



## Scottish Police Federation North Area Committee

Minute of the quarterly meeting of the Scottish Police Federation North Area Committee, held on Monday 4 and Tuesday 5 December 2023, at SPF meeting room, Dundee.

### 1. Attendance, Opening and Roll Call

#### Full Time Officials

Allen Shaw	Chair
Caroline Macnaughton	Secretary
Yvonne Sloan	Vice Chair (Apologies)
Andrew Sawers	Deputy Secretary
Gordon Forsyth	AGS Health & Safety

Constables	Sergeants	Inspecting Ranks
Mark Douglass	Simon Lewis Dalby	Gillian Donald
Allen Begg	Fraser Robertson (Day 2 only)	Rhona Di Meola
Sorcha Burns	Allana Lewek	Lynne Kortland
Andy Horne	Gary Johnston	David Gibson
Dale Evans	Paul MacLaren	Ryan MacDonald
Liam Devine	David McAlpine	Pat Nicoll
	Andy Bilton	Calum Smith (Day 1 only)

The Chair opened the meeting and welcomed all members present.

Apologies were received from: Yvonne Sloan, Julie Stephen, Ronnie Irvine and Robin Brown.

### 2. Minute of Previous Meeting

The previous meeting Minute was formally approved, having been proposed and seconded by Simon Lewis-Dalby and Dale Evans.

### **3. Guest Speakers – Senior Management from A, D and N Divisions**

The Chair introduced Chief Superintendent Rob Shepherd, N Division Commander, Chief Inspector Simon Reid representing A Division, Chief Superintendent Phil Davison, D Division Commander and Superintendent Suzanne Smith, D Division.

There were then presentations from each followed by a Q&A session.

### **4. Separate (Rank) Committees**

No Separate (Rank) Committees required.

### **5. Legal Advice and Assistance**

The Secretary gave an update on the number and type of applications for legal advice and / or assistance made by members in the Area since the last meeting.

Since the last NAC there have been 8 calls to the legal assistance helpline which have been converted to legal assistance applications.

Since the last NAC, between 19/08/23 and 23/11/23, for the North Area there have been the following number of legal assistance applications:-

On-duty – 7 applications. 1 x FAI, 2 x Criminal Legal Defence, 2 x Personal Injury, 1 x Employment Dispute, 1 x Other

Off-duty - 6 applications. 3 x Criminal Legal Defence, 1 x Contract Dispute, 1 x Civil Legal Defence, 1 x Property Protection

#### **JCC Legal Advice and Assistance updates –**

The Secretary advised of a meeting of the Legal Claims & Administration Committee (LCAC) held on 18 September 2023. Matters discussed:-

ALLARD (in respect of recall payments for CHIS handlers, been ongoing since 2015) – reassurance from the Deputy General Secretary that this will be settled very soon, and only small group left in the claim group now. Should be settled very soon.

JUDICIAL REVIEWS – with cause drug-testing where there has been no suspicion of use. Our test case is still ongoing no result yet.

LEGAL OPINION – an officer from the East who served time in prison for an Attempt to Pervert conviction is being subjected to an attempt by the SPA for his pension Employer

Contributions to be forfeited. Legal opinion being sought on the interpretation of the police /pension regulations. Legal opinion still being sought re pension trap.

SPF FTOBs should be present in meetings with solicitors and clients – we can then keep abreast of the level of service being provided and where cases are going.

Memo of understanding provided to the panel of solicitors used by SPF and appears to be general acceptance of the new terms and conditions. Looking to have a standard rate for precognition of witnesses / complainers, rather than hourly – save SPF money.

Legal assistance application forms coming through from Areas should be scrutinised by Area Secretary and some that come through should have been rejected at earlier stage at Area level. Not compliant with SPF LAA guidelines. Signatures need to be as up-to-date as possible. Covering email from Secretary should include what has been done and involvement at Area level prior to submission of signed off forms. The Deputy Secretary can sign off packs when the Area Secretary is absent.

Details of how expensive the legal costs are for SPF to provide this cover for our members was provided by the General Secretary. The most expensive costs are for off duty legal defence of criminal cases. Simple assault charge defence costs are about £30,000. If Kings Council is employed, this is a rate of £5000 per day, whether used or not once instructed. At the last JCC it was reported that £1.5 million of claims have been settled obo our members and we have reclaimed legal fees of £4,000 (this will be higher when costs of public enquiry etc are paid back to SPF).

Worth noting – SPF will NOT pay for legal costs that members have incurred without prior agreement or instruction of the SPF.

