

SCOTTISH POLICE FEDERATION

NORTHERN BRANCH

**Minutes of the 3rd Quarterly Meeting held within The Drumossie Hotel,
Inverness on Wednesday 5th September 2007**

1. Members Present

Ramsay Aitken	Simon Fraser
Julie Connor	Archie Henderson – am Only
John Crawford	Neil MacDonald
Derrick Cronie	Linsey MacKintosh
D Craig Dale	David Miller – Chairman
Les Donaldson	David Ross
Graeme Ednie – Assistant Secretary	Calum Steele – Secretary
Hamish Grace – Vice Chairman	

Also in attendance:

Mairi MacGregor – JBB Administrator

2. Apologies

Donnie Ross – Out of Force

3. Opening of Meeting

The Chairman opened the Meeting by welcoming everyone present and encouraged all to take an active part in the proceedings.

The Chairman advised that immediately prior to lunch, the Board would receive a presentation from Royal and Sun Alliance with a view to expanding Member Services provision.

The Assistant Secretary thereafter updated the Board with regard to John Jones-Davies health. The Secretary also provided a further update regarding Chris Methven's health, (Secretary, Grampian Joint Branch Board).

The Board wished their continued best wishes be intimated to John and Chris and their respective families.

4. Adoption of Rules

The Rules were formally adopted.

5. Approval of Minutes of Last Meeting

The Minutes of the Last Meeting were adopted as a true record.

The Secretary advised that he would be progressing the idea of Police Board circulation of Minutes on the next occasion they met later this month.

6. Matters Arising

6.1. Legal Advice / Conduct

The Secretary advised that the new Corporate Manslaughter legislation will come into force on 6 April 2008. Under the new law, organisations face an unlimited fine if they are found to have caused death due to their corporate health and safety failures. During its passage through Parliament the original Bill was amended by the House of Lords to include a new duty of care towards any person detained in custody, but this will not come into force until a later date.

The Meeting noted the Secretary's update on the implications of this legislation for the Scottish Police Federation.

The Secretary provided the Meeting with a synopsis of the Legal Advice secured in respect of the Police Pension Schemes and the impact of Age equality legislation thereon.

Comprehensive legal advice has been secured on whether the proposed introduction of fitness testing for recruits to the Police Service conformed to the requirements of the Police (Scotland) Act, DDA, etc and whether it was considered as being a change in the conditions of service. The advice found that provided that it applied to new recruits only it did not offend any of the aforesaid legislation.

Note: The National Vice Chairman advised the JCC on 11th and 12th September the push pull element of the test may be challengeable in respect of its overall relevance.

In response to a question the Secretary confirmed the fitness test itself would be scrutinised by independent fitness trainers following the receipt of suitable guidance and training from staff at the Scottish Police College.

The Meeting noted that the work had begun to ensure amendments to the Police (Promotion) (Scotland) Regulations 1996 were in place, to ensure the Diploma is recognised for promotion eligibility.

The Secretary advised the Meeting that since the last Meeting no new legal cases have been forwarded for consideration for legal advice / assistance and that one of the matters previously referred was on the cusp of resolution without recourse to formal legal proceedings.

The Secretary further advised the Meeting that he was due to meet with staff from the Independent Police Complaints Commissioner for Scotland within the next few weeks.

6.2. Police Pay and Conditions

a. PNB and other Circulars

The following circulars have been received and are available on www.northernpolicefederation.com

PNB Circular 07/03 Clarification on Supt & Ch Supt Allowances

Police Circular 4/2007 Notifiable Occupations ... Release of Sensitive Police Information

Police Circular 5/2007 Police Capital Grant (Scotland) Determinations 2007

Police Circular 6/2007 The Police Grant (Scotland) Order 2007

SPPA Circular 2007/4 Guidance ... Pension Arrangements for Part Time Constables and Sergeants

SPPA Circular 2007/5 Police Pensions – Miscellaneous Issues

b. Removal Allowance

The Secretary advised the Meeting that the Board's full rebuttal had resulted in the Chairman receiving correspondence direct from the Force questioning the veracity of the JBB position.

