



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

JCC Circular 7 of 2018

Ref: CS/LS

8 February 2018

Attachments: Conduct, Equality & H&S Minutes 230118

Dear Colleague

Conduct, Equality & H&S Subject Committee Minutes January 2018 - Information

I refer to the above, and attach herewith, the Minutes of the Conduct, Equality & Health & Safety Subject Committee meetings that were held on 23 January 2018.

Although this circular is primarily for your information, any comments/observations you may have on its content should be sent to me no later than 10 days after its date of publication.

Yours sincerely

Calum Steele
General Secretary



Scottish Police Federation
5 Woodside Place Glasgow G3 7QF

**Joint Central Committee
Conduct Subject Committee**

Ref: CS/DJK/LS

MINUTES

23 January 2018

1. Attendance

North Area Committee	John Crawford (by VC)
North Area Committee	Sandy Smart (by VC)
East Area Committee	Heather MacDonald (by VC)
East Area Committee	Steven Herd (by VC)
East Area Committee	Scott Meechan (by VC)
West Area Committee	Gary Mitchell
West Area Committee	Stuart Finnie
West Area Committee	Phil Maguire
Deputy General Secretary	David Kennedy (meeting Chairman)
Assistant to the General Secretary (Conduct)	Amanda Givan
Business Administrator	Lesley Stevenson

Apologies were received from David Threadgold.

The Chairman opened the meeting by welcoming everyone to the Conduct Subject Committee meeting and invited everyone to take an active part.

2. Minutes of Previous Meeting

The Minute of the previous meeting had been circulated with JCC Circular 43 of 2017 and was noted.

3. Legal Assistance

It was noted that since the last meeting, there had been 19 off duty criminal applications for legal advice and assistance and seven on duty criminal applications for legal advice and assistance. There was also a further 11 applications for legal advice in respect of misconduct matters.

It was noted that the number of criminal cases currently being monitored by the Area Conduct lead was 33 on duty and 32 off duty in the West, 17 on duty and 11 off duty in the North, and 11 on duty and nine off duty in the East.

It was further noted that there were currently 22 officers suspended from duty throughout the force; three in the East area, 12 in the West Area and seven in the North Area.

The Committee were reminded that the AGSC must be informed prior to the submission of any applications for legal advice and assistance in respect of misconduct matters. Any applications made without full information will be rejected.

The Deputy General Secretary said that advocacy training would be provided later in the year. The training currently provided in respect of the 2014 Regulations indicated that the SPF were best placed to present a plea in mitigation, and the advocacy training when provided would assist further.

4. Complaints against the Police

The AGS(C) said that she had been unable to obtain the relevant figures for this meeting. She said she would seek to obtain these and circulate them when received.

5. Conduct

It was noted that there were currently 38 on duty and one off duty conduct matters being monitored by the Conduct lead in the West, five on duty and 10 off duty conduct matters being monitored in the North, and nine on duty and seven off duty matters being monitored in the East.

Since the last meeting there had been two gross misconduct hearings in the West resulting in a dismissal and a final written warning and six misconduct meetings with a variation of disposals given.

Since the last meeting, in the North there has been one gross misconduct hearing resulting in a dismissal and two misconduct meetings resulting in a verbal warning and a written warning.

Since the last meeting, in the East there has been one gross misconduct hearing resulting in dismissal and two misconduct meetings resulting in verbal warnings being given.

The AGSC said that since the last meeting she had provided an input on the Presenting Officer course run by PSD in December in respect of the old Regulations. Due to staff changes in PSD and the number of scheduled 1996 and 2013 hearings, the training was necessary. She also advised that 2014 training had been given to all FTOBs in the East and in the West, where the remaining West Area Committee conduct representatives were trained. John Crawford advised that he had carried out training in the North Area.

6. Performance

The AGSC advised she had been informed by PSD that they were returning more cases back from initial assessment to Divisions to be dealt with by the Performance Regulations. The SPF is not aware of this increase in either enquiries or use of the performance regulations. Stuart Finnie advised that there appeared to be real differences in approach on performance over conduct in the West, with G Division in particular very quick to opt for conduct as opposed to performance.

