



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

1. OPENING OF THE MEETING

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

The Vice-Chair next went on to inform 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.

A warm welcome was given to David Kennedy, General Secretary, Lorna Cunningham, Deputy General Secretary and Iain Gray, West Area Chair. The latter of whom would be assisting with vote counting.

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 Anne Begley	C - Forth Valley
Constable Lyn Redwood	C - Forth Valley
Constable Gavin Grant	C - Forth Valley

Inspector Neill Whiteside	E - Division
Inspector Norman Towler	E - Division
Sergeant Christopher Richardson	E - Division
Sergeant Lee Dickson	E - Division
Sergeant Heather MacIntyre	E - Division
Sergeant Willie Rennie	E - Division
Constable Euan Sinclair	E - Division
Constable Stevie Neilson	E - Division
Constable David Davison	E - Division
Constable Craig Moran	E - Division

Inspector David Hughes	J - The Lothian's & Scottish Borders
Inspector Ross Drummond	J - The Lothian's & Scottish Borders
Constable Eric Dickson	J - The Lothian's & Scottish Borders
Constable Gareth Watt	J - The Lothian's & Scottish Borders
Constable Darren Gallagher	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

Ricky Wood	Vice-Chair
Graham Ross	Secretary
Davie Reid	Deputy Secretary
Deborah Kennedy	SPF Staff

3. APOLOGIES

Apologies were received from John Turley, Christopher Scott, Blair Rennie, James Gowling and Michael Harte.

4. MINUTES OF THE PREVIOUS MEETING

The minutes of the preceding meeting held on Wednesday 30 August 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. ELECTION - POST OF DEPUTY SECRETARY

Nomination: James McLaren
Proposer: Neill Whiteside
Seconder: Graeme Mathers

Nomination: Lyn Redwood
Proposer: Norman Towler
Seconder: Billy McFarland

Nomination: Martin Vickerman
Proposer: Christopher Richardson
Seconder: Gavin Grant

Lyn Redwood was duly elected as Deputy Secretary.

6. ADDRESS FROM GENERAL SECRETARY

David Kennedy addressed the Committee in relation to recent activities within the SPF. A question and answer session followed thereafter.

7. (a) JOINT CENTRAL COMMITTEE (JCC) - UPDATE

The Secretary provided an update following the Joint Central Committee Meeting that was held on 3rd and 4th October 2023. The key points worthy of note were:

ALLARD - still ongoing. It is hoped that the outstanding cases will be concluded by the next meeting.

Sheku Bayoh Public Inquiry - inquiry is ongoing. As previously reported, PSoS had written to officers to advise them that the Service were no longer in a position to pay their current legal fees despite previously agreeing that they would. The General and Deputy General Secretary have recently met with the service to discuss this. Officers involved continue to be supported by the SPF.

Judicial Review - being undertaken on '*with cause testing*' is progressing to the next stage. The Committee was advised on an issue relative to forfeiture of pension. A custodial sentence for Attempting to Pervert the Course of Justice was handed to an officer who discredited

the Force. Historically forfeiture was only considered for Murder, Rape and Treason however, new guidance that came out in August 2023, may change this. Counsel have been instructed and this may require progressing to Judicial Review.

Restitution Fund - a legal opinion has been received in relation to the SPF becoming the proposed operator of the Restitution Fund. Further discussions are scheduled between the Scottish Government and SPF with the hope that a decision will be made shortly.

Pension Trap - this relates to officers with 25 years' service, but less than 50 years of age who cannot immediately access their pension. Consideration had been given in relation to legal advice on this matter and a legal application has now been submitted in respect of this. It is under review. An update is awaited from our solicitors.

UK Pensions Advisory Board have stated that there may be a need to increase pension contributions by 0.7% due to the shrinking police numbers.

SPA continue to calculate pension figures manually and, for those officers' retiring imminently is causing a great deal of stress for some! Any members with ongoing issues should contact SPPA on 01896 89 3000 and discuss these with them rather than emailing.

Thomson case is still cited with no date for conclusion.

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.

Police Negotiating Board Scotland (PNBS) - the Official and Staff Sides have agreed to commission independent research and a review into police officers pay and benefits. The first element will relate to wage growth including consideration of the benefits/risks and, possible mechanisms to ensure appropriate wage growth within policing going forward from 2025/26.

The second element will relate to current pay and benefits and will fully consider the unique nature of the officer role within society. The findings of the review/research will be brought back to the PNBS for further consideration.

