

Rùnaire a' Chaibneit airson Ceartais  
Cabinet Secretary for Justice  
Humza Yousaf BPA/MSP



Scottish Government  
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Calum Steele  
General Secretary  
Scottish Police Federation  
[kirsteen.brown@spf.org.uk](mailto:kirsteen.brown@spf.org.uk)

01 April 2020

Dear Calum

I thank you for your letter of 27 March 2020 regarding the support provided to Police Officers to keep them safe during the current Covid-19 pandemic.

I recognise that Police Officers and Police Staff are being asked to interact with members of the public and that this may not allow them to strictly follow the social distancing guidelines published by the UK and Scottish Governments. You and your members have the full support of the Scottish Government and on 27 March the First Minister specifically praised the exceptional job that Police Officers were doing during the pandemic.

From what is being reported, and from what I see, the vast majority of people are doing the right thing, but for those who don't, the new regulations provide the police with emergency powers to enforce social distancing where necessary.

The Chief Constable has been clear that he expects that his officers and staff will always act in a reasonable and proportionate manner and will use their communication skills to work with the public to encourage them to follow the guidance. The new powers allow officers to direct, and if need be to enforce, social distancing but this is to protect our fellow citizens, not to criminalise a small number of people who do not follow the rules.

While interacting with the public it is right that our officers and staff have access to protective equipment. Police Scotland has recognised that there needs to be a robust process for the supply, and re-supply, of PPE and I understand that the extended roll-out of PPE will be underway this week.

As of Friday 27 March, I understand that more than 630 officers have already received kit, including fit for purpose FFP3 masks, gloves, boot covers, coveralls and goggles and that officers across Operational Support Units, Border Policing, custody and in some rural areas have already received their PPE.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh [www.lobbying.scot](http://www.lobbying.scot)

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

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## SCOTTISH POLICE FEDERATION

Established by Act of Parliament

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EDINBURGH  
EH1 3DG

Ref: CS/KB

27 March 2020

By email: [CabSecJustice@gov.scot](mailto:CabSecJustice@gov.scot)

Dear Cabinet Secretary

### COVID-19

I refer to the above and regret that I have to write to highlight some significant issues that I consider the Government needs to address urgently in respect of COVID-19 and the police service.

I fully appreciate that Governmental attention is directed to the phenomenal work of our health professionals but I feel police officers who are daily exposed to significant risk have been left unprotected.

As we both know there is hardly an occurrence or event that does not in some way lead to demand being placed on the police service. Police officers operate in both public and private places and very often in uncontrolled and chaotic situations without order or clinical security.

They are very often in conflict situations and the target of violence and abuse. Police officers put their personal safety at risk for the safety of others on a daily basis and I don't believe it is too much to ask that in doing so they are not left exposed and unsupported.

The Government(s) advice on social distancing runs entirely contrary to the requirements of the police service and indeed advice in respect of policing. The Prime Minister has stated that people will die if advice is not followed; the First Minister has said repeatedly that those who refuse to implement social distancing measures are putting lives at risk.

*"From what we know about other coronaviruses, spread of COVID-19 is most likely to happen when there is close contact (within 2 metres or less) with an infected person. It is likely that the risk increases the longer someone has close contact with an infected person."*

(Public Health England Guidance for First Responders Updated 24 March – redirection from Health Protection Scotland Website)

*"There are 2 routes people could become infected:*

- 1. Secretions can be directly transferred into the mouths or noses of people who are nearby (within 2m) or possibly could be inhaled into the lungs.*
- 2. It is possible that someone may become infected by touching a person, a surface or object that has been contaminated with respiratory secretions and then touching their own mouth, nose, or eyes (such as shaking hands or touching door knobs then touching own face)." (Public Health England Guidance for First Responders Updated 24 March – redirection from Health Protection Scotland Website)*

*"In the majority of policing, Border Force and Immigration Enforcement activities, it is unlikely that officers will require any additional PPE for normal activities." (Public Health England Guidance for First Responders Updated 24 March – redirection from Health Protection Scotland Website)*

*"... the question you must ask yourself is can you operate your business in line with safe social distancing practice and of course your normal health and safety requirements?" (FM Speech 24 March)*

*"Again, I cannot be clearer – please do not think that this advice just applies to other people and not to you." (FM Address to the Nation 20 March)*

*The second measure – which applies to everyone, not just to people with symptoms - is that we should minimise social contact as much as possible. This is vital to reduce the risk for all of us of getting infected or, if we do, of passing it on to others, especially to those who are most vulnerable." (FM Speech 17 March)*

There is an increasing sense amongst our members that the Government appears to have abandoned the police service in the midst of this crisis. The sense of frustration from front line officers is palpable. There is an absolute recognition that health demands have to come first but the dearth of commentary in support of police work and police risks is disgraceful. We accept that its important businesses get certainty, we accept that its important citizens get certainty over income and financial security, but we cannot accept that essentially the only references to policing is in an authoritarian manner.