7. Police Appeals Tribunal

There were no current live tribunals. It was noted that there are a number of outstanding appeals which, depending on the result may progress to a tribunal. Discussions took place on a recent judicial review where the judgement was awaited.

8. Police Investigations and Review Commissioner (PIRC)

The AGSC told the Committee that she liaised with PIRC officials regarding processes etc.

She also said that she had been invited to a meeting with PSD in respect of processes involving PIRC enquiries. The Committee were encouraged to send any issues or suggestions to her for inclusion.

9. Competent Business

The AGSC told the Committee that a new form had been developed for all matters being dealt with under the 2014 Regulations. It is still in its initial stages of completion and will be shared initially with Conduct Leads prior to being rolled out to everyone.

The Deputy General Secretary gave an overview on a recent Supreme Court Judgement P (Appellant) v Commissioner of Police of the Metropolis (Respondent), highlighting that this matter arose due to an officer being dismissed at a gross misconduct hearing and believing she had been discriminated in respect that her PTSD was not properly considered.

It was noted that timescales in relation to appeals, PATs and possible employment tribunals need to be carefully considered.

10. Closure

Date of next meeting: 17 April 2018

The Chairman thanked everyone for their contribution and wished everyone a safe journey home.



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

Joint Central Committee Equality Subject Committee

Ref: CS/DJK/LS

MINUTES

23 January 2018

1. Attendance, Opening and Minutes of Previous Meeting

North Area Committee	Neil MacDonald (by VC)
North Area Committee	Julie Connor (by VC)
East Area Committee	Andy Malcolm
East Area Committee	Allan Symington
East Area Committee	Darren Gallagher
West Area Committee	Fiona Morris
West Area Committee	Gemma Speir
West Area Committee	Ian Florence
Deputy General Secretary	David Kennedy (meeting Chair)
Assist. to the General Secretary (Equality) AGSE	Nigel Bathgate
Business Administrator	Lesley Stevenson

Apologies were received from Shirley Moran from the North.

The Chair opened the meeting by welcoming all present and thanking everyone for attending.

The Minute of the previous meeting had been circulated with JCC Circular 43 of 2017 and was noted.

2. Matters Arising

2.1 Specialist Role Fitness Testing

The AGSE reported that this matter had been an on-going issue for several years with correspondence dating back to 2013. At each stage of the challenges presented to PSoS in relation to sex and age discrimination, they have responded with their own legal advice which indicates that in terms of their fitness testing regime for firearms officers, the test they undertake is a proportionate means of achieving a legitimate aim. He said that he had received a lengthy response from ACC Higgins confirming this and reiterating earlier responses. ACC Higgins had also highlighted that the SPF was present at four Firearms Monitoring Group meetings during 2016 and also attended a practical demonstration of the

fitness test and made no adverse comments. The Committee agreed that this item could be removed from future agendas with a view to monitoring cases as and when they arise.

2.2 Menopause Awareness

The AGSE reported that two sessions had been carried out on 13 December 2017 at the Scottish Police College and were well attended. The training was undertaken by Laughology who provide similar and work related training throughout the UK and to other UK police forces. Feedback has been 100% positive with very favourable comments received from delegates including representatives from PSoS. He said that interest has arisen throughout the service and he had received enquiries from the West, North and Fife areas. He had hoped to meet with Brenda Armstrong, PSoS Equality and Diversity Manager the previous week but the meeting had been cancelled due to the adverse weather. He asked that the Minute reflects thanks to Fiona Morris, Cath McNally and Nicola Montgomery for their efforts in organising the event. Letters of thanks had been sent to the Scottish Police College and the SPF in particular for their support with the event. A report is to follow and will form guidance which will be placed on the SPF Website.

2.3 Conference 2019

The AGSE advised that the subject area for Conference had been raised at each of the Area Subject Committee meetings and suggestions would be brought to this group for discussion. Any suggestions should be sent to the AGSE as soon as possible. Suggestions included grievance and bullying, flexible working. Neil MacDonald said that the facilitators at Laughology cover a variety of issues and suggested using them. It was agreed that the Equality Leads would meet to put together some proposals.

3. Standing Items

3.1 PNB(S) Equality Working Group

There had been no meetings of this group. A meeting of the SS EWG is scheduled for 27 February in Livingston where possible future claims would be on the agenda.

