



The Sheku Bayoh Public Inquiry

Witness Statement

Brian Jones

**Taken by [REDACTED] at 18 Woodside Place, Glasgow, G3 7QF
on 1 November 2023**

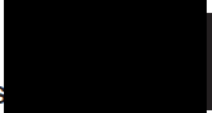
Witness details and professional background:

1. My name is Brian [REDACTED] Jones. My date of birth is in 1968. My details are known to the Inquiry.
2. I am a Police Sergeant and I have 33 years of police service. I am currently the Vice Chair of the Scottish Police Federation (SPF), and I was elected to that role in April 2020. I've been in this role for four years, almost. This is a full-time post.
3. I am asked how I came to be in the role of Vice Chair of SPF, and what training and/or qualifications (if any) I required to prepare for the role of Vice Chair. In 2003, I was elected as a Sergeants' representative in Lothian and Borders Police where I received basic training in Conduct, Equality, and Health and Safety. I was then elected as the Chairman of the East Area Committee in February 2015. In 2017, I was elected as the Assistant Secretary to the General

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Secretary for Health and Safety, before being elected as the Vice Chair of the Scottish Police Federation in 2020 where I now have responsibilities for all areas of Health and Safety, all areas of training within the Scottish Police Federation and I also deal with member services for our members.

4. I am asked what my roles and responsibilities are as Vice Chair. As Vice Chair, I oversee all areas of Health and Safety that affects all our members within Police Scotland. I have a strategic overview and I liaise closely with the Force Executive regarding Health and Safety matters relating to the welfare of our members. I look at all the aspects of training for the Scottish Police Federation. This includes all areas for Conduct, Equality, and Health and Safety. I also provide induction training for newly elected representatives of the Scottish Police Federation.
5. I am asked what the differences are between an SPF Officer Bearer/Official and a Scottish Police Federation Representative. Scottish Police Federation Reps are part-time reps, so they do that in addition to their full-time duties. Whereas, a full-time Office Bearer, is full time and that is their function. We're non-operational police officers, but we are still serving police officers. Our collective job is to look after the Health, Safety and Welfare of our members and provide them with support, not just for themselves, but also their families throughout their police career, should they encounter any difficulties, be that legal, financial, or health related.
6. There are 135 part-time representatives located all around Scotland, and you then have a further 20 full-time office bearers. These Office Bearers are in the West, the East and the North and you have the Headquarters for the Scottish Police Federation at Woodside Place, Glasgow. This is where my office is, where you have the Vice-Chair, the Chairman, the Deputy General Secretary, and the General Secretary, working from Woodside Place.
7. I am asked if all police officers can seek and access the services of the Scottish Police Federation and the purpose of officers seeking, as an example, legal,

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welfare and/or health advice. If an officer is the subject of a complaint, be it criminal or non-criminal complaint, and they are a member of the Voluntary Fund, then they can approach the Scottish Police Federation for legal advice and assistance.

8. One thing that we can't do, is give legal advice because we are not qualified in law. That's when we'd obviously employ the services of Professor Watson, and others, to give legal advice to our members should they be the subject of a complaint, be that criminal or non-criminal as the case may be. If they're not members of the Voluntary Fund, which has a financial payment to join, then we will still give them advice and guidance, but we will not take on the financial burden of paying for their legal costs. You must be a paying member of the Voluntary Fund to receive legal advice and assistance, which is ultimately paid by the Scottish Police Federation.

9. We also work with a number of charities to provide additional support to officers and their families should they come across difficult times. We have the Benevolent Fund. If an officer or a family should find themselves in significant financial difficulties, they can apply to the Benevolent Committee to see if they can receive a grant, a financial support mechanism. We have the Police Children's Charity, and we also have the Police Treatment Centre's charity. The Police Treatment Centre is about providing physical and mental rehabilitation to officers who have been injured on duty and that's all covered through the Scottish Police Federation, and again, financial contributions are required to be members of those charities. So, they are donating members to each charity.

General Overview of the Scottish Police Federation:

10. On the 9th of August 2023 the Inquiry issued a Position Statement request relating to the training of the Scottish Police Federation Representatives. The Scottish Police Federation Responded to this request on the 29th of August 2023. I am now shown Scottish Police Federation Position Statement Response SBPI-00369, at page 1 paragraph 1 which states:

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“The SPF provides training to its representatives. SPF representatives are all serving police officers seconded to the Federation from Police Scotland”.

11. Against the aforementioned background, I am asked whether there is an SPF body and/or committee that is responsible for training SPF representatives. To clarify, the committees within the SPF are different to those in Police Scotland. We provide our own training for our elected representatives, the 135 who cover Police Scotland. There are 66 representatives in the West, 30 representatives in the North, and 39 representatives in the East. When a newly elected representative comes forward for training within the SPF, we provide a two-day training course giving them an introduction to the history of the Scottish Police Federation and what its remit is: To provide support to the membership throughout the entirety of their service, to address issues of the terms and conditions of their service, and the police regulations.

12. On day two of the induction training, they are also introduced to the Conduct Regulations, Equality Act, and Health and Safety at Work Act which is in my area of knowledge within the SPF. If they wish to develop further, they can then sit on specific committees regarding Conduct, Equality, and Health and Safety. Each area has a committee with those specialisms. The North, East and West have Committees, where each specialism is covered, so you have Conduct, Equality and Health and Safety, which is completely separate from the training we receive from Police Scotland. One thing I will say from a Scottish Police Federation perspective, we do not get involved in the design or the delivery of any training within Police Scotland.

Scottish Police Federation Representatives Electing to Join Committees

13. Against the background provided that SPF representatives can elect to join certain committees, I have been asked to elaborate on how this works. Similarly, to my police service, I had an interest in road policing, so I diversified

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and qualified in road policing legislation and became a traffic officer. The Scottish Police Federation works in a similar way, where you have people who wish to look into conduct issues, or equality issues, or health and safety. If a representative identifies they have a willingness to understand and learn in that specific area of specialism, then they can put themselves forward to be elected onto those committees. If they are interested in those areas, we will provide additional training from external providers to give additional knowledge, skills and attributes. So, for example, for health and safety, I use the Institute of Occupational Safety and Health Practitioners (IOSH). Managing Safely providers bring the external qualification of managing safely in the workplace. IOSH is a nationally recognised group who can train health and safety practitioners. From a personal perspective I undertook further training to become 'NEBOSH' qualified, which is the National Examination Board in Occupational Safety and Health Certificate. This qualification is identified by all areas of industry and illustrates an individual has the basic understandings of the requirements of health and safety, ensuring safe working practices, identifies the areas that you're working in are safe, people who are working in the front line, ensuring they're trained to use the equipment and have the correct safety gear. It's exactly the same in the police.

14. I am now asked to provide a summary of the functions of each of the committees. The Conduct Committee in the West for example, will look at conduct matters for officers who are currently under investigation for complaints against them, be that Civil or Criminal. The Reps will follow them through and will assist them in completing the application forms, whether they should require additional assistance from legal advice and assistance from our legal experts. The Equality Committee is the same. Those representatives look at equality matters. That deals with anybody who may feel they've been discriminated against in the workplace. The Health and Safety Committee, which is my area, addresses anything in the workplace where officers have suffered any form of injury or any form of mental duress. We then investigate that point and decide, "Do we need to carry out an accident investigation to ensure that Police

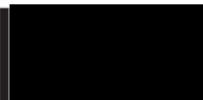
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Scotland have got the correct control measures in place to keep our members safe?.”

