



Scottish Police Federation North Area Committee

Minute of the quarterly meeting of the Scottish Police Federation North Area Committee, held on Monday 2 and Tuesday 3 September 2024, at Invercarse Hotel, 371 Perth Road, Dundee DD2 1PG.

1. Attendance, Opening and Roll Call

Full Time Officials

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|----------------------|-----------------------|
| Allen Shaw | Chair |
| Caroline Macnaughton | Secretary (Apologies) |
| Yvonne Sloan | Vice Chair |
| Andrew Sawers | Deputy Secretary |

| Constables | Sergeants | Inspecting Ranks |
|---------------------------|---------------|------------------|
| Mark Douglass | Geoff Catto | Rhona Di Meola |
| Allen Begg | Iain Fraser | Lynne Kortland |
| Sorcha Burns (Day 1 only) | Gary Johnston | David Gibson |
| James Will | Rob Southern | Pat Nicoll |
| Ronnie Irvine | Ryan Thompson | Bruce Crawford |
| Dale Evans | Paul MacLaren | |
| Scott Birrell | | |
| Ross Polworth | | |
| Andrew MacKenzie | | |

The Chair opened the meeting and welcomed all members present.

Apologies were received from Caroline Macnaughton, Simon Lewis-Dalby, Julie Stephen, Calum Smith, David Mackay, Dayne McDonald, Gillian Donald and Robin Brown.

2. Minute of Previous Meeting

The previous meeting Minute was formally approved, having been proposed and seconded by Lynne Kortland and Ross Polworth.

3. Guest Speakers – People Services

The Chair introduced Jill Laird, People Services Advisor who then gave a presentation on People Services which included information on Flexible Working Plans, Ill Health Retirement, Capabilities and Optima. This was followed by a Q&A session.

4. Separate (Rank) Committees

Rank Separate meetings took place.

5. Legal Advice and Assistance

The Chair 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.

There are currently 365 live legal advice and assistance files, with 84 closed since the last JCC meeting.

Since the last NAC, for the North Area there have been the following number of legal assistance applications:-

On-duty – 10 applications. 2 x Criminal Legal Defence, 2 x Personal Injury, 1 x Misconduct, 5 x Employment Dispute, serving officer.

Off-duty - 10 applications. 4 x Criminal Legal Defence, 1 x Misconduct, 2 x Personal Injury, 2 x Employment Dispute, 1 x other.

There has been one on-duty application and one off-duty application rejected in the North.

There have been £70,955 legal fees reclaimed by the SPF and claims settled of the value of £330,877 between 20 April and 16 August 2024. During this period, there were 61 General Legal Advice calls taken and 6 of these converted to legal applications.

There was then some discussion around the legal provision provided and costs. General consensus was to keep the level of cover albeit the cost may increase.

JCC Legal Advice and Assistance updates –

The last Legal Standing Committee was held on 15 May 2024, the Chair being the Deputy General Secretary, Lorna Cunningham.

The Deputy General Secretary reported concerns around the number of officers being suspended and Lynne Gray, AGS Conduct, is going to make contact with the DCC to ascertain what the Service see as the bar for being suspended. Appear to be too many that are being suspended that could perhaps be given restricted duties.

Still a rise in cases related to sexual misconduct and offences, mainly younger officers who appear to have different standards.

Discussion around Medical Applications for assessment of officers going through criminal cases or IHR for example.

The Deputy General Secretary discussed the process. The Authorisation Form should be completed, which is self-explanatory, and the Area Secretary / FTOB then organises the medical appointment. Lorraine has details of the consultants that SPF use so need to go through Lorraine. SPF then pay the bills for the assessment and report. The Doctor will need the full medical background on the member prior to assessment. We (FTOB) send off the medical mandate to the GP for the records and SPF will pay this via Lorraine.

The Deputy General Secretary has been consulting with Digby Brown re Medical Negligence cases as we don't have many of these. They have been advising on what else they can do for us. Member must already have complained to the Doctor / NHS and there is a high bar to prove the case.

When we (SPF) pay for legal advice for a member, the advice received is owned by the SPF, not the member. If the member goes to another solicitor, they are not entitled to take that legal case file and copy of the advice with them as it belongs to SPF. They will have to pay their new solicitor for the new advice. We are the client, not the member.

Discussion around the SOP for BISE and whether it is clear enough. Legally a business interest is classed as only for HIRE / GAIN, not just a hobby or voluntary work. However, PSoS use BISE forms for everything, which is not what they are designed for. SPF is going to seek further legal advice around this for clarification. It may need SOP and BISE forms re-wording.