3.2 PS/SPA P&D E&D Governance Group

There has been no meetings of this Group since the last meeting. It was noted that this group was now named Equality, Diversity and Inclusion Employment Group. The next meeting is scheduled for 29 January 2018. Items for discussion include menopause awareness and the AGSE and Cath McNally will attend.

3.3 Agility & Flexible Working

The last meeting of this group was held on 13 November 2017. Draft guidance was currently being worked on by PSoS and the AGSE had requested early sight of the document. Standardisation of the reasons for refusal for both police officers and staff had been discussed and the guidance was awaited for consultation.

3.4 Protected Characteristics

3.4.1 Disability

It was reported that Lynsey Spence had been appointed the new Disability Co-ordinator for PSoS.

3.4.2 Maternity

The AGSE said he would prepare a brief Maternity Pay guidance document which would be put on the SPF website in due course.

3.5 Consultations

There were no specific consultations relating to Equality.

3.6 Training/Legal Updates

The AGSE reported on two recent legal cases and said copies could be provided if required.

4. Correspondence

The AGSE said he had received a letter from the SPF Chair in relation to an Equality Representative attending a PDT supported event on 13 March in London and asked for volunteers. Anyone wishing to attend should inform the AGSE as soon as possible.

5. Competent Business

The Deputy General Secretary said he was looking to change the structure of the Subject Committee meetings and said that the matter would be discussed at the next JCC meeting.

The Deputy General Secretary said that Laura Salmond had been asked to develop a training package relative to representatives filling out ET1 forms in respect of Employment Tribunal submissions.

6. Closure

Date of Next Meeting: 17 April 2018

The Chair thanked everyone for their contributions and wished them a safe journey home.



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

Joint Central Committee Health & Safety Subject Committee

Ref: CS/LS

MINUTES

23 January 2018

1. Attendance, Opening of Meeting and Minutes of Previous Meeting

North Area Committee	Grant Letham
North Area Committee	Steve Thomson
North Area Committee	Linsey Burns (by VC)
East Area Committee	Stephen Clark
East Area Committee	Ricky Wood
West Area Committee	Paul Connelly
West Area Committee	Stuart Finnie
Vice Chair	David Hamilton (meeting Chair)
Assist. to the General Secretary (H&S) AGSH	Brian Jones
Business Administrator	Lesley Stevenson

The Chair opened the meeting and thanked everyone for their attendance. The Minute of the previous meeting had been circulated and was approved.

2. Matters Arising

Deployment of Firearms resources

Any issues/queries should be passed to the SPF Vice Chair to raise with C3.

Risk Assessments for Temporary Places of Duty

The AGSH raised the matter with James Bertram and agreed to keep as a standing item on the Agenda.

Commercial Events

The matter had been raised with ACC Higgins. The Vice Chair had met with Sharon Milton, Events Planning.

Driving Authorisations

It was agreed at the last meeting that the Vice Chair and AGSH should arrange a meeting with ACC Gillian Macdonald to take this matter forward. She had however moved on from

this Department. It was agreed that the AGSH should discuss with Chief Supt. Stuart Carle, Road Policing.

3. Standing Items

3.1 SPF H&S Updates

Area Committees

North

Steve Thomson advised that the last meeting had been held on 8th January in Aberdeen.

Matters of discussion included 12 hour working in custody, ear-defenders, lack of medical provision in E Division (custody), taser – numbers, training and shields in OST training.

ACTION: The Committee discussed the issue relating to shields and the SPF Vice Chair agreed to raise the matter at the next Use of Force Monitoring Group which he attends.

East

Stephen Clark advised that the last meeting had been held on 9th January.

Matters of discussion included Rank ratio reductions in 'J' Division, refreshment breaks, uniform, plea bargained cases, sharp containers being removed from vehicles and since replaced, H&S training for representatives and defibrillators for all police stations.

West

Paul Connelly advised that the last meeting had been held on 10th January.

Matters of discussion included ambulance service using police and the effect of this on police resources and mental health provision. The SPF Vice Chair asked the Committee to send examples to him in order that he can raise with the 2026 Project Lead.