15. Those individual committees look at their own individual areas, and everything then feeds into the center at Woodside Place, Glasgow. We can then identify how many officers are currently being investigated; how many officers are requiring assistance for equality; how many accident investigations are ongoing; and how many ongoing investigations we have with the force. If I can provide an example, an area where we have highlighted on numerous occasions is the lack of driver training across Police Scotland this is something that animates me significantly, I am an advanced Police driving instructor and we have a number of officers, who are not trained to drive high-performance vehicles or police vehicles to the standard that I would expect as a staff association, and I routinely remind the Force Executive of their legal liabilities in that regard.

Data Gathering from Committees to Scottish Police Federation Centre

16. I am asked, against the background provided that all information/data is fed back to the SPF Centre, how that data is then used from the respective committees. If you look at conduct investigations, they gather the data and then they decide whether or not the officer requires legal advice and assistance from a legal practitioner. So, then it gets channeled to the lawyers that we have and who we engage with.
17. Equality law is the same, so if anyone has been discriminated against, we will take that issue, if necessary, to an employment tribunal against Police Scotland to say that this officer has been discriminated against in the workplace. Then, again, we'd obviously go to our lawyers for that assistance. Health and safety is simpler for me because we can report matters to the Health and Safety Executive, via the Crown Office, if an officer has been seriously injured or whatever and we believe it's because of a lack of information, training,

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instruction, and supervision provided by Police Scotland to that individual officer and or the kit they're using isn't up to the standard as it should be.

18. Regarding any alleged misconduct, that's obviously dealt with by the legal side of things. They'll have a final discussion with the Force and how we are representing our member. Equality is the same. If it leads to an employment tribunal, then it will lead to an employment tribunal with the member and the legal team challenging Police Scotland. If it comes from a health and safety investigation, I submit a report, or my colleagues in the health and safety committees submit a report, to the Force Executive highlighting our recommendations to prevent an officer being injured in the future.

Scottish Police Federation Processes to Update/Review Training Material

19. I am asked to explain the process of how the SPF update and amend training material. The training material has evolved over time within the SPF, and we maintain the training material in line with changes of legislation and policy. For example, the Police Scotland Conduct Regulations were amended upon the creation of Police Scotland. For the avoidance of doubt, Police Conduct is not my area of expertise. I did, however, receive training in Police conduct back in 2004 as a representative, so I had an awareness and an understanding of what had to be done to get to the next stages of the investigation.
20. In equality, it's very similar. Again, we collate the forms, and if there's any changes in legislation under the Equality Act, then we'd update the training. We use external providers to provide our equality training packages. We use [REDACTED]. She is our advisor, and she provides the equality training. She's based down south, and I think she gives advice to the majority of police forces in the UK, she is our resident expert for that.
21. From a health and safety perspective, the 1974 Health and Safety Work Act hasn't changed. It hasn't needed many amendments, but if it was, I would receive that information. We have our own expert, [REDACTED], who's based in

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[REDACTED], he has been involved in Health and Safety for over 40 plus years and was himself a Health and Safety Inspector and worked for the Health and Safety Executive in the steel industry. These are the people we'd look to.

- 22. Regarding whom would be used to look at conduct issues, probably Professor Watson and others, but as I say, conduct isn't my area of expertise.

Changes to Legislation

- 23. If legislation does change, then it would be down to myself to identify who is the most suitable person to deliver that new training. It wouldn't necessarily be me because obviously I'm not an expert in Conduct or Equality. Health and Safety, I would do that, but I would use [REDACTED] or Professor Watson, or whoever we believe necessary, to get the Conduct Regulations training up to speed.

- 24. I am asked if the external trainers are referred to as our quality assurance on training. Basically, yes.

- 25. I am asked how the update in training information is dispelled to SPF Representatives. The Representatives election process is every four years. Therefore, every four years you have a significant amount of flux due to a change in personnel. People become disenchanted with the Federation for whatever reason, or the pressure of their own day-to-day 24/7 policing job is far too much. You always get a change in representatives. When that changeover happens, we look at the training packages. We discuss with the new Reps, the issues they are dealing with on a day to day to basis. We learn a lot from them as we may have become slightly detached from day-to-day operational issues, as we are no longer on the front line. We adjust the packages to fit, our training packs continually evolve as does Policing.

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- 26. If there was something significant that we believed our Representatives needed to know urgently, the General Secretary would issue a 'Joint Central Circular' which goes to all our part-time Representatives, and they'd receive that online or through our website.

- 27. I am asked whether there are mechanisms to monitor the accessibility of the updated training material when it is published. We have an Assistant to the General Secretary for Conduct, we have an Assistant to the General Secretary for Equality, and we have an Assistant to the General Secretary for Health and Safety, which was my previous role. It's down to those individuals to ensure that their Conduct, Equality and Health and Safety Committees – are fully updated on what is the most pertinent issues at that time. When I'm talking about these sub-committees, I would say that most areas have a subject committee of roughly 10 representatives in each area.

- 28. You're talking about 30 across the country who specialise in areas of Health and Safety, 30 representatives who specialise in Equality, and 30 representative who specialise in Conduct. I think Conduct has slightly more because that is where the greatest demands are, and obviously health and safety for challenging and addressing matters that happen on a day-to-day basis in the force. I would expect those Assistant Secretaries to ensure that their representatives were updated regularly. If it was a central message, we wanted to give out from Woodside Place then it would be a Joint Central Circular which would go to all 135 reps, advising them of a change in legislation for example.

Scottish Police Federation Induction Training Course

- 29. I am asked to provide more detail on the SPF Induction Training Course mentioned, particularly regarding the training structure, the teaching delivery method, and who delivers the training. It's fallen to me since I became Vice Chair, so I had to get up to speed very quickly. I delivered the training with a colleague, [REDACTED] who has just retired, who came back to work with us

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(SPF) as a retired official (Vice Chair). [REDACTED] and I delivered the two days of face-to-face training with normally eight to nine representatives at a time, depending on when they could be released from duty.

30. This would be their basic introduction to the history of the Scottish Police Federation, the terms and conditions of our service and the police regulations. Every single piece of legislation that comes from the Scottish Government, or any Standing Operating Procedure that Police Scotland delivers or issues, must be consulted on, so we can ensure the Health, Safety, and Welfare of our members isn't compromised in any way, shape, or form by the introduction of any new policy or legislation.
31. We provide a PowerPoint based training package. Day One- the introductory training begins with an ICE breaker exercise, we provide a brief resume of our own Police Careers, and some personal details, designed solely to encourage the reps to engage and start speaking with each other and share wider experiences. We then provide them with a history of the Scottish Police Federation and our core functions of welfare and efficiency. To support the Health Safety and Welfare of our colleagues and their wider families. We introduce them to a myriad of varying organisations with whom we interact with to enhance the health safety and welfare of our members.
32. We then highlight the additional welfare provisions we can assist them with, and importantly their families. It's to make them aware, it's not just themselves that'll be impacted by the police service. You have a contract of duty where you are either on or off duty for the next 30 years of your life. Whether you like it or not, the public might not like you, if they find out you're a police officer, that can also have a significant impact on your wider family. So, we have to think about, what support mechanisms can we introduce for them, should they have any issues? It's trying to provide a large overarching umbrella of support for the wider membership. That's what we're looking at.