In relation to 2024/25 pay discussions, the Official and Staff Sides agreed to engage constructively and rapidly, to hold conversations that will inform upcoming pay negotiations. The principles of fairness and affordability will remain paramount and will take into consideration the inability of police officers to take any form of industrial action; the restrictions on their private lives; the prevailing economic conditions and how other public sector workers have dealt with.

A tendering process has commenced. This may not be in place for the 2024/25 pay deals nonetheless, it is an essential and critical piece of work given the long term benefits. SPF will have full oversight.

Discussions then ensued when the Deputy Secretary asked the Committee what they thought a fair and just pay award for 2024/25 would be.

Scottish Police Authority (SPA) - issues from the various meetings on health and wellbeing, Policing Together, Ill Health Retirements, Injury on Duty as well as mental health and trauma in policing were highlighted by the SPA Chair. The Chair of the Policing Performance Committee raised questions about what the prioritisation of high threat risk and harm actually meant as no explanation had been given to date. A reduction in resources has been linked to a decline in performance in a number of areas.

The SPA Chair voiced concerns regarding the differing approaches to streamlining the budget and making choices on where cuts could be made by DCC Taylor and DCO Page. Further concerns were raised in relation to the potential impact to other agencies should the police stop doing certain functions. DCC Taylor explained they were working with partner agencies to try and reduce the demand placed on the service. It is hoped the balancing of the budget will be achieved by the end of the financial year.

Joint Negotiating Consultative Committee (JNCC) - discussions ensued in relation to the on-call review which, only reflected the work carried out by Superintendents! More work is required relative to the federated ranks. A formal consultation is awaited in relation to road policing and the reduction in resources. A letter has been sent to the Force Executive regarding Health & Safety issues. The General Secretary has received correspondence from the service regarding the Work Force Agreement (WFA) and the service's desire to amend shift start times/rest days' notice. This was totally opposed by the Committee and a meeting is to be set up with the service to discuss same.

Finance Standing Committee (FSC) - the potential of creating new videos was discussed similar to the #itswhatwedo campaign. This was thought to be worthwhile, and the proposal was approved. A new Case Management System was also discussed with the merits of a new system agreed upon and the proposal agreed.

The Voluntary Fund has not increased since 2015, it currently stands at £17.39. There is a real reluctance to increase this however, realistically this may have to happen due to the rising legal costs. The Committee discussed the possible increase and what it would mean.

Legal Standing Committee (LSC) - issues discussed had been the Thomsons claim; JCC circulars being distributed in some divisions and the legal application process. Area Secretaries have been asked to scrutinise applications more closely in line with the revised criteria.

Conduct & Equality Standing Committee (C&E) - the AGS for Conduct Lynn Gray, informed that there are a variety of different criminal cases ongoing. SPF have supported several cases involving the Modern Apprenticeships Numeracy Requirement which had caused concern amongst DSA members and the wider SPF membership.

Leadership, Training & Development (LTD) - the service intends to carry out EDI training face to face. Currently all other training is online where possible. The SPF will continue to feed our thoughts on "Your Leadership Matters" to the service.

Suspension of Training Courses - the Vice-Chair informed that OST has not been deemed as essential training and there is a two month stop!!! Approximately 1400 officers will fall "Out of Ticket" in relation to OST. DCC Speirs is aware of these figures however appears willing to take the risk.

Custody & Criminal Justice - custody staff within the East Area were being deployed across the country. Following intervention, this practice has now ended. Those in attendance were asked to let the Livingston Office know if this practice re-starts! The practice of countermands/citations being received by text as opposed to an actual telephone call was discussed with examples sent to the General Secretary, who will write to the Chief Constable regarding this.

Deep-Dives - there are major concerns in relation to C3 that need to be addressed quickly. It is a high pressured working environment which has been crippled by the lack of resources and the challenges this causes. Everyday mass texts are sent to staff asking if they will work overtime! Concerns have also been expressed in relation to the practice of call cards being sent to divisional supervisors to manage. Due to the problems within the division, it has been agreed that it will be subject to the next SPF "Deep Dive". DCC Speirs has been made aware and it is hoped this will take place prior to Christmas. Custody is also a cause for concern due to absences etc with officers and staff being asked to work overtime daily.

Work Force Agreement - this was raised at the last JNCC however, has still to be agreed.

SPF Training - an advanced FTOB Training Course has been scheduled for 9th and 10th November 2023 with EDI training being held in January 2024. Lifelines Training will take place in March 2025 in differing venues across the country.

Police Related Charities - Police Treatment Centre - 933 Retired Officers took advantage of the 7 day amnesty signing up to the home. Retired officers currently pay a subscription of £4.80 however, there is a proposal to increase this to £7.80.

Police Remembrance Trust - the event this year had been held in Cardiff and was well attended.