Police officers are fearful. The willingness to face danger so others don't have to is almost entirely related to physical danger. The COVID19 virus is different. It is indiscriminate, invisible and a random killer. Police officers do not have an inherent immunity or protection from it and are at as much risk of transmitting it as they are catching it. They should not have to worry about bringing COVID19 into their own households and jeopardising the health of their loved ones.

Police work sees officers coming together in close proximity to each other on a daily basis. Beyond our workplace interactions, the interactions with the public must surely put police officers in the category of being potential super spreaders.

The Scottish Police Federation recognises full well there is a considerable challenge in sourcing PPE, we accept that health workers are an entirely legitimate priority, but we cannot

condone a situation that sees officers left in limbo because the Government fails to recognise and react to the realities they are charged with on behalf of our nation's citizens.

We are told the new legislative powers now exist for police officers to enforce certain offences yet we have been denied the basic courtesy of seeing the actual legislation. The operational guidance prepared by the Police Service of Scotland was (perhaps understandably) published before we were able to influence its content. This may well be a moot point without the primary source. We cannot accept however that this is in any way an appropriate way of expecting laws to be enforced. Whilst I don't doubt the PSoS has done everything in its power to put out accurate guidance based on what it knows, it does not always follow that the service gets its guidance and working practices right. The recent "issues" in respect of the operations of the former Counter Corruption Unit and approach to Stop and Search should more than attest to that.

But what we do see in this guidance is an explicit expectation that police officers will put themselves increasingly in harms way. They are expected to intervene and issue advice, direction or command into matters which a few short days ago were nothing more than routine social intercourse. Police officers will of course uphold the law. We do so without fear or favour. We expect to be supported in that in both word and deed.

Whilst it may not have been politically acknowledged, it surely cannot be ignored any longer that police officers are at the front line of response to this public health emergency. We demand the risks we face are met with action to mitigate them.

Police Officers are being targeted by thugs who deliberately cough (or worse) in their faces. It should not need said that this crime is one that should see an accused immediately brought before a court and remanded to prison whilst awaiting trial. If lives are at risk, what greater risk can there be than the deliberate targeting of a police officer in this vile and disgusting manner. It is depressing that it seems a greater priority to protect our courts, than to protect our police officers.

In order to keep our society safe and alleviate pressures; created through community transmission, on our health service, police officers need to be subjected to early, extensive and ongoing testing for the COVID19 virus. They need access to PPE for their day to day interactions with the public to mitigate risks to themselves. They also need a moderation of language from our politicians towards our citizens that are geared to presenting the police duties as reassuring and not simply authoritarian. We do not need a public on tenterhooks fearing "robust" police action, increasing the risk of the need for physical contact.

In conclusion, I wish you and every member of Government every success in your efforts to defeat the COVID19 epidemic. I can assure you the Scottish Police Federation, and our wider members will play our part in helping you do so. Despite the words in this letter, there is only one team and we are all on it.

Yours sincerely



**CALUM STEELE**  
General Secretary

**From:** Calum Steele <calum.steele@spf.org.uk>  
**Sent:** 17 April 2020 12:05  
**To:** Jamieson P (Peter) <Peter.Jamieson@gov.scot>  
**Subject:** SPF Media Release - Masks PPE

Peter

For info

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**SCOTTISH POLICE FEDERATION**  
**5 Woodside Place, Glasgow, G3 7QF**  
**MEDIA RELEASE**

**The Scottish Police Federation represents all police officers in the ranks of constable, sergeant, inspector and chief inspector, police cadets and special constables; over 18,500 people, 98% of all police officers in Scotland.**

**To: News Editors**

**Date: 16 April 2020**

**Subject: MASKS ISSUED TO POLICE DO NOT PROVIDE SUFFICIENT COVID-19 PROTECTION**

Speaking in response to the Police Service of Scotland issuing masks to officers, David Hamilton, Chairman of the Scottish Police Federation said;

*"The SPF welcomes that some much needed FFP3 Masks are making their way to officers. These masks have been subject to rigorous scientific scrutiny over many years and their efficacy and appropriateness is not in doubt. They will undoubtedly be*