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- 33. The second day of the training is more in-depth. The Assistant Secretary to the General Secretary for Conduct provides a PowerPoint presentation on the Conduct Regulations followed by the Assistant Secretary to the General Secretary for Equality who provides a PowerPoint presentation on Equality and the Equality Act. Then, the Assistant to the General Secretary for Health and Safety provides a PowerPoint presentation on all areas of Health and Safety. The General Secretary, previously Calum Steele, recently retired, would provide a PowerPoint presentation regarding pay and conditions and how we negotiate on pay and other allowances, and how that is carried out via the police negotiating board for Scotland, and gives them an understanding of the financial challenges we have as an SPF, to identify the best services for them as serving officers.
- 34. Then, to conclude we have a wash up and ask if there's anything we haven't discussed or addressed. They don't receive any documents. We don't hand over a large document set like we used to, which was extensive to say the least. That information is now available on our website, so we direct them to the website for additional information.
- 35. I am asked my opinion as to whether that change regarding accessing materials online as opposed to hard copies, has been effective. I'm old school. I like hard copies to take with me. I know the younger generation prefer mobile IT platforms to learn things from, which can also be a challenge.
- 36. I am asked whether the induction training has been a part of the SPF since its inception. Yes. My induction process in 2004 was a week. It's now been shortened. The primary reason is to reduce the abstraction time from operational police duties. So, following the creation of Police Scotland it was realised that the training window of abstractions had to reduce because of the demands on the organisation. So, it was a week; it's now two days.

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37. I am asked, in my opinion, if the reduction in the time allotted to induction training has affected the effectiveness and adequacy of training. I don't think so, but I may be biased in my opinion.

Quality Assurance & Feedback Questionnaires

38. I am asked whether, in my opinion, the discussion-based aspect of training adds value in relation to receiving an oversight of what happens on the ground, and thereafter assessing whether/where changes in training might need to happen. We regularly review the quality of the product that we provide and that comes back from a quality assurance questionnaire we give to the students/new SPF Representatives. The questionnaire will ask: "Did you understand the content? Was it suitable? Do you think we can improve it?" All these sorts of questions, trying to elicit an answer from them. If we have areas where there have been degrees of misunderstanding and or criticism of the presenters, then we speak to those presenters if need be and advise, "Look. We need to look at this. We might have to have a more structured base to this input and not just a general chat if they're not understanding equality, conduct or health and safety."

Scottish Police Federation Training Beyond Induction:

Committee Training

39. If a member, a representative, says they have an interest in conduct, then they'll undergo a conduct training course. If memory serves me correctly, I think that's a four-day course, which is led by the Assistant Secretary to the General Secretary for Conduct, and external experts coming in, who give presentations to those Conduct Representatives. Equality is the same. That's four days and that's with [REDACTED]. Health and Safety, we do with IOSH, with an independent company. The IOSH course is a three-day course with an exam at the end and you must pass the exam to receive that external qualification.

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As the Equality and Conduct aren't external qualifications, you don't have to necessarily sit an exam to receive a certificate to say you've passed.

Refresher/Continued Professional Development Training

40. I am asked whether there is an onus on SPF Representatives to undertake refresher training and/or CPD, or whether there is simply an expectation that representative will keep themselves updated by checking the SPF website. Each area – the West, the North and the East – have quarterly meetings amongst themselves where the same areas/issues of Misconduct, Equality, and Health and Safety, for that bespoke area, are discussed at length. At those meetings if there was a concern from the Representatives in that area, and any of those Representatives said for example, we're struggling with this just now. We need additional training." Then, they would report it to us (Woodside place), and then we'd arrange the training, that was required. We react to the needs of the representatives, basically.

Scottish Police Federation Training on Welfare:

41. On the 9th of August 2023 the Inquiry issued a Position Statement request relating to the training of the Scottish Police Federation Representatives. The Scottish Police Federation Responded to this request on the 29th of August 2023. I am now shown Scottish Police Federation Position Statement Response SBPI-00369, at page 1 where the following question was asked:

"Specify all training Scottish Police Federation Representatives receive as it relates to providing welfare advice to police officers as at the date of this request of this position statement".

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The Scottish Police Federation responded as follows:

“The welfare of police officers (along with the efficiency of police officers) is the statutory remit of the Scottish Police Federation. Police officer welfare runs through all SPF representatives training but is not subject to a specific ‘welfare’ training input. Although Police Scotland has primary responsibility for officer welfare, SPF is involved in welfare relating to numerous topics including health & safety, uniform & equipment, fleet, refreshment breaks, maternity, paternity and special leave, flexible working, shift patterns to name but a few. All of these topics impact officer ‘welfare.’”

42. Against the background of the SPF response, I am asked to provide commentary on this section. The biggest thing about welfare is – and this is where I always seem to have a misunderstanding with the Force Executive – if you get health and safety right in the first place, welfare will look after itself. There’s an easy mnemonic. It’s SMILE. So, Safe systems at work; Materials in the workplace do not cause my members any dangers; if they do, we will address those issues. I stands for Information, training, instruction, and supervision of the officers, which is suitable for them to carry out their duties on a day-to-day basis. “L” is the location of where they work, and “E” is the environment. So, are there suitable refreshment and wash facilities at offices or police stations, depending on your vernacular, where they work? If any of those issues aren’t covered, which is Section 2(2)(a) to (e) of the Health and Safety at Work Act 1974, then we’ll raise a concern.
43. Everything that you see there about equipment, fleet, driver training, Officer Safety Training is at the forefront of our conversations with the Service. The Force has a Health and Safety Board, which meets every three months, which we attend, and we raise concerns there about a number of issues. Officer Safety Training is a major issue because if officers aren’t trained and refreshed on a regular basis then they could obviously face additional dangers and difficulties. Driver training is a huge issue which we constantly raise with

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the Force because of the reputational damage if something was to go wrong with one of our officers driving a vehicle and they haven't been trained to drive it correctly.

- 44. Then, we have the infrastructure of Police Scotland itself. The buildings are mainly of Victorian age, and are suffering when it comes to asbestos regulations, fire regulations, legionella, and all of these sorts of issues, gas regulations. Those are all areas that we look at on behalf of our members and carry out station inspections, and if need be, give recommendations to the Force. If something then goes wrong, and the Force hasn't taken cognisance of any of our recommendations, then I'd be coming to speak to Professor Watson to see what legal action we'd take against them.

- 45. I am asked to outline what welfare is from the perspective of the Scottish Police Federation. Obviously, you have psychological wellbeing, which is a major concern of ours, so we are constantly reminding the Force of their legal obligations surrounding the impact of PTSD, and the current provision of psychological support the Force is providing is inadequate. If officers constantly attend, for example, fatal road accidents like I had to, it's has potential of a 'drip-drip' effect on their mental wellbeing. It's really important that you can diffuse by speaking to a person who is suitably qualified who can offer and give psychological counselling and welfare. That's where, from an SPF perspective, we work very closely with the Police Treatment Centres who have bespoke programmes to provide assistance to our members. Police Care UK is another charity who will provide PTSD counselling. Why are we using Police Care UK? Because, unfortunately, Police Scotland isn't providing that support mechanism.