Still issues around vetting. One officer in probation fully disclosed an offence from 10 years ago, still recruited. Further vetting once in service decided it was inappropriate and he was sacked at a Regulation 9 Hearing. This is being appealed – the allegation 10 years ago was unsubstantiated and should not have affected his vetting. Similar cases to this. Query around transferability of service from MoD and Nuclear Police – told it's not valid. Letter being sent from the SPF to the Chief Constable to clarify this.

JUDICIAL REVIEWS

- Pension forfeiture after court conviction, await PSoS response to JR.
- Dismissal of officer based on disclosed matters that related to time well before recruitment.

LEGAL OPINION

- Pension trap, legal opinion being sought. Ongoing. It has been advised that there is no discrimination for officers being able to retire at the combination of 25 years' service and aged over 50. Further advice being sought in relation to the sliding scale of commutation payments that can be claimed on retirement as you get older – eg those that reach 30 years' service but yet to reach 50 years old.
- Contingent Decision re pension for those that opted out of a previous pension scheme and when opting back in had to come back into a different one. SPF are seeking legal opinion on this one, based on case in the West. Awaits decision / update.
- Legal review of the Occupancy Charge contract / form that has been sent to affected officers to sign – awaits legal opinion.

Action – The Secretary to circulate information re Occupancy Charges.

For officers required to give evidence at a Fatal Accident Inquiry, legal support will only be provided by SPF to officers that are likely to receive criticism, not likely to get this as routine.

6. Divisional Reports

Divisional Rep Lynne Kortland gave an update on A Division issues. She spoke about OBLs and officers still complaining about being cited by RDU. There are still training / Moodle issues which has been taken to SMT and suggested getting a training calendar. She also advised of welfare issues as full-time Welfare Officer is on long term sick leave.

Divisional Rep Gary Johnston gave an update on D Division issues. He mentioned resourcing, sickness, court and staffing issues. He also spoke about Moodles and how officers are being given protected time on SCoPE to do them. Div Rep Dave Gibson gave an update on that.

Divisional Rep Ross Polworth gave the N Division update. He spoke about similar issues as the other Divisions, resourcing, court citations etc. He also advised the Chief Constable has been out and about delivering long service medals.

7. JCC Sub Committees

The Chair advised the Conduct and Equality Standing Committee met on 27 July 2024.

Conduct

The Chair then gave the following update.

Suspensions (Scotland) – on the rise
Suspensions (North) – 13 (bucking the trend due to resignations but 2 rescinded)
Criminal cases – 40 (25 on duty, 15 off duty)
Conduct cases – 9 (6 on duty, 3 off duty)

GMH/MM conducted this year to date: **7 complete and 7 pending.**

Increase in Gross Misconduct Assessments, on-duty assaults, historical allegations. No updates from PIRC within six months. Helen Harrison is now substantive Chief Superintendent for PSD. Lynne Gray sat in on an input for the training of Chairs and Assessors at Hearings. She raised the point about ex-culpatory evidence not being included in IO reports and statements not matching the evidence given by witnesses at Hearings.

Equality

The Deputy Secretary gave the following update.

GR – 16
EQ – 6
IH - 32
IHR -16

Of the 32 IHR cases, 16 are stress / anxiety and mental health related with the remainder being made up of other medical conditions with no pattern or behaviour.

- Trained mediation services have now fully commenced as part of the pre grievance process. Several HR Assistants are trained in this, and it should negate the requirement for full Grievances which would be a benefit to all.
- Concerns regarding the volume of neurodivergent officers being recruited as this has a direct impact on Tutor Constables and Line Managers who have very little training to cope with individual needs and requirements. This has been brought up at the Executive level and there will be further updates on this over the coming months. The majority of staff with neurodivergent issues will carry out the role of policing with no major issues but there are several who will struggle, and it is unfair on them and the supporting staff to allow this to continue through their probation only to potentially not achieve. Vetting and recruitment needs to be better and once diagnosed within service, a filtering system should be implemented with a criteria.
- IOD update provided and that all IOD awards should be based on the “now” and not how the officer will be in the future. IOD can provide a review date and if there is not a review date a lower band may be financially beneficial to an officer.
- Enhanced IHR input set for 14 November 2024 at Dundee.

Efficiency Standing Committee

The Deputy Secretary advised the last meeting of the Efficiency Standing Committee was held on 24 July 2024 and then gave the following update.