Custody Sub Group

The Committee noted that the custody sub group had met earlier that day. Four actions had been raised to raise with James Bertram. These related to solicitor access rooms, 12 hour shifts, booking in of custodies and risk assessments for custody suites in the West and East areas.

There had been no meeting of the Operational Support Division Custody Sub Group. The next meeting was scheduled for 30 January 2018.

3.2 PSoS H&S Updates

Force Executive H&S Board

The last meeting of this Group was held on 9 November 2017 and Stephen Clark attended in place of the AGSH. The next meeting is scheduled for 2 March 2018. Matters on the agenda include fire safety; H&S Wellbeing Performance Report, defibrillators, the dive unit,

custody, flu vaccinations, vehicle equipment, breath screening devices and life vests (self-inflating chosen) for vehicles.

The Committee discussed high risk deployments (e.g. large cannabis cultivations etc) and it was agreed that this matter would be raised at the OSD meeting on 30 January 2018 by Brian Jones.

Wellbeing Group

It was agreed that this item should be a standing item on future agendas.

The Vice Chair attends meetings of this Group on behalf of the SPF. Items on the agenda include wellbeing champions, Working Time, mental health and airwave. As part of the UK Airwave project, ASPs have negotiated the inclusion of Scotland re the provision of a free (valued at £500.00) health assessment for officers/staff.

The AGSH advised that PSOs currently provide free health assessments (not obligatory) for staff who fulfil certain roles (PPU etc). The assessments are not available to all. The Vice Chair stated that he has raised this via the SPA seeking for these assessments to be made available to all staff – the matter is ongoing.

APHS

The AGSH gave an update. Matters discussed included Assessment to Help which is a confidential assessment on mental health issues. This has yet to be rolled out. The AGSH had written to DCC Livingstone regarding safety representatives and how behind schedule they were with safety inspections. They also discussed the on-going issue of overloading cars. It was agreed that vehicles were not fit for purpose due to the kit requiring to be carried.

Uniform/PPE/OST

The AGSH attended the last meeting of this Group where matters discussed included trousers, maternity wear, waterproof high-vis jackets, Kevlar gloves, and jackets for officers attending football games.

They also discussed body armour, their protection levels and it was noted that a meeting was to be held the following day regarding procurement.

Taser WG

The AGSH said he had attended a meeting on 28 December in Jackton. The Committee discussed the reluctance of officers to take on this specialism and it was agreed that a meeting should be arranged with Chief Supt. Matt Richards and Supt. Davie Baird OSD to discuss this issue.

3.3 Other H&S Meeting Updates

Joint UK H&S Meeting

An update was given. Matters discussed included anti-coagulants, DVI vaccinations, hepatitis B, temporary traffic signs, and the lack of vehicle maintenance checks.

Training, Tactics & Equipment Working Group (TTEWG)

The last meeting of this Group was held on 3 November in Birmingham and chaired by DCC Brandon. The next meeting was to be held on 25 January.

3.4 Inspections/Investigations

The ASGH advised the Committee there were currently 9 ongoing Accident/investigations, with three recently completed pertaining to the Serious Assault/ Attempted Murder within Custody Division, the Culpable and Reckless Conduct with a Firework in Edinburgh and the Road Collision on the A78.

3.5 Training

The Committee discussed and agreed in principal, to a one-day accredited training course at a cost of £600. The Committee noted that the work currently being carried out on the Federation office in Dundee was almost complete and noted that the office was intended to be used as a future training venue. Members were asked to consider those requiring training. The matter would be raised at the JCC the following month.

4. Correspondence

The ASGH advised that he had written recently to the DCC designate identifying the appointed national and area health and safety Representatives and Chief Supt. Roddy Newbigging pertaining the Force obligation under the working time regulations to record officers refreshment breaks. In verbal reply Chief Supt. Newbigging advised between 40-45 % were recorded in the west, with only 1-7% recorded in the East and the North areas.

5. Competent Business

The Vice Chair said that the structure of the Subject Committee meetings was currently being reviewed. The Committee discussed this suggestion and it was noted that it would be further discussed at the JCC meeting the following month.

6. Closure

The meeting Chair thanked everyone for their contributions to the meeting and wished them a safe journey home.