- 46. I am asked, against that background, whether there are mental wellbeing services offered to the Police population the SPF serves, and if that is something that the SPF places a lot of emphasis on. Yes, we do. If you look at Police Scotland just now, we're running to stand still. Officers are running at

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full pace because demand is exceeding the resource. If officers – and it doesn't matter what length of service they have – don't have a moment to take breath and consider what they've been dealing with, then you can slip into the fight or flight syndrome where your body's overrunning. It's important that we continually remind the Force that you have to be aware that, if you constantly have officers working at 100 per cent with no respite, that's going to have an impact on their own mental wellbeing and welfare.

- 47. With my length of service, you can normally see officers who are struggling. They either become very reserved or are constantly in a state of flux, i.e., you see them perspiring significantly because they're always panicking, their mind can't calm down. We constantly say to the Force, "That's your responsibility, you're the employer, we're the unofficial union, and we have got these additional products we can provide, but that's your responsibility under Health and Safety legislation. You're the employer, you have to look after the welfare of my members." So, if you look after health and safety, welfare will look after itself.

- 48. I am asked what response the SPF have received in relation to these discussions described with Police Scotland. Sometimes it can be challenging, and sometimes they tell me that they're trying to put things in place, but it seems an awful long time to turn the "oil tanker" in the right direction to get support. It's all about finance, and I understand that. But, ultimately, the health and safety and welfare of their officers is their primary concern. If you look at any statement that Police Scotland issues, it always says, "Our primary concern is the health, safety and welfare of our officers." Well, if that's the case, why are they not providing suitable psychological assistance?

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Scottish Police Federation Welfare Training: Death in Custody, Death Following Police Contact and Traumatic Events:

- 49. I am asked if there is any training provided to SPF Representatives as it relates to mental wellbeing, particularly after deaths in custody, or following police contact, or traumatic events generally. That's something we've realised that we need to look at more closely. We are undertaking training. We've managed to source training from an external provider through NHS Scotland called 'Lifelines', and we're going to ensure that all our representatives are trained so they are psychologically aware and understand the warning signs of their own members and officers who they are working besides, to defuse them if required. Now, that's going to be a significant extraction from Police Scotland. I think the course will be two and a half days in length and will give our representatives an awareness of the warning markers for their colleagues, but also themselves, because like everybody else, we're all very busy, and we have to learn, to take a breath and step back and question ourselves, "Are we all right?"

- 50. I am asked whether I envisage the external training to also cover general mental health and well-being as well. Yes, it will. Lifelines covers all those areas and identifies the stressors and those issues, about dealing with traumatic incidents, but once again. I can only speak for myself; I was afforded counselling for a number of fatal collisions I dealt with in Lothian and Borders police. Did that ever get repeated in Police Scotland? No, it stopped in 2013. I know my colleagues in road policing are still dealing with the same number of deaths, but I'm not sure they're getting the same level of support that I received in Lothian and Borders Police.

- 51. I am asked if I have an awareness of whether police officers have been required to ask for that mental health service themselves. They can, they have an Employment Assistance Programme in Police Scotland. With these things, though, it's all about the cost. I think the current number of counselling sessions officers can receive is six, which might not be sufficient to resolve the issues that the officer is discussing with the counsellor. I know, for ourselves in Lothian

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and Borders police, there was no limit put on, or placed on, us on the number of sessions we received. Again, it's all about the finance and how much budget Police Scotland has.

52. I am asked, generally speaking, how many conversations have the SPF had with Police Scotland on mental health and well-being since 2013. I couldn't say from to 2013, because I wasn't in an elected position. From 2015 onwards, when I was elected, that was one of the regular conversations we had with the force as part of their Health and Safety Board, which looks at wellbeing. Then, Police Scotland moved onto 'Your Safety Matters'. I think that was just prior to the pandemic, 2019. It was obviously stalled because of the pandemic, as a lot of things were, but it's now back on track. Again, it's all about signposting people to Your Safety Matters, but when they open the door, they find the employee assistance programme at the other side. The challenge facing the Force just now is identifying the right provider to give that support to officers. The Force are fully aware of the concerns that we've raised from a health and safety perspective about the health and wellbeing of our members. Wellbeing is a new buzzword. It's always welfare. If you get health and safety correct, that'll look after the welfare.

53. I am asked what might be expected of a hypothetical reasonable SPF Representative, acting in accordance with their training, regarding the service/support provided to police officers in the aftermath of a death in police custody or a death following police contact. I would expect them to look at the organisation to see what they're doing first, because it's their responsibility. If we came across officers in those circumstances, we'd say to them, "Has the force offered you any assistance?"

54. People immediately move to TRIM (Trauma Risk Management). TRIM is the mnemonic they use. I don't like TRIM, because it can be very invasive, they want you to sit together and discuss what you've dealt with and go through it. Some people don't want to talk about things in front of colleagues. You are far better, having a one-to-one. Also, you can't pressure an officer into saying, "You

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will come and give us 'X', so we can tick the box to say we've done that." That's not correct. If the officer doesn't want to discuss it with a supervisor or a manager, it might be because the officer has a problem with the individual supervisor, who's offering it.

55. The question I've asked members in those circumstances, and it's been a while since I've spoken to officers in that circumstance, "Has Police Scotland given you the necessary support mechanisms there? Yes or no." If they answer "No," what I would then do as a representative is I'd speak to the managers in charge of the inquiry: "What support are you providing for my members? At the present moment in time, they've received nothing. Are you going to give them employment assistance? Is there going to be a TRIM process introduced? My colleague said he doesn't want a TRIM process, so are you going to put an alternative mechanism in place to support that colleague?". Those are the kind of questions I would ask.
56. If the member then came to us after the incident and said they were still struggling, then we'd go back to the Force again and say, "We've had a contact from one of our members who dealt with such and such an incident. They're still struggling, can you provide additional assistance and support?" If they didn't receive that, then we, the SPF, would then advise the member, "Well, just to let you know, you can get assistance at the Police Treatment Centre, if you're a contributing member. Similarly, with Police Care UK, you can apply for additional services through Police Care UK." Then, if need be, we could contact Lifelines and say, "Is there any way we can support this member if need be?." But ultimately, the responsibility for looking after the officer is Police Scotland's, because they are the employer, not us.
57. I am asked if I have had conversations with Police Scotland about the SPF's concerns regarding the inadequacy of 'TRIM.' We regularly raise concerns about TRIM. It's not just a box ticking exercise. Some people support TRIM. I personally don't, because I don't want to sit down in a room with other colleagues to discuss, for example, a fatal road accident and I can only talk about fatal road accidents

Signature of Witness



because that's the majority of things I've dealt with in my service. I was a supervisor, and in those circumstances, I would speak to colleagues and ask, "Are you happy to discuss this? If not, we can discuss it later or if you don't want to talk about it", "I can give you details of whom to contact who will support you." We regularly raise issues with the Force about that and ask if they are providing the services required.

