAMS to the Committee.

The question in relation to officers being called on a day off to be advised of a shift change, has been established. This is NOT a recall to duty; it is in effect mobilisation as officers cannot claim for being advised of a requirement to work. For a recall the officer has to perform a policing function or duty. The issue of the Force RDU calling officers on leave for non-urgent shift changes was raised at JCC and was again, personally raised by the Deputy Secretary with Chief Superintendent Barry Blair after an incident within C Division when RDU called an officer scoped for annual leave for a non-urgent back strip shift change. The officer had been abroad with his family! The details of this were relayed to the ACC and Chief Superintendent who agree that **this should not happen**. RDU's have now been reminded of what they can and cannot do.

Another issue raised had been shift allowance being discriminatory, the Deputy Secretary will present a motion in relation to this later in the meeting.

Holiday Pay Claim - claims submitted by members have now been settled and the matter has now concluded.

Sheku Bayoh Public Inquiry - the inquiry is ongoing. We continue to support our members both locally and nationally thus aiding both legally and in respect of welfare matters. Some issues have been reported to PIRC and we are assisting impacted members.

PSoS have written to officers to advise them that the Service are no longer in a position to pay their current legal fees despite previously agreeing that they would. This may end up in a judicial review. The current legal bill is sitting at 10 million for the enquiry and could possibly reach 30 million by the time it comes to conclusion. This money is coming out of the police budget.

The challenges these officers face is constant, and they very much need our support.

With Cause Drugs Testing - the guidelines are vague in relation to what constitutes a “reasonable cause” to require a sample. SPF solicitors have been waiting for a test case to demonstrate our position in that there must be a reasonable amount of suspicion to justify the request. One such case has arisen and is being challenged. It may take some time to resolve however, this should hopefully give the much needed clarity to our members and the Service. The challenge must be proportionate with specifics. Currently if an officer refuses permission, the Force could take them to a Gross Misconduct Hearing.

Vetting – the Service are at the initial stage of looking to implement further vetting to monitor officers after they have passed initial vetting to make them aware of any changes to family and associations.

Pension Trap – this continues to be a significant issue and legal advice is being taken in relation to possible discrimination.

Hurt Feelings Case – this claim has been sisted in Scotland pending the result of the England & Wales case. Officers who have not sought legal assistance from SPF prior to taking any alternative options will not have their costs met by the SPF.

Allard & Others v Devon and Cornwall - this case is ongoing with resolution expected at the end of this year. The Service are now saying some members are not entitled. SPF are disputing this.

Police Negotiating Board (PNB) - the Deputy Secretary updated those present informing that as from the 17 August 2023, PNB became a recognised legal body and will now be known as Police Negotiating Board of Scotland (PNBS). A PNBS website has been created which is run by the Scottish Government. A new Chair will be appointed in September 2023.

There has still not been any formal response to the pay claim from the Official Side. There have been meetings and during these meetings informal offers have been made, each one having been rejected. Discussions are ongoing with matters being progressed on a “without prejudice basis”. Details cannot be shared to preserve the integrity of both Staff Side tactics and the discussions. Once, if a formal offer is made it can then be shared with the membership.

The “Fair Pay Campaign” has started. Both full and part-time reps had a peaceful demonstration outside the COSLA Building in Edinburgh before, during and after the SPA meeting being held at the time. The Deputy Secretary, on behalf of all the Full-Time Office Bearers, thanked those reps who gave up their own time on the day to join them prior to starting shifts and on days off. A few days after the demonstration, the General Secretary received a call with a formal and final offer from the Staff Side. This was also rejected. The next day of action will be Wednesday 6 September 2023.

Some officers were annoyed that they were not notified about the planned day of action but there was a reason for this which was to enable the SPF to manage the protest due to the layout of the venue. Any more than 20 persons would have been problematic due to the narrow pavements beside the tram route.

The Deputy Secretary informed that he had written to various MSPs and most of the opposition parties replies had been very supportive compared to current Scottish Government MSP's! He asked those present to encourage the members to write to their MSP to highlight police officers' plight in relation to pay increases. James McLaren informed those present of a link www.writetothem.com which lists MSPs and the constituencies they cover. Neither the Government nor the Force have said that the pay claim is unfair only that it is not affordable. Presently the Scottish Government are not underpinning any agreement, and any rise would have to come from the police budget.

Lengthy discussions ensued in relation to pay and indexes, action/tactics to be taken and how it would appear the Government can find the money for everyone but the police! We have officers struggling therefore, do we take the lesser percentage of possibly 7% or, hold out for 8.5% with the index and possibly go to arbitration? What we are asking for is proportionate, but the Government still have not replied 5 months later! Formal offer is awaited.