- Workforce Agreements – specific WFA for specific events will always provide for an 8-hour day with additional hours as overtime (same as working a Rest Day – basic shift is 8 hours). This is how it should be shown as rostered on SCoPE for the operation, though RDU are not always doing this. This is the main purpose of a specific WFA – new day start times and allows changing of shifts with less notice. Should not have start times rostered as outwith the agreed times of the standard WFA ie not 1100 hours start. Any issues with breaches of WFA please bring to the attention of an FTOB.
- C3 – no response from the Force yet re the Deep Dive. Police staff working overtime on AL periods then going sick. There's a higher percentage of controllers becoming police staff than officers, but no increase in staffing numbers overall. Increasing issues with C3 not using their own control room supervisors to review, assess and allocate calls.
- Armed Policing Monitoring Group – more likely to deploy firearms in the North than in West, according to recent FOI figures. Discussion around resourcing / training / no incentive.
- New recruits now at six training centres – Fettes, Jackton, Tulliallan, Inverness, Dundee and Aberdeen. There's a non-residential Pilot Scheme running at Jackton.
- Next meeting 23 October 2024.

Health, Safety and Welfare Standing Committee

The Vice Chair gave the following update.

She advised PSoS are probably going to lose the Shredrit contract due to contamination of confidential waste, one of their lorries was set on fire due to batteries / vapes / interview DVDs being put in confidential waste.

She spoke about issues with Tasers in the Cell Blocks also an increase in bomb making materials.

She mentioned PSoS are using generic Risk Assessments where they should be using specific Risk Assessments. She also spoke about the importance of "near miss" forms.

Issue with PSoS not using Advanced Driving Instructors for ARVs.

Issue in D Division with seagulls attacking officers.

She spoke about "fast road" incidents advising 28 officers have been killed on roads in the last 10 years. Then gave a brief update on Health and Safety Inspections and Estates (closure of Forfar).

8. JCC Updates

The Chair advised the last meetings of the JCC took place on 18 June and 20 August 2024.

He spoke about RSS statements – 31 March 2025 – how much money owed / overpaid depends on which Scheme you are in. Potential for lump sum changes.

PNB(S)

The last meeting of the PNB(S) was held in June 2024. The tendering process for the Pay Levels Check and Index has now been completed and the contract awarded to Fraser of Allander Institute to do the work. There will be a further full PNB(S) meeting in October.

The PNB Technical Working Group is still dealing with a number of outstanding issues that includes:-

1. Pay levels check and index.
2. Recall to duty agreement and clarification – hours of 2300 – 0700 etc. What counts as being recalled if working at home etc or whether you have to physically leave the home address to be on duty.
3. Officers being cited for court on maternity leave – should be able to get a day of maternity leave back. Seeking a way to agree this.
4. Neonatal leave and pay – if parents are on statutory maternity leave, not full maternity pay, looking at payments to the parents. To be covered in the Regulations.
5. Duty time at the Police College – difficult issue as some courses have a mix of residential and non-residential students. Flexibility for students is causing queries over duty time hours.
6. New WFA is legally binding (unlike previous one) so can potentially look at taking to court if Service breaches this.
7. Mileage rates for e-vehicles not agreed. Wanting to simplify mileage claim rates to the HMRC rates where everyone will claim a flat rate of 45p/mile. Will work out overall more expensive for PSoS but they will make big savings in the administration of the payments and calculations. This was agreed at JCC as being in support of the Service. Only small minority of claimants on current higher rates will lose out and this won't be a considerable amount over the year.
8. Asking for an uplift on the Plain Clothes Allowance and the Service are trying to make claims for this more complicated with officers having to show an operational requirement to be in plain clothes. Point has been made that it will cost them more in uniform provision than the plain clothes allowance claims.

The West Area Chair, Iain Gray, now sits on the PNB Handbook Working Group so he will be our go-to contact re issues with the PNB online guide, now that Doug Keil has retired.

Pensions

The Chair gave the update.

The Pension Scheme Advisory Board will meet in September.

The Scottish Police Pension Board met on 28 August 2024, Deputy General Secretary attended, with two meetings in the last two weeks. Quite a complicated update at the JCC around the RSS statements which will not all be delivered on time. Statements should give estimates of the cost of the remedy and additional contributions, with the tax implications if the additional contributions are paid back in a lump sum or accrue until retirement. Historic tax rates used for calculation of the tax relief. If members use an independent tax advisor to check their entitlements, they can claim back the cost of this up to a cap of £1,500.

JNCC

The Chair advised JNCC last met on 6 June 2024.