- 58. The Health and Safety Board meets every quarter and it's not the first time that we have had raised concerns. Optima has been a provider who have caused concerns not just solely for Police Scotland, but other forces that we interact with. I sit on a joint UK Committee for Health and Safety for staff associations. I'm the chair of that Committee, so I understand what's impacting the Police Federation of England and Wales, and what's impacting the police service in Northern Ireland, the British Transport Police, and the Civil Nuclear Constabulary. We get an oversight, UK-wide, to see who's providing the best services in that area.
- 59. I am asked my opinion as to whether, overall, I am satisfied that SPF Representatives currently have the requisite skillset required to offer adequate welfare or wellbeing support to officers. The advice I would give to any Representative, and this is important for anybody, if there's something you come across that you don't understand fully, and or you don't know the correct answer, don't say anything. Take a note of the question and contact Woodside Place or one of the assistants to the General Secretary for conduct, equality or health and safety, and tell the member we'll be back in touch.
- 60. So, basically, don't speak off the cuff. If you don't know the answer, don't give one. Find out and then give the correct answer, if you use that model, then reps won't go wrong. It's only when reps perhaps talk about things, they don't fully understand it can cause confusion.
- 61. I am asked to elaborate on the mental rehabilitation work of the SPF with police officers. The only mental health rehabilitation that we provide from an SPF side of things is in conjunction with the charities we work with. That's the Police

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Treatment Centres at Auchterarder and Harrogate. We receive additional assistance from Police Care UK, who work with an additional provider who looks at PTSD. Those courses, or those sessions, are normally hosted at Harrogate. You can apply to Police Care UK for a grant for financial assistance for an individual to receive the necessary sessions and support. The member would travel down to Harrogate and be there for maybe 7 days, or 14 days, depending on the condition of the officer themselves. We're always trying to improve the level of support we can provide. You can never rest on your laurels with these things because there's always something around the corner which might be better.

62. I am asked if it would be fair to say that it is the case that SPF regularly undergo self-inventory in respect of mental rehabilitation services that can be provided to police officers. Yes.


Scottish Police Federation Training on Legal Advice: Status, Operational Statement and Completion of Paperwork

63. On the 9th of August 2023 the Inquiry issued a Position Statement request relating to the training of the Scottish Police Federation Representatives. The Scottish Police Federation Responded to this request on the 29th of August 2023. I am now shown Scottish Police Federation Position Statement Response SBPI-00369, at page 1 where the following question was asked:

“Specify all training SPF Reps receive as it relates to providing legal advice to police officers as at specified date.”

The Scottish Police Representatives responded as follows on pages 1 and 3:

“The legal advice training provided to SPF representatives stems from the legal Advice Guidance provided to members. The Guidance provided as of 03 May 2015 is attached and the current guidance is attached”.

Signature of Witness 

- 64. Against the background of the SPF response, I am asked to outline my understanding of what legal advice is from the perspective of the SPF. Legal advice and assistance are what our members/representatives would provide to an officer under investigation and there are three things that's come out and that's been in there since time immemorial, and it used to be printed in our diaries, but we don't print diaries now because we have mobile phones instead.

- 65. In the diaries, it used to always say, "If you are under any form of investigation, are you a witness, a suspect, or an accused?" Depending on what status you're identified as depended on what you would or wouldn't say, as the case may be. As it relates to legal advice and assistance; we're not qualified lawyers. We have to remind members, if they were to disclose anything to us, we are still serving police officers, so we are duty bound to report those matters if it's criminal, so we caution them there. Identify the status you are. Whatever the status may be, remember you have the same status as any member of the public. You have the right to remain silent and you cannot be compelled to breach that until you have spoken to a legally qualified individual, which we are not. Thereafter, once we know the status of the individual, then we could give further advice and guidance, as in, "You need to speak to a lawyer, or if you're a witness, there's an operational statement you have to complete." These are the things we would cover.

- 66. I am asked what process ensues after advising an officer to seek legal advice. We arrange an appointment, and somebody like Professor Watson will advise, "Yes, I'll speak to the individual on the phone," or, "I'm going to come down and see the individual," depending on the circumstances. Then I, if you use myself as an example, would then leave the room and leave the officer to speak to the lawyer in confidence.

- 67. I am asked to clarify whether an SPF Representative would make it the rights of that officer clear to them in respect of legally privileged information and their right to remain silent. Yes, absolutely. I haven't done it for a long time because

Signature of Witness 

I have not worked in that area on a regular basis for a long time as an operational SPF representative. However, it was drilled into me when I first became a representative, and we had an aide memoire card that told you exactly what you said to the member who was receiving assistance: "Are you a witness, suspect or accused? I must remind you, I'm still a serving police officer, so please do not disclose anything to me which may be criminal. I would check their understanding. By stating, Okay? Fine. Are you a suspect or accused? Yes, okay. I will arrange legal advice and assistance for you either on the phone or in person". If it's a witness, it's a case of saying "you're merely a witness", then we can talk about the witness statement that has to be provided. However, as I said before, my area of expertise is health and safety. They (SPF) don't deploy me to conduct matters. If they've been told that they are a witness, I'd like to see that written down by the investigating officer before we go any further and before they put anything on paper. We remind officers, "You have the same rights as any other member of the public and don't be compelled to do something because you believe it's an order from a supervisory officer."

- 68. I have been informed that it is the Inquiry's understanding that in 2015 the SPF did not provide cover for criminal investigation, defence or Fatal Accident Inquiries, insofar as legal advice and assistance is concerned. This is now covered by the SPF under pages 4-5 and in accordance with 'Scottish Police Federation: Legal Advice and Assistance Guidance' at January 2023. I am asked when this change was introduced and what the reasoning behind this change in policy was. I replied, honestly, I don't know. Sorry.
- 69. I am asked my opinion as to whether SPF representatives presently have the requisite skills to provide the right guidance to officers, as it relates to officers seeking legal advice and assistance. I replied, yes.

Signature of Witness 

Scottish Police Federation Training on Conduct:

70. I am now shown Scottish Police Federation Position Statement Response SBPI-00369, at page 3 where the following question was asked:

“Specify all training Scottish Police Federation Representatives receive in dealing with incidents resulting in deaths in Custody and Deaths after Police Contact, insofar as: -

- (i) Ascertaining the status of police officers who were involved in the incident.*
- (ii) The provision of those officers’ operational statements and*
- (iii) The completion of those officers’ notebooks, use of spray forms; and use of force forms as at (a) 03 May 2015 and specified date.*

The Scottish Police Federation responded as follows:

- (i) No specific SPF training but representatives are advised to inform members to ask if they are a witness, suspect or accused.*
- (ii) SPF has issued advice on operational statements generally- see Conduct Advice*
- (iii) SPF does not give advice or training on these issues.*

Scottish Police Federation Advice on Status of Officers:

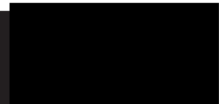
71. Considering the Scottish Police Federation response above, I am referred to the ‘Conduct Advice 2023’ on page 4 of Position Statement SBPI-00369 where it states:

“When you are interviewed/counseled/questioned in circumstances where you believe that a criminal or misconduct enquiry may be taking place, ask the following questions: Is this an investigation into a possible criminal offence? Am I a witness/ suspect/accused?”