There was discussion around legal costs, Voluntary Fund subscription (with possible increase due to a loss of 1,000 subscriptions in recent times).

## **6. Divisional Reports**

Divisional Rep Sorcha Burns advised any issues within A Division were covered by Chief Inspector Simon Reid in his presentation earlier.

Divisional Rep Dale Evans gave an overview of issues within D Division. These included resources, kit, Rest Days and travel days when attending the Scottish Police College. There was then some discussion around travelling days and the Secretary advised the Committee of historical issues.

Divisional Rep Paul MacLaren advised of issues with resourcing, estates, and housing within N Division. The Secretary then gave an update on the housing situation within N Division.

Divisional Rep Pat Nicoll covered issues within OSD / SCD which included resource issues which were covered by D Division senior management presentation earlier. He also advised of ARV issues in N Division.

Divisional Rep Ryan MacDonald advised of no further issues within Custody which hadn't been covered earlier in senior management presentations.

## **7. JCC Sub Committees**

The Secretary advised the Conduct and Equality Standing Committee was held on 19 September 2023.

### **Conduct**

The Chair then gave the following update.

There are 67 suspensions nationally – 20 of which are across the North Area.  
There are 200 live criminal and conduct cases nationally – 64 of which are across the North Area.

One PIP in the North Area since last meeting.

CAAPD gave statistics of 300 cases per year, of these 20 go to trial. There is a six month turnaround on cases.

Conduct packs are full of mistakes.

### **Equality**

The Deputy Secretary gave the following update.

51 Grievances nationally.

35 Equality Cases.

10 SMP assessments per month.

9 IHR finalised, 8 retired and 1 retained (nationally).

Now taking around 4 months to go through the process.

Two new SMPs started in November taking this up to 7.

Catch up for Equality Group – meeting arranged for 5 January 2024 at Aberdeen office.

He advised on an increase in ill health cases, mainly due to mental health issues, and an increase in Flexible Work Patterns and welfare transfers.

He brought up an issue with driver training / diabetes / finger prick test / DVSA guidance.

There was discussion around a point which came from the Sex Equality and Tackling Misogyny Group, namely female staff only OST.

He also spoke about getting correct diagnosis from GPs regarding Ill Health Retirals, namely PTSD diagnosis.

## **Efficiency Standing Committee**

The Secretary advised the first meeting of this Committee was held on 20 September 2023.

Leadership, Training and Development – EDI training MUST now be given face to face. Lots of officers now out of ticket for OST as all training suspended. DCC Spiers willing to take this risk.

The next Deep Dive will be C3 and very Health and Safety focussed.

Post Incident Procedures – one held since last NAC – fatal pursuit in A Division.

Draft PNB regulations – guidance is being regularly updated on the online guide. There is a version control that shows you the new updates.

New WFA - need an exigency to cancel a rest day, no matter how many days' notice is given. More specific guidance in the new WFA and will be looking to review this further to put a process in place to confirm conditions for an exigency.

Police Accommodation BiK tax issues – options paper was presented at the new CC's first SLB by Head of People Services, Katie Miller. Option that was proposed is not the one that North Area Command Team were supporting. The General Secretary has written to the Chief Constable around this issue requesting consultation with the SPF on this matter. Legal advice is being sought by SPF but are engaging first with all affected officers to gather all queries to put to legal team.

## **Health, Safety and Welfare Standing Committee**

Gordon Forsyth, AGS Health & Safety gave an update on Estates, "Your Safety Matters", assaults (increase and time spent at hospitals with custodies), Operation Moonbeam, hearing protection, OST (suspending training) and bike maintenance.

## **8. JCC Updates**

The Secretary advised there had been two JCC meetings since last NAC, 7 September and 28 November 2023, and the Finance Standing Committee took place on 18 September and 20 November 2023.

The JCC have agreed the financing of a Case Management System for the SPF workload and approval given to fund a new "Its What We Do" video.

Review of costs of 1919 magazine still ongoing.  
SPF Inverness office now closed.

Review of outgoing costs and income provided by General Secretary to JCC.  
Consideration of increase in VF due to rising costs of legal cases.

## **PNB(S)**

The Secretary advised from 16 August 2023, this is now called the Police Negotiating Board for Scotland and is a recognized legal body. The website is hosted by the Scottish Government.

Further negotiations reached a 7% pay settlement but in conjunction with a Pay Index Wage Review. Scotgov is tendering for an organization to conduct this independent review of pay levels, which will then influence future pay deals. Two companies in the running at the moment – Fraser of Allander Institute and Kornferry.