Pension Remedy - the deadline is fast approaching to have the remedy in place for retiring members on 1 October 2023. (This is not looking likely!) If the SPPA systems are not ready to provide dual calculations, the retiring officers will have their benefit calculated on the 1987 Scheme. It is still a bit of a minefield! A question was raised in relation to the gap in contributions for officers who will now be able to be considered on the 87 Scheme having to make up for paying less in contributions due to paying into CARE Scheme since 1995. Whilst there is still no clarity it may be that some officers will be due monies when others will owe depending on the scheme, they were in. There does appear to be a lack of clarity and questions have been asked the answers of which, are still awaited. This could open possible legal claims and there is an argument that SPPA are holding onto members money which they should have had on 1 October 2023 and, may not receive for potential another 18 months.

Officers not close to retiring soon will be provided with dual benefit illustrations from August 2024, via a dual annual benefit statement and remedial service statement showing the two choices.

SPF have warned the Service that due to the generous changes to commutation factors, there is a real likelihood of officers holding off to retire on the 50 and 25 Scheme in October 2023. SPPA have said they do have a surge plan in place for any mass exoduses and the Force say they have arrangements in place!

Officers are worried that they have to apply for retirement to get figures and then retirement cannot be reversed. SPPA has informed that they will be issuing a Remedy Special Newsletter in mid-September which will hopefully provide some answers. They have been referring officers to the pension calculator which appears to be reasonably accurate.

Lee Dickson asked what was being done in relation to the Pension Trap. The Deputy Secretary informed that there is likely to be a legal challenge with reference to the Pension Trap.

Those in attendance were reminded that the **SPF CANNOT provide advice in relation to pension matters** and, if contacted, to advise members to seek Professional Advice or, contact the SPPA.

Finance Standing Committee - The Committee met on 9 August 2023 and the following points are worthy of note:

Auditors have confirmed that the accounts are all in order. A deficit is expected in next year's accounts due to the high legal costs largely attributable to a few high end cases such as the WhatsApp case.

Permission was given by JCC for research to be carried out in relation to deaths of police officers regarding age and causes. The Chair informed that a pilot will be taking place for call takers on the sick line to be trained in mental health. The Force appear to be relying on various charities when it comes to the mental wellbeing of officers.

Lengthy discussions ensued in relation to how poor the Service were dealing with trauma and how officers given TRIM training may not have used their training for years deeming it ineffective. It was felt that trained trauma professionals should be utilised. The Deputy Secretary informed that the SPF are looking to give mental health training to FTOB's and Local Representatives.

Bidding is currently on going for the health care tenure with Optima being one of the two bidders. Emma-Louise Smith, AGS for Equality sits on the consultations regarding this. Tenders have been unprepared for the size of Police Scotland which is too big therefore, unable to meet the services needs due to the number of officers requiring assistance. Currently Optima are not being penalised when they do not hit their targets however, this may change for whomever wins the bidding.

There have been mixed reviews in relation to EAP depending on which officer is spoken to. EAP have a long waiting list and they are snowed under. Officers are only given 6 sessions by the Force and those who require more either fall by the way or, move towards Police Care UK who are very good.

Officers suspended/on restrictions or, going through the conduct process who want to attend the PTC for Wellbeing Treatment have been advised

they are to wait until the restrictions have been lifted. PTC have the right to accept or not to accept officers attending and the staff feel that officers with restriction issues within work attending for mental health issues are not going to benefit as, when they receive the treatment then return to either work or suspension with the conduct over their head, they will relapse.

A Justice Committee Session for suicide prevention follow up meeting was taking place in relation SPF Dundee office. East, West, and North areas were all represented also in attendance were Katie Milne and Susan Beaton, Leaders of People in the Service who will speak to those in attendance about their experience of officers' suicides, suicide attempts and mental health issues. The officers selected have personal and impactful stories that will hopefully help the Service try and address issues rather than simply looking at figures and numbers. Data obtained via a freedom of information request shows absences due to mental health has almost doubled for officers across Scotland in the past 8 years.

Members Benefit Trust - ideas had been sought and discussed as how to use this fund to most benefit our members. A proposal put forward by Neill Whiteside to give members a "Blue Light Card" was discussed and the JCC agreed to explore this further.

SPF Communications - the Short Life Working Group met to discuss a simple APP for members to try and improve comms. They are looking at costs involved with the progression of an APP as opposed to upgrading the Website.