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72. Against this background, I am asked whether the 'Conduct Advice' guidance goes out to all members, or whether it functions as an aide memoire to SPF Representatives. That used to always be in the diaries, but it's also on our website. Also, the Conduct Representative, or Representatives who are attending these incidents, will be able to get access to this information before they attend. Everything is on the website.
73. Given that there is no specific training on this topic, I am asked what is communicated to SPF Representatives generally to alert them to this information. If we go back to 2003, as soon as you came into the Scottish Police Federation, you are told what your responsibilities are when you're going to assist a colleague in those circumstances. Initially, it used to be that the aide memoire card was in the diary which you had with you at all times. Now that information is on the website and it's drilled into you from the very start. Any investigation you go to, the first thing you ask, "Are you a witness, suspect or accused?" and "You have the right to remain silent and you can't get compelled to write or say anything until you understand your status."
74. I am asked what might be expected of a hypothetical reasonable SPF Representative, acting in accordance with their training, regarding the advice provided to officers relating to their status in the aftermath of a death in police custody or a death following police contact. Once again, it's just three things. "Are you a witness, a suspect, or an accused?" and "You have a right to remain silent," and as you just heard before, "Before you think about disclosing anything to me, don't, because I'm a serving police officer and we'll get legal advice and assistance to you when required."
75. I am referred to the 'Conduct Advice 2023' on page 4 of Position Statement SBPI-00369 where it states:

*"Irrespective of the answer, your rights are the same as any other citizen. If in doubt regarding your response, you have the right to **REMAIN***

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SILENT, seek advice and respond at a later date. Thereafter, contact your Federation representative on..."

- 76. Against this guidance, I am asked what an SPF Representative is expected to do in accordance with their training. The first thing, if you receive any call from any officer, is ensuring their health, safety, and welfare. Has the necessary provisions been put in place? For example, does their next of kin know where they are? Have they been extended beyond their working shift? Because obviously you want to put their members' families' minds at rest, then ask where they are, and what their circumstances are.
- 77. Obviously, if need be, we will travel to see the officer. Sometimes the officer says "No, don't bother, I don't want it." Then we'll remind the officer of the three things: "Have you ascertained whether or not you are a witness, suspect or accused?" and as it says there, "You have the right to remain silent and if we require legal advice and assistance then we will contact a lawyer to come and see you or speak to you on the phone."

Scottish Police Federation Advice on Completion of Operational Statements:

- 78. I am referred to the 'Conduct Advice 2023' on page 2 of Position Statement SBPI-00369 where it states:

"An operational statement should relate only to operational duties undertaken by you during any particular tour(s) of duty and need not include any comment by you regarding the report, complaint or allegations made against you. If you are the constable subject to investigation you CANNOT be compelled to make any oral or written statement or answer any questions in relation to the complaint prior to seeking advice. If you make any statement in the ordinary course of

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duty you should be aware that such a statement may subsequently be used in any misconduct proceedings taken against you.”

79. Against this guidance, insofar as I feel I can comment, I am asked what might be expected of a hypothetical reasonable SPF Representative, acting in accordance with their training, regarding the advice provided to officers relating to the completion of their operational statements in the aftermath of a death in police custody or a death following police contact. Just exactly as it's written down on the advice sheet. That's the advice they should be providing. They shouldn't be providing any other.

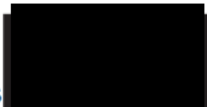
Scottish Police Federation Advice on Completion of Paperwork:

80. I am now shown Scottish Police Federation Position Statement Response SBPI-00369, at page 3 where the following response was provided on the completion of paperwork by officers:

“The SPF does not give advice of training on these issues”.

81. I am asked why SPF do not provide advice or guidance to officers in relation to the completion of paperwork. Because it's not our forms, it's a force form. It's the responsibility of Police Scotland to ascertain the information, not the SPF.
82. I am referred to PS10933, Use of Force Standard Operating Procedure version 1.03 amended 26 August 2023. I am directed to paragraphs 6.4-6.5 which deals with the obligation on officers to report the Use of CS/PAVA Spray and paragraphs 6.2, 6.3. and 18.8 which outlines the obligations for officers to complete Use of Force forms. This obligation to report to the PIRC has been in place since 2013. Considering that, I have been asked whether I think training should be introduced to SPF Representatives on those matters of administration. This relates to an operational policing matter, and it would be

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down to the Chief Constable to ensure Officers were suitably trained, informed, instructed, and supervised to complete Police Scotland Forms, and not the Scottish Police Federation.

83. Insofar as I feel I can comment, I am asked what might be expected of a hypothetical reasonable SPF Representative, acting in accordance with their training, regarding the completion of paperwork in the aftermath of a death in police custody or a death following police contact. The only issue you have to remind officers in these circumstances is the three principles: “Are you a witness, suspect or an accused?”, whilst also bearing in mind, “You can’t be compelled to say anything, similarly you can’t be compelled to write anything if you believe it’s going to have a detrimental impact on yourself”. As I said previously this is an operational policing matter, any forms that are required to be completed is the responsibility of the employer and not the SPF.

84. From a health and safety perspective, we look at completed forms to make sure that officers’ health, safety, and welfare are being maintained on a regular basis, because we might identify from the completion of those forms that there’s a lack of training, for example, in restraint techniques where officers are being – and it happens regularly in custody – headbutted by an assailant. That can be down to a lack of training. That can be picked up from the Use of Force Forms, or the lack of use of force, i.e. they have not maintained their distance, far enough away, maintaining proper control of the person, enabling the person to headbutted them. We can obtain that information after the forms are completed but it is the responsibility of the employer to have those forms completed.

Scottish Police Federation and Officer Safety Training:

85. I am asked to provide my perspective and understanding of Officer Safety Training and the provision of adequate equipment, insofar as it relates to the work of the SPF. Any piece of work equipment that is issued to officers has to comply with health and safety regulations. The officer, before they are legally

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permitted to use any equipment, must have received suitable information, training, instruction and supervision in the use of that equipment. I will highlight handcuffs, for example, because the old handcuffs were not rigid, they required different training techniques to be introduced to teach officers how to put them on. Officers receive annual refresher training for Officer Safety Training. For the use of Personal Protective Equipment. When you first join the police, and you attend Tulliallan, Police College, you receive significant inputs into the use of these pieces of kit, to know how to use them safely and then, year after year, you receive refresher training.

- 86. If an officer is constantly being assaulted, one question that we would ask : “Are we quite happy that this officer has had sufficient training in Officer Safety Training techniques, why is this officer constantly being assaulted? Is there something that we can do to prevent that? Are there circumstances where we can give greater awareness to the individual officer?” We look at those sorts of things during an accident investigation and that’s under the auspices of health and safety legislation.

- 87. I am asked if the SPF are involved in discussions as it relates to the development of Officer Safety Training. We are consulted on what the Officer Safety Training manual contains, but we do not get involved in deciding what that training should be. If there’s a new technique that comes out which we believe is designed for people who have more awareness of martial art techniques, we will ask about its validity of that manoeuvre on the course. That’s the only impact that we’d have. We would look at the training package, we would raise our concerns, but there is one thing about health and safety law for a staff association we can only make recommendations. The Force can accept or decline our recommendations, under health and safety law.