Meeting of PNB held on 26 October 2023. Discussion around the pay negotiations for 2024. There has also been a meeting of the PNB Technical Working Group. There are still a considerable number of issues outstanding that need to be agreed and resolved, including:

1. Pay levels check and index.
2. Recall to duty agreement and clarification – hours of 2300 – 0700 etc.
3. Duty times at Police training college, when off and on duty if working there or residential there.
4. The 35-mile threshold for postings and travel claims.
5. Direct reporting for duty and the carrying home of equipment.
6. Standby for court and rest days – acceptance by official side that this needs to be in the WFA.
7. Detained on duty after nightshift – all aspects covered in the PNB guide to be pulled together in one section for easier access.
8. Length of the working week – consideration of the 38-hour week.
9. Family friendly leave.
10. Overseas allowance – to be same as UK allowances.
11. Island entitlements.
12. Public holiday entitlement on AL.
13. Relevant travel expenses and mileage claims. Draft 2 now been completed incorporating the comments and feedback in the recent consultation.

## **Pensions**

The Secretary advised the SPPA Board met at the end of August 2023. Pension Schemes all performing well. Approximated figures provided as follows:

15,000 active members plus 3,500 deferred with more than 30 years.

16,400 pensioners.

2,900 widows.

Paying out £32 million, getting in £30 million and the extra comes from the government.

Potentially 630 officers could retire before April 2024.

The SPPA contact telephone number for Police Enquiries is 01896 893000.

## **JNCC**

The Secretary advised JNCC last met 7 September 2023 and the following issues were raised and discussed with the SPF.

- Allard – PSoS dragging heels on an agreement.
- On-call review. Using on-call officers to fill the gaps, particularly RDU using on-call officers for covering nightshift. (ASPS rank raised this).
- DCC Spiers reviewing all training with a view to cutting costs. ACC Mairs pointed out that the cost of training has not included the abstraction costs.
- OST training has introduced 2 new techniques / procedures that have had no consultation with the SPF or risk assessments conducted. Could be potentially fatal (knife attacks). Now withdrawn.
- Working Practices Review Board – there are no Local Authority houses available to lease to officers so Police Scotland having to purchase houses to rent out instead.
- Workforce Agreement – argument for Rest Days to be sacrosanct and not disturbed for the year. PSoS wanting day shift to be able to start at 11am. SPF refusing as this would mean a day shift finishing too late.
- DCC Designate stated that there would be consultation with SPF around the RPU nightshift policing model.
- DCC stated that BWV project remains “front and centre”.

## **SPF Training**

The Secretary advised nominations in for the quadrennial elections, voting underway until 11 December 2023. New Reps will take up their positions in March 2024.

In 2024, after elections, there will be Mental Health First Aid training by Lifelines for all Reps.

## **Other JCC Business**

Scottish Police Consultative Forum (Arena for discussion of subjects that cannot be negotiated) – last meetings held on 31 August and 22 November 2023.

Discussion around the Police Ethics Bill with an input from the Scotgov – out for SPF consultation.

Lots of discussion around vetting levels and frequency and the costs and effectiveness of the vetting processes.

Out of 1000 applicants, only 160 cops make it through.

## **SPA**

The Secretary spoke about the new Chief Constable's first meeting presented to SPA which came across very well, focussing on mental health and communities.

People Committee – held 29 August 2023. Priorities for PSoS from this SPA Committee noted as: Health and Wellbeing; IHR & IOD; rest day banks; Rosters. Currently 63,000 rest days sitting in banks.

SPF feel that SPA are not challenging Police Scotland enough and want SPF to do their job. Chair of SPA talks about what a success Police Scotland has been. PSoS stating how successful "My Career" is – completion rate of appraisals is 15%, which is the same as the percentage going for promotion. Only being used as a promotion tool.

## **Scottish Parliament and Political Engagement**

The Secretary advised the North Area FTOBs, along with the General Secretary, Deputy General Secretary and West Area Secretary attended the SNP Conference in Aberdeen recently. It was notable that the Cabinet Secretary for Justice, Angela Constance, was not at the Conference. There were no resolutions and speaker sessions around Criminal Justice, it was all focused on Independence and Health. Very few MSPs made the effort to attend the SPF stall and engage. However, SPF ran a fringe event on the last day at lunchtime, which was full of national media, and was extremely well attended. The General Secretary spoke very candidly and openly about the state of policing.