The Secretary also advised that the issue had received an airing at the Management Service Group where a proposal to raise the 'limit' on reasonableness (in respect of 'miscellaneous expenditure' only) was widely debated.

The Secretary advised that he remained steadfast in the Board's position that reasonableness in itself could not be governed by a 'ceiling' and that the only test to be satisfied was whether the expense incurred was reasonable, not whether the expense exceeded a prescribed sum.

He further advised that he reminded the Management Service Group that the appropriate forum for any dispute over this issue was with the Side Secretaries of PNB and not with the Director of Human Resources. The Meeting noted the Director of Human Resources was increasingly uncomfortable with the current position.

The Secretary advised the practice of HR or Finance over ruling the decisions of Service Unit Managers and Area Commanders was raised at the MSG, at which time it was agreed, this should not be the case.

The Chairman advised that at the subsequent Policy Forum, the Chief Constable advised that the Forces' capping on miscellaneous expenditure was to raise to £3000:00 (three thousand pounds).

The Meeting discussed the real financial difficulties Members were experiencing as a consequence of the Force position and noted, with considerable alarm, a further financial burden as a consequence of the Force decision to now pass the tax burden, associated with removals, to the officer. The Meeting noted that whilst a tax burden had always existed, that tax burden had, until now, always been met by the Force.

The Meeting recognised that Regulations provided the Police Authority was responsible for the reimbursement of removal expenses and noted that the Secretary had written to the clerk of the Police Board seeking a meeting of the Joint Liaison Committee in order to discuss this issue at that forum.

The Secretary reported receiving complaints from numerous aggrieved officers which were proving difficult to progress owing to a complete lack of supporting documentation in respect of the expenses in dispute.

The Meeting discussed the significant improvement in Terms and Conditions following the removal of a 'removal allowance' to the 'reimbursement of reasonable expense' and that rather than be worse off as a consequence of this decision at PNB, as was currently the case, Members should now not be in a position where each move costs them money.

Representatives agreed the simple geography of the Force was a factor in the widely varying costs that were associated with transfer and that the current practice of simply trying to make transfers cheaper, by passing the costs to the officer, was indicative of a lack of compassion at a particularly stressful time.

The Meeting noted that Northern Constabulary's policy encouraging occupation of Private Residential Property by 'ownership or rent' was withdrawn at the HRPG on 8th August.

The Meeting also noted the Chief Constable's announcement at the recent Policy Forum, that the current guidance document, **with which the Scottish Police Federation – Northern Branch, does not agree**, should be regarded as the Force Policy on this subject.

The Meeting agreed;

- The Secretary should explore the apparent contradiction between the Regulations which provide for reimbursement of reasonable expense and the tax burden.
- Officers should make all removal arrangements on paper and that documentary evidence was essential.
- The Secretary should prepare a letter for distribution to all officers on the occasion they are likely to transfer detailing the factors they should be considering and seeking assurances on.
- The fundamental principle should be to ensure no Member is out of pocket as a consequence of transfer.
- Given the significant stresses associated with removal being compounded by the continued uncertainty in respect of Members finances, the Safety Representatives should examine this matter further with a view to bringing this to the Safety Committee.

c. Official Side's proposals

The Secretary advised that all the information received to date on this thorny issue had been circulated to the Joint Branch Board as and when it had been received.

The Meeting noted that conciliation had failed and that a 'failure to agree' had been registered meaning that the pay negotiations were now moving towards arbitration.

The Secretary reminded the Meeting of the comments of the SPF Chairman in the most recent publication which advised;

It is now time for police officers themselves to get involved and engage their MPs and MSP's. Write to them; go to see them, whatever it takes to get the message across.

The Secretary reported that several Members had been making direct contact with him seeking an update in respect of the ongoing discussions. The Meeting agreed it was incumbent on all Representatives to ensure all the available information is disseminated throughout the wider Membership.