The Committee discussed the pros and cons at length in relation to price and efficiency. Their observations and comments will be fed to the Short Life Working Group.

SPF Elections – Quadrennial Elections will commence in December 2023 to be completed by February 2024.

Police Charities – Vice Chair, Richard Wood updated those present informing that subscriptions had fallen which will clearly impact on income and there may be a deficit in the coming year. The Board of Trustees have decided to put any increase off until at least 2025. It was pointed out that the Police Childrens Charity also covered the children of officers who retired on ill-health. He went on to ask those present to check their payslips to ensure that they were paying into the charities and to push these to the membership. In particular the Police Treatment Centre, Police Childrens Charity and the Benevolent Fund. Officers are shocked when they apply for assistance, and none can be given as they are not signed up.

Scottish Police Budget and Finance – the thought is SPF may be asked if we can, to cut the number of representatives. It was reiterated that more work will be sent out to local reps to help try and assist due to the increasing officers requiring advice/assistance. Those trained in Health & Safety will be asked to carry out more station inspections. If local reps are struggling

time wise or, require advice, they should contact the local office in Livingston. A monthly contact sheet requires to be completed and forwarded onto the appropriate lead i.e., Conduct, Equality or Health & Safety to read and the officers file will be updated accordingly.

6. AREA LEAD UPDATES (Conduct, Equality & Health & Safety)

EQUALITY- The Chair provided a brief update:

Cases

Equality (EQ)	3
Grievance (GR)	12
Ill Health (IH)	38
Ill Health Retirement (IHR)	10
Performance (UP)	4

Probationers - on action plans continue to be supported. Due to retirements and pension changes, there is an increased pressure on probationers especially in response due to the lack of numbers. Probationers are being put under greater pressure when arriving at their stations especially due to the service level of Tutors some of whom are just out of or, ending their probation themselves. The Chair asked the reps to keep an open eye in relation to this and report any probationer or Tutor issues to the Livingston Office.

Grievance – there is an apparent lack of training and understanding in relation to equality issues with members continuing to be subjected to potential discrimination.

Ill-Health Retirement – the five Selected Medical Practitioners (SMP) continue to make a difference by successfully processing the backlog that was caused during COVID. The IHR process now is within the 3-month timeline. Officers are not guaranteed Ill Health Retiral if they enter the IHR process, some officers have been ill health retained which, in some cases, is having a real impact on their mental health. There have been instances whereby the quality of the SMP Report has been questioned and the SPF have taken these complaints forward.

Ill-Health – officers who are long term absent continue to be supported. Those present were reminded of the importance of complying with the timescales especially around critical illness and sick pay claims. Management is doing what they think is best for the officer and by passing Optima unfortunately, this can cause further complications for the officer concerned and may result in a

grievance. The main issue in relation to health is mental health and it is getting worse.

There is now a National Modified Duties Board, and it would appear that SPF are not part of this. The Force is short on staff therefore, they will be looking for meaningful roles.

HEALTH & SAFETY - The Vice Chair had previously disseminated to the Committee via Teams a full update highlighting key aspects and concerns at both local and national level:

OBLs - the Vice-Chair informed that he is keen to hear of issues and gain evidence to show the Service. The cancelling of days off and officers not getting down time is a major issue. He also has concerns relating to knife incidents which, are becoming more frequent and the Service are sending TASER officers to incidents that clearly should be attended by Firearms Officers.

It is hoped that trained Health & Safety Reps will attend more Health & Safety visits within stations. The Vice-Chair will email divisions to ask when these will be taking place in order that he, along with local reps can attend where possible. Those in attendance were asked if they were interested taking one of the 3 vacant Health & Safety Rep spaces, bringing the East Area up to full strength to speak to him. Local Committee Meetings will be re-starting. There will be four during the year, 3 will be on TEAMS with one held in the Livingston Office.

Congratulations were afforded to Ben Pacholek and Billy McFarland in gaining their ICOSH Certificates.

CONDUCT - Preceding the meeting the Deputy Secretary provided a brief update on TEAMS. Topics of interest included:

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

CASE TYPE	NUMBER
Criminal Cases – On Duty	18 (Decrease of 3)
Criminal Cases – Off Duty	23 (Increase of 5)
Conduct Cases – On Duty	1 (Decrease of 1)
Conduct Cases – Off Duty	6 (Increase of 2)
Suspended Officers	16 (Increase of 3) 1 Resignation since last meeting

The increase in the number of suspended officers in the East is reflective of what is occurring in the North & West Areas. The Service has changed the way it deals with certain types of behaviour, enforcing this message across with

what looks like a tactical use of suspensions and restrictions. We are now at our highest ever level of suspensions.