*welcomed by our members and we applaud the considerable efforts of the service to secure them, train officers in their use, and issue them.*

*“The demand for PPE amongst our members is understandably high and whilst we note the service is now able to issue type 2 surgical masks, these will not provide any meaningful protection to officers.*

*“The [advice of our expert panel](#) means that the Scottish Police Federation cannot endorse their use as PPE. Our panel is unanimous in its views that the primary aim of the surgical mask is to prevent the wearer from infecting anyone else; and that they offer little effective barrier to the wearer from contracting the virus. In short the scientific case that these masks can be used as PPE against COVID19 has yet to be made.*

*“FFP3 masks offer the minimum standard of PPE that the Scottish Police Federation recognise.”*

**ENDS**

**Note to Editors:**

A panel of scientific and medical experts was established by the Scottish Police Federation (SPF) on April 6 to provide specialist advice on risks and safeguards for police staff during the coronavirus pandemic.

The panel’s professional expert members are Professor Sir Harry Burns, Professor George Crooks OBE and Professor Hugh Pennington CBE. The Police Federation members are Calum Steele and David Kennedy and the legal member is Professor Peter Watson of PBW Law.

For further information on the panel: <https://spf.org.uk/scotlands-leading-medical-and-scientific-experts-to-study-covid-19-threat-to-police-officers/>

**From:** Calum Steele <calum.steele@spf.org.uk>  
**Sent:** 02 April 2020 15:27  
**To:** Jamieson P (Peter) <Peter.Jamieson@gov.scot>  
**Subject:** issues (COVID related)

Peter

Separate to the main point of this message, please see attached the comments of David Hamilton

As discussed briefly in an earlier email and entirely without prejudice!

The SPF considers the following is required to help deal with the inevitable challenges the Service will face due to the COVID-19 epidemic.

It is my belief that some of these issues are largely policy based and could be easily resolved. Others will of course require agreement but that need not be an arduous process.

Carry over of annual leave. As you know annex 12 deals with the issue of carry-over of annual leave. I don't need to rehearse the contents but I'm sure you agree that the COVID-19 epidemic provides more than enough "exceptional circumstance" so as to permit the chief constable more than 5 days to be carried over. On the face of it this seems straightforward but I am sure you will anticipate that it will be the SPF position that ALL leave unable to be taken ought to be carried over. I simply highlight this as I'm mindful of the different interpretations placed on entitlement to leave, and "statutory leave." I should point out that there is zero reference to "statutory annual leave" in police regulations.

Payment of overtime to those in the rank of inspector and above. The SPF considers that those in the rank of inspector and above are increasingly being looked upon as a free source of additional labour. The expected working practices that were to accompany the 1994 overtime buyout simply never materialised. Numerous academic studies have revealed that inspectors are working exceedingly long hours on a near permanent basis. Their salary does not reflect either the hours they put in or commitment they show.

The SPF considers that Inspectors and above should receive straight time off in lieu (TOIL) for each of the first 8 additional hours of work they perform in any week. Any more than 8 hours should be paid at straight time. The TOIL should be treated in the same manner as toil for Constables and Sergeants and taken within three months.

Officers who defer retirement – the SPF considers that officers who have intimated an intention to retire, but have expressed a willingness to remain in service due to the COVID-19 epidemic ought to be able to calculate the value of their lump sum based upon the age multiplier that would have applied, bar the intention to remain, at the intended point of retirement. That protection being dependant on retirement either within or immediately at the expiry of the emergency period. If an officer simply changed their mind and wished to remain in service, the protection to age multiplier would not apply.

Pension abatement – the SPF considers the abatement of pension should not apply if a retired officer applies to come back to service to assist during the COVID-19 epidemic. We appreciate this will need wider UK consideration but observe the abatement provisions were removed to ensure no financial barrier existed for medics returning to the NHS in the emergency legislation.

Gap – the SPF considers that the need for a gap (between retirement and reengagement) ought not to apply for officers who seek to retire but wish to re-enter the service to assist during the COVID-19 epidemic. Again we appreciate this will need wider UK consideration

Wider pension issues – we consider that specific provision will be required to ensure “returning “officers are catered for in the event of “in service death.” Presumably injury would still fall under the injury benefit provisions?

Remuneration for Special Constables – we will need to understand how remuneration for special constables will work for those who are furloughed (and in receipt of 80% of their normal income from the state) or those who are otherwise in receipt of state income through national salary replacement schemes. We cannot expose special constables to the risk of the loss state support through hastily but poorly thought out initiatives.