The Secretary advised that the JBB motion had been presented to the June meeting of the JCC. An amendment had been proposed and supported however it was subsequently defeated indicating a similar fate for the substantive motion. With the Committee's permission he thereafter withdrew the substantive motion.

The Meeting discussed the recent alarming and unwelcome announcement from the Prime Minister in respect of his position on public sector pay.

The Meeting noted that whilst it appeared the Home Office and Treasury had effectively determined the Official Side's stance during the negotiations it was now clear the Prime Minister was seeking to influence this further.

The Meeting agreed that such was the significance of the Prime Ministers announcement that the Secretary should call for the JCC to support the General Secretary writing to the Prime Minister, copied to the First Minister and the Parliamentary Minister for Justice highlighting;

- The police are not part of the public sector and why that is the case.
- Our long standing fair pay deal and why change to a public sector facing index at this time is detrimental.

And

- The vital nature of the arrangements to be seen as fair and delivering a fair settlement which takes cognizance of our unique position.

ROYAL & SUN ALLIANCE

The Meeting was joined at 1200 hrs by Karen Gordon from Royal & Sun Alliance who provided the JBB with an insight into the Car and Household insurance schemes and preferential terms currently available to Members of Strathclyde Police Federation.

Karen intimated Royal & Sun Alliance was seeking to extend the offers, on an incremental basis, to all Federated Members throughout Scotland.

The Board noted many favourable aspects of the schemes and after thanking Karen for her input invited her to join the Board for Lunch.

Note: The Meeting subsequently agreed to advise Members of the services available.

The Secretary subsequently met with the JBB's insurance broker who confirmed that he no longer dealt with household insurance.

d. Regulatory Non Compliance

The Secretary updated the Meeting regarding the current position surrounding Custody Officer training and advised that following the decision reached at the previous JBB Meeting, this was now an item of business for discussion at the Safety Representatives and Safety Committee Meetings and will be reported through these forums.

The Meeting noted the motion, which was passed at this year's Constables Central Conference, was discussed at the Efficiency Standing Committee on 26th June 2007 where it was agreed to recommend to the Joint Central Committee that this motions sentiments were adequately provided for by paragraph 1(h), Schedule 1 to the Police (Conduct) (Scotland) Regulations 1996 which deals with acting towards or treating any person in an oppressive or improper manner.

6.3. Safety Representatives Update

The minutes of the Safety Representatives Meeting were circulated in advance of the Meeting and the contents noted by the Board.

The Assistant Secretary advised the Meeting that an article relating to the Airwave Health Screening would be produced in the next edition of the JBB Information Bulletin.

The Meeting noted in particular;

- The developments in respect of the Castle of Mey and the Chairman's subsequent Meeting with the Deputy Chief Constable.
- The Safety Committee had met for the first time.
- The Assistant Secretary was in discussions with the Head of Operations in respect of the arrangements for the forthcoming safety Inspections.
- The JBB's position with regard to the National Safety Inspection programme.
- In response to a question the Secretary confirmed the Safety Representatives decision in respect of one item was discussed at the JBB Executive at which time additional relevant information was gleaned.
- In response to a direct question, the Chairman confirmed that without the express authority of the JBB or JBB Executive he could not and did not agree any decision with the Deputy Chief Constable in advance of the JBB Executive Meeting.

6.4. Grievance Procedure /Harassment & Bullying Policy

The Secretary read to the Meeting the contents of a letter that had been received from the president of ACPOS and the response it generated from the Deputy General Secretary.

The Secretary advised he was to communicate with the Director of HR regarding the content of the President of ACPOS letter and would update the Board once a response was received.

The Meeting discussed the complete lack of progress on this item and agreed the JCC representatives should continue to call for this item to be placed on the PABS agenda.