On-Call – JNCC want an on-call rota for TAC advisors. SPF have pushed back on this, saying it is not necessary and have asked for a review of all federated ranks on-call rotas. On-call is being used as an alternative to having sufficient resources to do the job. On-call is voluntary and should be paid by necessity only. On-call is pensionable, and the SPF will be asking for an increase in the pay claim for on-call (£100), which may encourage the Service to review the use of on-call rotas. The only on-call rotas that should exist are those that have been agreed at the JNCC with the SPF. The Chair advised on-call is voluntary except for CHIS Handlers.

He then requested information on island issues for on-call as the General Secretary is to write to the Service.

Suspended Officers – now 84 nationally. The impact on resourcing is immense. There was then discussion around why restrictions can't be used instead for less impact. DCC Spiers is to review this. Poor guidance from PSoS on welfare support for suspended officers, and discussion around the introduction of a SOP.

ACTION – Secretary to write letter to PSoS re welfare officers.

Allard and On-call Payments – need to make sure it doesn't happen again. PSoS doing on-call illegally and have been told not to do it. SPF have asked for communication to go out to all to say that on-call is voluntary and must be agreed by the Chief Constable.

Hate Crime Bill – now business as usual and C3 are coping with the additional workload.

Mental Health in Policing – DCC has now set up a Mental Health Task Force to look at this. However, appears as usual to be strategic and not making any real changes on the ground

from the feedback from frontline.

PSoS Reform

The Deputy Secretary advised the Committee of the update on Body Worn Video (BWV) from the National Chair from the JCC. Though the Chief Constable stated it would be rolled out by summer 2024, this is now not going to happen and is anticipated to be next year – end of March 2025. Been told that this is due to infrastructure issues and not down to the compatibility between Axon and Motorola. Also, issues with the Fiscal Service not engaging sufficiently and prepared for the partnership required for transferability of evidence to use what we give them from BWV.

Rollout will start in the North with D then N and A Divisions, before the East and West (as North have DESC).

The Deputy Secretary advised the next phase of “Your Leadership Matters” is Op Evolve. National Chair keeps reinforcing with the PSoS Executive that the feedback for this remains very negative and poor.

The Deputy Secretary from the East, Lyn Redwood attended a national meeting on designing the future of Local Policing. There were workshops around this but were told only have probationers to work with on the model, no additional resources – everyone’s opinion was take all officers out of other jobs and put them back on the frontline. The Vice Chair then advised she had attended a workshop which was very worthwhile, looking at a 2030 vision. The Chair then spoke about Monday-Friday dayshifts.

SPF Training

The Deputy Secretary advised on the following training:-

IOSH Training scheduled from September / October for new Reps and also refresher.

PIP Refresher Training.

Conduct Training.

Equality / Conduct / H&S Training to be scheduled throughout the year.

The Deputy Secretary then advised of the Aberdeen office being revamped and can now be used for training.

Action – The Secretary to review IOSH Course availability.

Other JCC Business

The Deputy Secretary advised the next meeting of the Scottish Police Consultative Forum (Arena for discussion of subjects that cannot be negotiated) is on 6 September 2024.

- Report on HMICS inspection. Mental health not a policing issue but it's the police that are dealing with it. No plans within the report about how to change things. Just lots of words and pictures.
- Vetting likely to re-introduce home visits and face to face interviews. Currently recruits are still being vetted on the day they join the Police.
- The Chair advised that DCC Spiers is asking for additions to the Police Scotland Conduct Regulations, off the back of the Dame Eilish Angolini review. SPF view is that the Conduct Regulations should be independently reviewed by the PIRC, not by PSD. PSD asking for lots of things to be made statutory eg with cause drug test requirements etc. View is that Gross Misconduct bar is set far too low, should be for likelihood of officers being sacked but many walk out with NO misconduct at all. SPF do not want demotion available as a sanction as it should be the same for all ranks as a sanction (cops would be sacked whereas other ranks not).

SPA

The Deputy Secretary advised there is no SPA meeting until next week. Two meetings – the Resources Committee and the People Board.

Resources Committee – there is now a Police underspend on the budget due to the lack of recruitment and numbers that have left the Service. The SPF don't get an invite to this meeting – have to watch as a member of the public. The new Board members appear to be giving more scrutiny to Police Scotland and challenging them more over budgets.

People Board – on 1 August 2024 there were 16,397 officers. The Service cannot recruit as many as are leaving. In November the Dunvegan Suite at Tulliallan is due to be refurbished so will not be able to accommodate as many probationers. The £19 million overspend is now reduced to £5 million due to lack of recruitment. There are now 3,046 cops that have not received OST training for more than 12 months and still not enough advanced drivers trained – Service hope to have all RPU advanced drivers by next March (unlikely). Issue around the number of Firearms officers that have not received advanced driver training. There was then lots of discussion around advanced driver training.