The Scottish Government's Police (Ethics, Conduct and Scrutiny) Bill has been introduced at parliament. The aim of ensuring allegations of misconduct is dealt with more transparently and effectively. If passed by MSP's, the legislation would see the outcomes of misconduct hearings published online and police officers will no longer be able to resign to avoid disciplinary proceedings. The Bill has still to come out for formal consultation and is not due to take effect until 2024. The SPF are against this and there does not appear to be much apathy from the Service.

Two-day Conduct Training courses will be held soon within the Livingston Office. This training will also act as a refresher for those already trained. We are seeking to train two representatives from each division and those present were to make themselves known to Davie Reid if they were interested.

7. RANK SEPARATES

The Committee broke into separates to discuss matters pertaining to their ranks, discuss ongoing issues, roles, and responsibilities.

Constables – Stevie Neilson informed that TASER Officers are being called to what are clearly Firearms calls when Firearms STO's are on shift! This may be due to a lack of communication however, this should not be happening. Stevie Neilson informed that he will be standing down at the next set of quadrennials. Lyn Redwood was elected Chair and Ben Pacholek Secretary of the Constables Committee.

Sergeants – James Gowling informed that the Sergeants had discussed the following: The impact the treble two shift was having on officers RD's; the need for departments to show OBL's on SCoPE if below OBL number and specialist resources.

Inspectors – Norman Towler informed that the Inspectors had discussed the following: Flexitime for Inspectors and putting a letter together to take this to JCC to be forwarded onto the Force; the West Area are to present a Motion in relation to Inspectors who are working two public holidays to be eligible for payment. The potential of Inspectors receiving a double lock day.

8. DIVISIONAL UPDATES – “C”, “E”, “J” & “P”

“C” Division - Lyn Redwood informed that due to annual leave and operational demands, she had attended the meeting with the Divisional Commander alone. The pressures being put on the Divisional Inspector was excessive and the Commander will address this. RDU not rostering second day for back strip; Information fed back regarding the Chief Constables remarks and the command had asked was being spoken of.

“E” Division – Stephen Neilson, Craig Moran and Heather McIntyre met with Superintendent Mark Rennie via TEAMS on 25 August 2023. The following items were discussed:

OBL’s; the protection of officers RD’s when they have booked an event; the completion of 4 years’ service prior to applying for a different role increasing the level of competence and confidence within an officer; rumours of regulation shift patterns; promotion and the lack of communications for PC to PS process causing increased stress to officers; the inconsistent response from the concern hub; re-rostering of RD’s; RRRD’s; the Pay Claim; disruption to weekends and cross division over-time volunteers.

“J” Division – Eric Dickson informed that an email had been sent to officers asking if they had any issues they wished discussed however, very little was reported back to the local reps.

“P” Division – Ben Pacholek informed those present that there was nothing coming in from the officers within division. The next meeting would be in person.

Mark Wilson asked if an invite could be sent to ACC Tim Mairs to attend an EAC Quarterly Meeting to allow him to hear firsthand what is happening within his East Area. The Chair took note to send an invitation.

9. NEW BUSINESS

The Chair informed those present that Graham Ross, East Area Secretary had notified the Service of his intention to retire in March 2024. The process of electing a new Secretary will commence in the coming weeks. In the event that one of the existing FTOB’s stands for and is elected to the position of Secretary then their vacated post would be subject to election.

He then asked if anyone had any questions in relation to the above of which there were none received.

10. ANY OTHER COMPETENT BUSINESS (AOCB)

The following Motion presented by David Reid, seconded by Chris Scott was discussed at length:

“That the East Area Committee ask the Joint Central Committee to pursue through PNB the introduction of an antisocial hour’s payment to be made to officers on each occasion when such hours are worked. If carried, JCC should then determine what equates to anti-social hours and what any payment sought in negotiations would be”.

Motion was carried and will be taken forward to the next Joint Central Committee Meeting.

11. CORRESPONDENCE RECEIVED

None received.

12. DATE OF NEXT MEETING

The next meeting of the East Area Committee is to be held at 1000 hours on **Wednesday 6 December 2023** within the McDonald Houston House Hotel, Uphall, EH52 6JS.

13. CLOSURE OF MEETING

The Chair thanked everyone for attending and for their valued input into proceedings, thereafter, wishing everyone a safe onward journey home prior to formally closing the meeting. Secretary then asked for a show of appreciation for the orderly running of the meeting.

DAVID REID
DEPUTY SECRETARY

JOHN TURLEY
CHAIR