6.5. Member Services

The Secretary reported the Health Cash Back Scheme had recently been circulated to all serving Members and to members of support staff. Early indications suggested a poor uptake of the Scheme. The Meeting questioned the merit of undertaking such an exercise given the response.

The Secretary advised renewal terms have been received from the Insurance Broker which provided for no increase in premiums across the board and an increase in the life cover from £110,000 to £120,000 for Members and from £55,000 to £60,000 for Spouse or Partner.

The Secretary thereafter provided the Meeting with a breakdown of the benefits paid to Members since the last Meeting,

The Meeting agreed the Members Services continued to offer exceptional cover and benefit, the terms were agreeable and the Broker should be commended for his continued good work.

The Secretary reported one member in particular reported dissatisfaction with the Travel Insurance policy and was aware of one or two other members expressing similar sentiments.

The Meeting discussed the provision of Travel Insurance and agreed, whilst recognising the dissatisfaction of a few Members; the scheme was enjoyed by the vast majority of the Members and should continue as part of the Group Personal Accident Scheme.

The Meeting also noted the travel policy did not debar any Member from seeking alternative travel insurance if they so wished.

The Secretary advised the Meeting he had received correspondence from 'Personal Taxation Services Ltd' offering a free tax rebate service to our Members. The meeting noted the company had been utilised by several JBB's and agreed to distribute their literature to our Members.

The Secretary further advised on the Police Flexi Share home ownership plan and noted the company was endorsed by the PFEW. The Meeting agreed to invite a representative to the 4th Quarterly Meeting to advise the Board on the service available.

The Secretary reported the responses in respect of a possible amalgamation of the Death Benefit Schemes would be advised at the earliest opportunity.

6.6. Distant Island Arrangements

The Secretary advised that he had received notification from the Director of Human Resources that a short life working group meeting had been arranged for 21st September and that the Assistant Secretary would be attending on behalf of the Board as will Neil MacDonald.

The Secretary highlighted the considerable work undertaken to date on this issue by Angus MacLeod and wished the minute reflect the Board's appreciation for his efforts.

The Meeting discussed, whether given his considerable insight into this matter Angus would be willing to continue to sit on the working group.

The Secretary undertook to raise this with Angus.

6.7. Ill Health Arrangements

The Secretary advised that he had written to the Clerk of the Police Board seeking an early meeting of the Joint Liaison Committee and a response was awaited.

One of the matters which had been sent for legal advice/assistance as a consequence of the Force's interpretation of this subject and associated pieces of legislation has been resolved to the satisfaction of the member.

6.8. Special Constabulary

The Secretary advised that he was awaiting an electronic copy of the induction training syllabus which would be circulated to Board members upon receipt.

Note: The syllabus was subsequently circulated to the Board on the 6th September.

The Secretary advised that a further short notice consultation in respect of 'conduct' procedures for Members of the Special Constabulary had been received which he responded to on the Board's behalf.

The Meeting noted the Secretary had circulated a copy of a national training syllabus which compared the delivery of a number of core competencies for members of the Special Constabulary throughout Scotland's Police Forces.

The Meeting noted Members of the Special Constabulary in Northern Constabulary appeared to receive considerably less training than those in other areas of Scotland with one Representative advising of members of the Special Constabulary being deployed without receiving training in the use of CS spray.

The Meeting discussed the considerably lax recording of Special Constables hours for the purposes of ensuring compliance with relevant Health & Safety legislation including the Working Time Regulations.

The Meeting noted, whilst the responsibility for recording of hours for the WTR's lay with the primary employer, there was an onus on the Chief Constable and Northern Joint Police Board to ensure 'employees' were not working excessive hours from a general safety point of view and there was no evidence this was happening.

The Meeting also noted on the occasion the NJPB was the primary employer and that employee later deployed as a Member of the Special Constabulary, there were no safeguards to ensure excessive hours were not being worked and that Northern Constabulary was complicit in allowing such practices.

The Meeting agreed the JBB Safety Representatives should examine this issue further with a view to progression to the Safety Committee.