Your Leadership Matters has now passed from Ernst & Young to PSoS to run. Any up-to-date feedback on this please to National Chair, David Threadgold. Results of the PSoS survey due out this week.

Scottish Parliament and Political Engagement

The Deputy Secretary advised of an evening drinks reception at the travelling JCC for West Area councillors, MSPs and MPs, along with local SMT and ACC Sutherland. Lots of engagement with the National Chair advising of a few realities in his speech.

Likely to hold a one-day Conference next year prior to Scottish elections to get some leverage and press coverage of policing issues.

There was then lots of discussion around Party Conferences.

EuroCOP & ICPRA

ICPRA held on 10 / 11 June 2024. David Kennedy elected as the new Chair. Presentation was given on the de-criminalisation of drugs in Portugal by a Doctor. The opposition to this was presented by an ex-addict who gave the facts and reality of this move – and is likely to be invited to Conference next year.

There was then some discussion around de-criminalisation of drugs, drugs rooms.

Police Related Charities

The Chair advised the Police Treatment Centre had been under used since Covid but uptake is now increasing with a four week waiting list currently for both physical and psychological treatment. He advised it has now been opened up for members of police staff to use, although agreement in principle is police officers will take priority. The new wing now open which has been sponsored by the SPF. PSoS now signing up to the two week complex PTSD treatment course that England and Wales already support, but being held in Harrogate. There was then some discussion around members who ceased contributing to the PTC and then required treatment, they will be accepted but at a cost of £2,500 for two weeks treatment.

The Vice Chair then advised that members stopping their contributions to the Benevolent Fund have to wait 12 months to re-join. Please try and raise awareness of the good work done by the Benevolent Fund. She then advised of DIY SOS looking for suitable nominations for a makeover. Retired members remain in Scheme for life.

Police Care UK have lots of cash and we need to make use of their resources. Suggest we try and get some sponsorship for TIPT in A and D Divisions, to mirror what N Division are doing.

Police Children's Charity – reminder about those going through ill health retirement that their kids can benefit from this, also officers that suffer the death of a spouse.

SPF Bravery Awards

The Deputy Secretary advised the SPF Bravery Awards will be held on Wednesday 27 November 2024 at Dynamic Earth. Email sent to all with the details of categories and links for the forms. The links should also be on the SPF website. All nominators and judges get to attend and stay over. Award finalists get to attend with their plus one and have a meet / greet with MSPs in the afternoon.

The voting process is now underway and heading to final voting stage on 10 September 2024. There are 13 nominations in the North.

The JCC have voted unanimously for in future the Awards to be held every other year, alternating with Conference. Holding them every two years gives more opportunities for

more nominations and improves their impact.

There was then some discussion around the nomination process and what the judges are looking for.

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 Chair advised of the recent motion proposed by the North Area regarding the change to voting has now been implemented to the regulations for Area Committee voting.

11. Communication

The Deputy Secretary gave an update on the previous motion which has been discharged and now being progressed through a JCC Communications Group with FTOBs Iain Gray (West) and Andy Sawers (North) being actively involved.

The website is now to progress.

The Deputy Secretary then went on to speak about looking for members who are willing to be part of a video and provide a narrative of how bad their experiences with Police Scotland are. This will go hand in hand around mental health issues. Looking for around 10-15 members for a 30 second to one minute video, can be serving or retired. Please forward any names to Deputy Secretary.

There will also be positive news stories around members benefits.

12. Correspondence

The Deputy Secretary read out a letter of resignation from Simon Lewis-Dalby due to his promotion, he will now stand for the Inspector vacancy. There was then an official vote of thanks.

13. AOCB

The Chair advised there was no other competent business.

He then advised of the offer of anyone wishing to observe at a JCC meeting to please inform the Secretary and permission would be requested.

He spoke about the annual charitable donation on behalf of the North Area Committee, please let him know of any suggestions for 2025.

He then asked for requests for guest speakers for future NAC meetings.

14. Closure

The Chair advised that the next meeting of the North Area Committee is to be held on 2 and 3 December 2024 at the Park Inn by Radisson, Aberdeen. He then stated the dates for future meetings in 2025.

3 / 4 March 2025

2 / 3 June 2025

1 / 2 September 2025

1 / 2 December 2025

Action - The Deputy Secretary to contact RDU re inputting NAC dates on SCoPE for Divisional Reps.

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

Andy Sawers
Deputy Secretary