Life assurance for Special Constables – this is self-explanatory

The SPF also considers the existing bonus system in police regs to be woefully inadequate to respond to many of the challenges officers will face. The absence of PPE, and inevitable increase in workload due to depletion of staff needs to be capable of being recognised.

No doubt we can discuss many of these issues tomorrow but time is pressing on and we will undoubtedly face a rapidly collapsing timeframe on many of these

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## SCOTTISH POLICE FEDERATION

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### MEDIA RELEASE

**The Scottish Police Federation represents all police officers in the ranks of constable, sergeant, inspector and chief inspector, police cadets and special constables; over 18,500 people, 98% of all police officers in Scotland.**

**To: All Outlets**

**Date: 2<sup>nd</sup> April 2020**

**Subject: Missed opportunity by Lord Advocate to tackle deliberate infecting of Police Officers with COVID19**

Revised Guidance from the Lord Advocate in relation to the liberation of persons from Police Custody was [published](#) on 1st April 2020.

These Lord Advocate's Guidelines direct Police Scotland on the approach to take regarding individuals who are in Police custody having been arrested during the period of disruption caused by COVID-19 or Coronavirus.

The Guidelines detail circumstances that need to be considered during the pandemic but goes on to specifically highlight circumstances such as Domestic Abuse as being worthy of particular consideration.

As Police Officers join health professionals on the frontline of this crisis, a disturbing trend has seen them being deliberately coughed on or spat at them in an attempt to infect.

Responding to publication of the Lord Advocates Guidance, David Hamilton, Chair of the Scottish Police Federation said,

"It is sickening that people resort to this kind of malice against those that are trying to protect society. This horrific conduct threatens the safety of not just our officers, but their families and colleagues too.

The absence of specific direction from the Lord Advocate to keep such persons in custody was a missed opportunity to show that society will not tolerate such attacks on its police officers. We need only look down South to see how offenders are being quickly and severely punished by the courts and we urge the Lord Advocate to match England's stance and review his guidance."

**ENDS**

Notes to editors

1. The Lord Advocates Revised Guidance can be found at <https://spf.org.uk/wp-content/uploads/2017/03/LAs-Guidelines-on-Liberation-Coronavirus-Publication-Version-02-010420.pdf>
2. Media Photograph of David Hamilton available at <https://spf.org.uk/wp-content/uploads/2017/03/David-Hamilton.jpg>

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**From:** Calum Steele <calum.steele@spf.org.uk>  
**Sent:** 23 March 2020 15:42  
**To:** Jamieson P (Peter) <Peter.Jamieson@gov.scot>  
**Cc:** David Hamilton <david.hamilton@spf.org.uk>  
**Subject:** Re: Federation Issues

Peter

There are way more issues than that

30+ or ++ is now inadequate. Special provision was made for medics not losing pension. We would need no less than that. No abatement in return

Officers who delay retirement - should not lose the maximum pension benefits they would otherwise have decided had they retired. No deduction in lump sum

Insp and above working excess hours need to be paid for them.

Risk payments ( way beyond bonus) for officers sent absent PPE.

Sliding scale Fatigue uplift to be paid when workforce depleted by say between 10 and 50 %

Etc

Sent from my iPhone

**From:** David Hamilton <david.hamilton@spf.org.uk>  
**Sent:** 23 March 2020 15:17  
**To:** Jamieson P (Peter) <Peter.Jamieson@gov.scot>  
**Subject:** RE: Federation Issues

Call you in 45mins.

D

David Hamilton  
Chair  
Scottish Police Federation,

On 23 Mar 2020, at 15:15, "[Peter.Jamieson@gov.scot](mailto:Peter.Jamieson@gov.scot)" <[Peter.Jamieson@gov.scot](mailto:Peter.Jamieson@gov.scot)> wrote:

Calum/David

To let you know that I'm here to help if I can. Please send me updates on any Covid related issues impacting on your members and I can feed them into our Justice Hub or to Mr Yousaf (who discusses issues with the CC most days).

Grateful for a quick, short update on the following issues:

Retired Officers – Are you supportive of retired officers returning for a short period. There will be a number of technical issues to resolve by PS but we don't think there are major problems with pensions etc. The 30++ scheme could be a starting point for documentation etc.

Special Constables – Employers are being asked to give them paid Special Leave. Have you heard anything about how Specials are being treated by employers.

Survey – I'm not in the loop on your Key Workers survey – I saw a link off to the Scottish Government (are you feeding results into the SG?)

PPE – Not my area of expertise but please let me know if promised supplies do not appear.

Thanks.

**Peter Jamieson**

Scottish Government

Police Division

Powers and Workforce

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