- 88. If, however, an officer or someone is injured, and we’ve recommended that they should remove that technique, as the case may be, or introduce a new

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technique, then we'll say, "Well, we did tell you this in an accident investigation report six months ago, a year hence."

Advice provided by Scottish Police Federation Representative Amanda Givan: Inquiry Statement and Oral Evidence


Advice regarding the Status of Officers on 03 May 2015:

89. I have now been shown the Inquiry Statement of Scottish Police Federation Representative Amanda Givan SBPI-00072 at page 36, paragraphs 159-161 which deals with the guidance/advice provided to officers, that state (respectively): -

"I have been asked what advice, if any, I gave to the officers. It will have been: in the event that you're asked for a statement or requested to provide a statement that they should be establishing what their status is. That's quite an important thing to police officers. So, establish, 'Am I a witness or am I a suspect?' And obviously, depending on what information they are told will depend on what the advice that would come next. That is pretty much the substance of the advice that I gave throughout the day. In the event that someone comes and asks you for a statement, find out what your status is, witness or suspect. If you're a suspect, then we'll get some legal advice and if you're a witness, game on.

'Game on' means if they were confirmed to be a witness, then they could provide an operational statement. They can put in whatever they want in their operational statements. So, providing that they're given sufficient information about what's looked for, there's no issues with them provided that they are considered to be a witness.

In the event that they're a witness, they can provide a statement to the police. If they were considered to be a suspect, then they would

Signature of Witness 


probably be looking for some legal advice first before doing that, and it would be unlikely to happen in written form would be the reality of that.”

90. It is now explained to me that Senior Counsel to the Inquiry, Angela Grahame KC, sought clarification in respect of this passage of Givan’s statement during Miss Givan’s oral evidence to the Inquiry on the 14th of June 202. The transcript of Miss Givan’s evidence reads the following at page 55:

Counsel Angela Graham KC: *What advice did you give to the other officers?*

Amanda Givan: *“So, the advice that I gave to the officers: was at some point someone who is investigating may come along and ask you for a statement. What you should be enquiring is what your status is, am I a witness or am I a suspect? If you’re a suspect then you probably want to seek some legal advice before you do that because they really shouldn’t be asking you for a statement if you’re a suspect, and if they confirm that you’re a witness, then -- I suppose -- we never got to that part but the next part might have been: are we doing that today? Is today the best day for that to be done given what had gone on earlier? But yes, it was as straightforward as that, of going: if you’re asked for a statement, you should be asking -- because they will not ask me for that, I wasn’t there, you should be ascertaining whether you’re a witness or a suspect.”*

91. I am now asked whether Amanda Givan’s response regarding the advice given to officers is in line with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance as at the present day. As of today, I think that the advice and guidance that she gave at the time was accurate and correct. The only thing I would say is that it should be “witness, suspect or *accused*”, as I’ve said before. However,

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she's highlighting all the areas that you'd expect a representative to give to members in those circumstances.

Advice regarding the Completion of Notebooks and Use of Force Forms on 03 May 2015:

92. I have now been shown Amanda Givan's statement SBPI-00072 at page 37, paragraphs 164-165 which deals with the completion of notebook and use of force forms (respectively):

"I don't think I gave any advice regarding the completion of notebooks. Don't remember specifically speaking about notebooks."

Regarding Use of force forms:

"Regarding Use of Force Forms, I advised them that there were other supervisors who were on duty who could fill out that information who already had that information, so, until they were advised whether they were suspects or witnesses, that they probably shouldn't complete that form. I did do that."

93. It is now explained to me that Senior Counsel to the Inquiry, Angela Grahame KC, sought clarification in respect of this passage of Givan's statement, by asking if this is consistent with what Miss Givan said on the Day. Miss Givan responded as follows at page 92 of the transcript:

Amanda Givan: *"Yes, I mean it's -- had they been told that they were [REDACTED] witnesses, clearly any information that they provide in [REDACTED] forms or documents -- it would all be relevant."*

Counsel Angela Grahame KC: *And you are saying there, there were other supervisors [REDACTED] who were on duty who could fill out that information, was it*

Signature of Witness [REDACTED]

your understanding at the time that one use of force form could be completed per incident and a supervisor could complete that?

Amanda Givan: *"I'm not sure whether one would have sufficed for the whole incident, but certainly, you know, there's lots of occasions where these forms are required to be filled in, but perhaps the officer involved has had to go home because they are either unwell or they have become injured, so there's flexibility within that process that allows someone else to fill the form in, so I had every expectation that these officers that were involved in this process, that they wouldn't be required to fill out this information when probably sufficient detail was available by other supervisors"*

Miss Givan offers further clarification at page 93:

Amanda Givan: *"... I would have an expectation that if these officers were involved in something traumatic or dramatic and they needed to be sent home, that someone else could fill that document, if it was necessary to be done there and then, but they shouldn't be required to fill out a form when their status is uncertain".*

94. I am now asked whether Amanda Givan's response regarding the advice given to officers is in line with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance as at the present day. Once again, this relates to an operational policing matter, and it would be down to the Chief Constable to ensure officers were suitably trained, informed, instructed and supervised to complete Police Scotland Forms, and not the SPF. The question for the individual or the officer are they a witness, suspect or accused, are they being compelled to complete a document there and then? I think the advice given at the time, back in 2015, was fair to the individuals concerned regarding completion of forms. As I said, that's not something we give any training on because the force does that themselves, but

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.....

again, it goes along the lines of, "You can't be compelled to do anything until you know what your status is."

Advice regarding the Completion of CS / PAVA Spray Forms on 03 May 2015:

95. I have now been shown Amanda Givan's statement SBPI-00072 at page 37, paragraphs 166 which deals with the completion of CS/PAVA Spray forms:

"I have no idea about CS/PAVA forms. That's something you would need to ask people in Police Scotland. I think there's perhaps a form to fill in if you've used it in order to get a new, fresh bottle, but I've never filled any of that in, so I don't know what the process is for that, and I certainly wouldn't be the one to give advice on that."

96. It is now explained to me that Senior Counsel to the Inquiry, Angela Grahame KC, sought clarification in respect of this passage of Givan's statement, at page 94 of the transcript:

Counsel Angela Graham KC: *So, that's not something you had experience of?"*

Amanda Givan: *"No, I mean obviously before I took up this job I have used or had been issued with PAVA. I've never used it, so I -- like everything, there are processes for absolutely everything in Police Scotland, so I have no doubt that there is a process and a procedure to fill in a form if you have discharged your PAVA or CS spray in order to get a replacement bottle. I just have never filled that form in. I wouldn't know where it would be and I probably wouldn't be the best person. Had I been asked that question, I would have suggested that they perhaps speak to Scott Maxwell, or another sergeant on a team if they needed more information -- they would actually have more information about how to do that than me."*

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97. I am now asked whether Amanda Givan's response regarding the advice given to officers is in line with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance as at the present day. Once again this is an operational policing matter and the responsibility of Police Scotland to ensure officers were trained, informed, instructed and supervised to complete those forms and not the SPF. The advice that Amanda gave about her own personal experience is fair. If she had never used PAVA in her service, bearing in mind Amanda was elected prior to I was, so that's prior to 2013, then she may not have deployed PAVA at all and so she's given a fair answer. If she's never deployed it and she's not a supervisor, then she might not necessarily know how to complete those forms.