6.9. JJB Executive Update

The minutes of the JJB Executive Meeting were circulated in advance of the Meeting and the contents noted by the Board.

The Assistant Secretary thanked the Board for their biographies which had all now been completed. He advised that profiles for each electoral area had been completed, produced and distributed to all Members for display in all Stations throughout the Force.

The Meeting noted in particular;

- The provision of mobile telephones to all JBB Reps.
- The Secretary had written to the Clerk of the NJPB requesting a Meeting of the Joint Liaison Committee.
- The update on the Castle of Mey.
- The position in response to the Deputy Chief Constable's observations on the content of JBB publications etc.
- The Chairman was to communicate to the Force that recipient of all correspondence should be the JBB secretary and that with immediate effect all correspondence would be directed to him.

- The DCC was to be invited to the next Meeting of the JBB Executive.

6.10. Force Review

The Meeting noted the apologies of Superintendent Ralph Noble in respect of this item.

The Meeting discussed the fact that most Members were 'in the dark' on a large proportion of the Force Review and that meaningful consultation, with the JBB in general and Safety Representatives in particular had been lacking thus far.

The Meeting noted some detrimental effects of the uncertainty, not least amongst them the inability to make adequate annual leave arrangements for 2008, as it was unclear whether a common shift pattern would impact on this.

It was noted that early consultation provided the JBB with a real opportunity to positively influence the Force Review for the benefit of Members.

The Meeting agreed the Secretary should approach Superintendent Noble and discuss the requirements to consult [at an early stage] with him.

The Meeting further agreed to invite Superintendent Noble to the next JBB Executive Meeting.

7. New Business

The Secretary advised that he provided the pensions update during his brief on Legal Advice and Assistance.

8. AOCB

8.1. Asbestos

The Secretary called for a suspension of Standing Orders. This was seconded by Derrick Cronie and unanimously supported by the Joint Branch Board.

After 30 minutes Standing Orders were re introduced.

The Meeting agreed the Secretary should;

- Seek further advice from the Health and Safety Executive.
- Seek further information from the Estates Manager and Health and Safety Co-ordinator.
- Request sight of the asbestos register.
- Bring this matter to the Safety Representatives and JBB Executive Meetings.

9. Secretary's Correspondence

The Secretary advised the Meeting that in addition to routine items the following items of correspondence had been received;

- A letter from Mhairi Grant intimating her resignation from the Joint Branch Board.

The Secretary commented that although Mhairi was only a member of the Joint Branch Board for a short time, the minute should reflect the Board's gratitude to Mhairi for her efforts and wish her well in her new post.

- A letter from Angus MacLeod intimating his resignation from the Joint Branch Board.

The Secretary reported that Angus was also moving to a new role and the minute should reflect the Board's best wishes and appreciation for his considerable efforts in his time on the Joint Branch Board.

- A letter of enquiry from the Defence Police Federation regarding terms and conditions of office bearers.
- A letter of thanks from Malcolm Baker for the hospitality shown to him during his stay whilst delivering the recent Health & Safety training.
- A letter from a Federated Member from Strathclyde seeking the Boards assistance in providing accommodation for a team of charity cyclists undertaking fundraising throughout the country.
- An invitation from the Fife Joint Branch Board Assistant Secretary to the retiral function of their current JBB Secretary, John McNab.

The Meeting agreed the JBB support the charitable efforts of the cyclists by providing the requested accommodation and that a gift from the JBB be presented to John McNab to mark the occasion of his retirement.

10. Time and date of next meeting

The next Meeting will be the 4th Quarterly Meeting and will take place at 10am on Wednesday 5th December 2007 at the Drumossie Hotel, Inverness.

11. Closure of Meeting

The Chairman closed the Meeting and thanked everyone for their contributions during what had been an interesting Meeting.

The Chairman then wished everyone a safe journey home and was himself thanked in the customary manner.

David Miller
Chairman

Calum A Steele
Secretary