SPF Awards - the awards ceremony was held within the Dynamic Earth, Edinburgh on 23rd November 2023. Thanks was given to all who helped judge or, who nominated this year. Feedback was sought from those in attendance. The general feelings were that it was an improvement and a better format than previous years. The Deputy Secretary encouraged those present to get involved next year asking if they could email the names of any potential recipients and why they should be nominated into the Livingston Office for attention of the Secretary.

EUROCOP & ICPRA - the focus on work was mainly of our Scandinavian colleagues who encounter similar issues to us. On behalf of the Spanish Government, Madrid University carried out a study, researching police assaults, which showed that the average cost of every Police assault in Spain is £35,000. This included time off work, court costs, medical costs, custodial etc. This kind of research and the shared work is vital for our organisation to hopefully show our government that tougher sentences are required moving forward. More officers are being assaulted than before, becoming unsettlingly the norm!

MOTIONS – the undernoted Motions had been submitted from various committees:

Inspecting Ranks Pay on Public Holidays

“That the West Area Committee asks the JCC to seek a change to Regulations to allow Officers in the Inspecting Ranks to be permitted to claim the same compensation for working on a Public Holiday as Sergeants and Constables”. **Motion was carried.**

Allocation of Annual Leave

“That the West Area Committee asks the JCC to seek a change to operating procedures for officers’ annual leave period to be known at least one year in advance of the commencement of the following summer leave year period”. **Motion was carried.**

Antisocial Hour Payment

“That the East Area Committee asks the JCC 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 the JCC should then determine what equates to anti-social hours and what any payment sought in negotiations would be”. **Motion was defeated.**

An **EMERGENCY MOTION** which was already in place, was reaffirmed in relation to preventing officers from obtaining legal advice from other solicitors then coming to the SPF for funding. Only legal advice that is first approved through the proper legal channels, via the SPF solicitors, will be paid for by the Voluntary Fund.

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

EQUALITY- No update.

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. The key issues worthy of note in respect of both local and national level were:

VEHICLES – taller drivers were experiencing problems when driving the vans due to the smaller cabin size. This appears to have been resolved by moving the metal box at the back of the seat. There has been a vast increase in assaults within the caged area of vans with “P” Division reporting an increase of 200%! OST have been approached to ascertain what they are doing in relation to this issue. Hopefully an update can be given at the next EAC.

TASER – local representatives are to contact the Vice-Chair, Ricky Wood if they have any concerns relating to jobs involving TASER that they believe should be attended by firearms and are not. This has been raised at National Level.

RAAC: (Reinforced Autoclaved Aerated Concrete) No further issues raised. Buildings identified are unlikely to re-open.

ASSAULTS: Concerns are ongoing in relation to the increase in police assaults, majority of which are hopefully down to increased reporting, particularly on non-injury. PSoS Health & Safety have been asked to look at the number of police assaults within hospitals. Those present were asked to send feedback to Vice-Chair, Ricky Wood with any incidents of evidential value.

Another area of concern is the number of constant observations with the cell door open. Naturally this increases your chance of being assaulted and seems to be on the rise. Again, those present were asked to send any knowledge of examples to Ricky Wood.

CONDUCT - Preceding the meeting the Deputy Secretary provided a brief update on TEAMS. In relation to Conduct issues in the East, the most up to date figures are as follows:

CASE TYPE	NUMBER
Criminal Cases – On Duty	23 (Increase of 5)
Criminal Cases – Off Duty	18 (Decrease of 5)
Conduct Cases – On Duty	1 (New Case)
Conduct Cases – Off Duty	4 (Decrease of 2)
Suspended Officers	16 (Remained Same)

The increase in the number of suspended officers in the East continues to be reflective of what is occurring in the North & West. There has been no change in the way the service is dealing with certain types of behaviour, and it is clear they are still trying to enforce this message with what looks like a tactical use of suspensions and restrictions.

Conduct Hearings and meetings are scheduled up until the end of April 2024. All three areas have had good results in recent months with regard to outcomes at Gross Misconduct Hearings.

Probationer Governance - Lynne Gray, AGS for Conduct and, David Reid will meet with Probationer Governance regarding issues relating to the standard of some of the Regulation 9 packs served on probationers across the country. It is hoped that better communication can be formed on both sides and improvement made with the packs.

PSD - an agreement has been made that SPF will now be notified of all officers being suspended. This will safeguard the officer not being left to go through the process alone. To date, this practice has worked well and those suspended have been grateful for our support. There have been instances of Investigating Officers in PSD adopting statements from the criminal case for their misconduct case. Our view is that this cannot happen, and new statements should be obtained for the misconduct case. This practice is in the process of being challenged. There are also instances of the welfare document that the service has taken the trouble to compile not being given out to those who are under investigation. Reps were asked to make the Deputy Secretary aware of anyone who is under investigation and, not been in contact with the SPF.