98. I have now been shown Amanda Givan's statement SBPI-00072 at page 37, paragraphs 167 which says:

"I don't believe there's any requirements to fill out statements, notebooks or Use of Force forms."

99. It is now explained to me that Counsel to the Inquiry, Angela Grahame, sought clarification in respect of this passage of Givan's statement at page 95 of the transcript:

Counsel Angela Grahame KC: *So, when you say, "I don't believe there's any 8 requirements to fill out statements, notebooks or use of [redacted] force forms", that was your understanding in relation to [redacted] the events in May 2015.*

Amanda Givan [redacted]: *"Yes. I don't believe there was any request or requirements made by anyone to do that before they left, or before they were updated with what their status was".*

Signature of Witness [redacted]

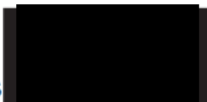
100. I am now asked whether Amanda Givan's response regarding the advice given to officers is in line with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance as at the present-day regarding completion of notebooks, forms, and statements. That would be a responsibility of the organisation to train officers how to complete their notebooks. I know as a serving officer that you're trained-- you receive training on how to complete notebook entries, also use of force forms and PAVA sprays, but from an SPF perspective, no, we don't provide any training in that regard and that's the responsibility of the employer.

Advice provided to PC Walker and PC Tomlinson:

101. I have now been shown Amanda Givan's statement SBPI-00072 at page 39, paragraphs 178 outlines PC Craig Walkers account:

"I have been told PC Craig Walker's account includes the following (PIRC-00264 page 11): "While I was in the canteen with my team the advice from Amanda Given was to say nothing to anyone at that time. That was my intention anyway until we found out more about what kind of enquiry was going to take place and what the man had died of. I also made it known that I would not be completing my notebook either and I suggested that others don't do theirs. Some of the team, I'm not sure who, spoke about doing their notebooks but I wasn't doing that. No other officers outwit the team gave any instructions on the notebooks."

102. I am now asked whether the position provided by Amanda Givan fits with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance as at the present-day. The completion of notebooks is down totally to the discretion of the officer and, again, you can't be compelled to write something unless you know what your status is, but the notebook, away from this circumstance, is the officer's note of his recollection or her recollection of

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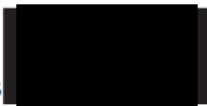
the events, what took place. It's down to the individual officer what they actually record in their own notebook.

103. I have now been shown Amanda Givan's statement SBPI-00072 at page 40, paragraphs 180 outlines PC Ashley Tomlinson account:

"I have been told PC Tomlinson's account includes the following (PIRC-00263 page 6): "... I asked Amanda Given if I should fill in my notebook, she said not to, and I asked her if I needed a solicitor, and she said yes because by that time the man had died, and we would need legal advice. She said that it was a death in custody and the PIRC would investigate. She told us not to give statements to the police and if anyone approached us to ask for statements, we had to refuse and seek legal advice. Amanda also told us not to fill in a Use of Force or CS spray form because that would have outlined our actions without speaking to a solicitor first... (Page 7) The decision not to give a statement or fill in CS/Use of Force forms and notebook was an instruction from Amanda Given."

104. I am now asked whether the position provided by Amanda Givan fits with my expectations of the hypothetical reasonable SPF Representative acting in accordance with their SPF training and guidance as at the present-day. I think what she's trying to get across to the officers was before they do anything in those circumstances, they seek the advice and guidance from a lawyer. They can be completed after the event to give, obviously, the individual time to speak to a lawyer to see what the lawyer recommends, and I'd think that'd be normal advice that you give to any member in those circumstances as an SPF rep because the areas you're talking about are actually the responsibilities of Police Scotland.

Signature of Witness



Scottish Police Federation Training on Media Engagement:

105. I am asked what training SPF Representatives and Officer Bearers receive on media engagement including social media, in the present day. Well, I haven't had formal training in media for a long time and it was Lothian and Borders Police that trained me, not the SPF. What I would say to any officer or office bearer just now is, if you're contacted by the media, and this is just common sense, if you don't know what you're talking about and you don't have the correct answer, find somebody who does, the centre can provide the some of the answers. Don't reply off the cuff, when dealing with the media, because they can always twist something that you say, to your detriment. It's important that any media strategy comes from the centre and then put out on behalf of the SPF and not just solely, and I'll use my own name, "Brian Jones, who happens to be an SPF rep, stated this," because that might be in total contradiction to what Woodside Place are saying regarding an incident.

106. I am asked to clarify if it's my understanding that there is no formal or written training in relation to media. It's awareness. You can be easily tripped up by the media and in doing so tarnishing the reputation of not only yourself, but also the SPF. You have to be very careful. That's given as general advice and that would be something we looked at more closely in area committee meetings where you can talk to reps, and have longer engagement with them than we would have at Woodside Place. If I go back to my first role as the east area chair, that's where we would discuss these type of issues with newly elected reps, "Here are some of the dangers and pitfalls." If, for example, the Edinburgh Courier phoned you up and wants a story about such and such, you need to make sure that you've consulted the Livingston office, because that's the East Area Office, to identify if we are aware of any concerns. If the East Area Office didn't know, then we'd contact Woodside Place.

107. I am asked how Woodside Place would generally go about approving or deciding when to issue a press release or statement, either reactively or

Signature of Witness 

proactively. It goes through the centre and it's usually the General Secretary who decides what media releases are released or, if it's an article on an area of particular expertise, they will identify the appropriate person to speak on that. It's centrally controlled so we know exactly what's going out.

108. I am asked when, if ever, there would be consultation with a solicitor on media releases. Not from my own personal perspective, from a health and safety perspective, unless I thought I was going to be breaching something legally for health and safety, which I can't think of. Conduct issues, as I say, is not my area of expertise. The General Secretary might discuss with Professor Watson, "I'm thinking about this. What do you think?" "Don't say it." "Okay," and that's the advice you receive.

109. I am asked whether there are due processes for the SPF and Police Scotland to co-operate or liaise when it comes to media engagement. Absolutely, we are trying to ensure, welfare and efficiency, that is our motto, and that's the welfare and efficiency of, not just our members, but also the Force, to provide the best service to the public. That's what we're trying to do at the end of the day collectively. What we do as a staff association is ensure that the organisation looks after our members as best as they possibly can, to ensure they can give the best service to the Scottish public.

Contact with other Witnesses:

110. I am asked if I know or have had contact with other witnesses in this Inquiry.
Not to my knowledge

Post Involvement and Media:

111. I am asked if I have been involved with investigation since 03 May 2015. Not to my knowledge

Signature of Witness 

112. I am asked if I have been following the inquiry so far via social media or the news. If so, what have I heard. No not really, I will await the learning outcomes.

113. I believe the facts stated in this witness statement are true. I understand that this statement may form part of the evidence before the Inquiry and be published on the Inquiry's website.

Signature of Witness 

November 23, 2023 | 11:12 AM GMT

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