The Secretary along with the West Area Secretary met with Highlands and Islands MSP, Donald Cameron at Holyrood and have also engaged with MP Kenny Macaskill around HMRC exemptions for housing tax and also MSPs from Highlands and Islands around resourcing.

## **EuroCOP & ICPRA**

EuroCOP was recently held this year in Belfast and also in Torremolinos. Report from Madrid with statistics about the total financial cost of every assault on police and they will share that with us as it will be comparable with what we have here, breaking it down to every single aspect of policing that is affected by one officer assaulted; abstractions, medical costs etc.

ICPRA – in June next year in Portugal.

## **SPF Bravery Awards**

The Secretary advised the Award Ceremony was held on 28 November 2023 and pleased to announce the North Area had one winner in N Division for personal bravery.

The future of this event is going to be reviewed to reduce costs – roll into Conference, make it every two years?



## 9. JCC Circulars and Consultations

The Chair advised of the most recent JCC Circulars and SOPs for Consultations issued since last meeting.

## 10. Motions

The Secretary advised of new Motions brought to the JCC as follows:

### **Motion 1**

“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”.

### **EXPLANATORY NOTE**

*Annex 8, Regulation 18 Section 1 (g) outlines that where a Constable of the rank of Inspector or Chief Inspector performs duty on a Public Holiday, they are only entitled to a day's leave as compensation. Inspecting ranks cannot claim payment for working on either Christmas Day or New Years Day which are National and indeed worldwide Public Holidays. This motion seeks to change the regulations to permit the small number of Inspecting ranks who are required to perform duty on a Public Holiday the same compensation as Constables and Sergeants.*

Motion was supported by JCC and passed. Will be taken to PNB pay negotiations.

### **Motion 2**

“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”.

### **EXPLANATORY NOTE**

*The process to determine annual leave period for officers for the following year commences in August each year and is scheduled for completion in October to allow officers to request leave. This motion seeks to bring this forward to commence April each year and be completed by June so that officers are able to plan for their annual leave and holidays at least a year in advance of the following year. The motion also allows officers with greater flexibility to plan family holidays and rest periods away from duty to benefit their welfare and wellbeing and personal and private life.*

Motion was supported by the JCC.

### **Motion 3**

“The East Area Committee asks the JCC to pursue through PNB the introduction of an antisocial hours 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”.

#### **EXPLANATORY NOTE**

*The purpose of this motion is to compensate officers who work anti-social hours due to the detrimental health effects shift working has. It is also intended to make the roles, where anti-social hours are worked more attractive. It may also help maintain officer experience in these roles and reduce resourcing shortfalls which predominantly occur during the night.*

Motion was **NOT** supported by the JCC.

### **Motion 4**

“That the JCC re-affirms that in accordance with SPF rules and decisions taken by the Joint Central Committee of the SPF, it cannot reimburse fees incurred by members who choose to take independent action or instruct solicitors prior to JCC approval.”

#### **EXPLANATORY NOTE**

*SPF resources are finite but every effort will be made to help those in need. We have a responsibility to manage the Voluntary fund on behalf of everyone. Our rules state that members must seek approval from the JCC prior to instructing solicitors.*

*While it has absolute discretion the JCC will take the following factors into account:*

- *Potential benefit to the member and the membership as a whole*
- *Available alternatives have been exhausted*
- *Likely costs*
- *Prospects of success as per legal advice (less than 60% not supported)*
- *The moral and ethical aims and objectives of the organisation*
- *Other relevant matters.*

Motion was supported by the JCC.

## **11. Communication**

The previous motion from Ronnie Irvine is still sitting with JCC and has not yet been discharged. The Communications Group continues to meet on a regular basis to progress the motion.

There was a vote held at November JCC on whether JCC wanted to progress tendering for an APP, supported unanimously.

The Deputy Secretary gave an update on how much progression there has been.

## **12. Correspondence**

The Secretary advised of the Reps who are resigning and read out a letter of resignation from Fraser Robertson. A vote of thanks to Fraser Robertson, Andy Horne, Allana Lewek, Dave McAlpine and Liam Devine.

## **13. AOCB**

The Chair reiterated anyone interested in observing at a JCC meeting please advise the Secretary and permission will be requested.

There was also a brief discussion around the Leigh Day pension claim case.

## **14. Closure**

The Chair advised that the next Meeting of the North Area Committee is to be held on 4 and 5 March 2024.

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.

**Allen Shaw**  
Chair

**Caroline Macnaughton**  
Secretary