The Scottish Government's Police (Ethics, Conduct and Scrutiny) Bill - has been introduced at parliament with the aim of ensuring allegations of

misconduct are dealt with more transparently and effectively. If passed by MSP's, the legislation would see the outcomes of Misconduct Hearings published online and will no longer allow Police Officers to resign to avoid disciplinary proceedings. In reality, officers will still be able to resign but the new bill proposes that any Gross Misconduct Investigation and Hearing is continued after they have left the service. One of the aims of the bill is to stop an officer found guilty of Gross Misconduct from being re-employed in the Police by placing them on barred lists.

The SPF have provided a response to the Finance and Public Administration Committee in which we have made it clear that the estimated costs of the Bill are inaccurate.

The Bill is not due to take effect until 2024 coming on the back former Lord Advocate Dame Elish Angiolini's independent review in 2020. SPF are opposed to this and at this stage it would appear there is not much appetite for it from the service given the increased workload it will put on them to proceed with Misconduct Hearings when the officer has already left the service. SPF will provide written feedback on the bill and will form part of a Working Group along with other organisations including SPA, PSoS with regards the next steps with the Bill.

9. DIVISIONAL SEPARATES

The Committee broke into separates to discuss matters pertaining to their divisions, discuss ongoing issues, roles, responsibilities, and report back to the Committee.

“C” - there are a number of senior officers moving on or retiring in the division. Concerns in relation to SMT. Blanket ban on leave during nightshift. 2x2x2 shift system, medical analysis of demand was not considered in the East. Colleagues in the West refused to work it!

“E”- Euan Sinclair, Stevie Neilson and Willie Rennie would not be going for re-election this year. The division would be welcoming a new Chief Superintendent and Superintendent. Problems with resources and vehicles; response officers are exhausted due to work loads and cancelled RD's etc. Morale is low and sickness has increased. The 2x2x2x shift system is broken and simply is not working within the division. Events & Planning plan two weeks in advance, they need to plan a lot earlier.

“J” - concerns in relation to the Road Policing Base at Dunbar facing closure and the proposal to take traffic off the night shift apart from Glasgow. Divisional officers would be expected to deal with crashes on the M8 and City By-Pass. The change in road policing hours would mean that there would be no traffic cover between the hours of 0300 hours and 0700 hours! How would drunk and drug drivers be caught?

“P” – two dedicated court liaison officers.

The representatives have asked that FTOB's speak to the ACC informing that the 2x2x2x shift system in relation to one size fits all does not work!

10 DIVISIONAL UPDATES – “C”, “E”, “J” & “P”

“C” Division – no official meeting had been held however Lyn Redwood met with management. Topics discussed had been the poor quality of officer's court excusals and the blanket ban on requesting night shifts off due to low OBL's.

“E” Division – Stevie Neilson informed that there had been no meeting this quarter.

“J” Division – Eric Dickson informed that the meeting with management had been cancelled.

“P” Division – Ben Pacholek informed that a meeting had been held on Tuesday 14 November 2023 with Chief Superintendent McEwan. A couple of anomalies were identified which required a further response from the relevant departments. Unfortunately, the written answers that were due to be returned were accidentally deleted prior to sending. Ben awaits the replies to his questions.

11 NEW BUSINESS

None received.

12 ANY OTHER COMPETENT BUSINESS (AOCB)

The Vice-Chair wished all those who were going for re-election good luck in the current elections going on to say that it can at times be an unthankful task being a local representative in the divisions, but it can also be very rewarding, and it is important that we get volunteers to take up the role and fight the good fight!

He then went on to thank those who were attending their last meeting as local representatives for all their dedication and hard work on behalf of their colleagues and the SPF. Wishing them all the very best for the future.

13 CORRESPONDENCE RECEIVED

None received.

14 DATE OF NEXT MEETING

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

15 CLOSURE OF MEETING

Prior to closing the meeting, the Vice-Chair informed the committee that this would be the Secretary, Graham Ross' last meeting prior to his retiral. He spoke of his contributions to the committee over the many years both as a local representative and a full-time official, going on to thank him for all his endeavours and hard work thereafter wishing him well upon his impending retirement. The committee showed their appreciation in the time-honoured fashion.

The Vice-Chair then 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. The Secretary then asked for a show of appreciation for the orderly running of the meeting.

GRAHAM ROSS
SECRETARY

RICKY WOOD
VICE-CHAIR

