

INSIGHT



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Insight is the magazine of Merseyside Police Federation. Its purpose is to keep our members informed on all that their Federation is involved in, to stimulate debate on relevant issues and promote member services. The views expressed in the magazine are those either of its component Boards, officers or representatives, unless otherwise stated.

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IMPORTANT INFORMATION

In the event of arrest or interview, please consider the following points.

- It is in your interests to inform the Federation / Slater Gordon whatever the allegation.
- When you are given your rights we recommend you request Slater Gordon Solicitors who are Merseyside Police Federation retained solicitors. They can be contacted 24 hour on:- **0800 908 977**

Message from the Chairman:



Tony Fairclough - Chairman
Merseyside Police Federation

Cuts have consequences

Welcome to this year's second edition of Insight magazine, it's hard to imagine that we are now over halfway through 2019 however, when you consider how much is constantly happening around policing, then it has been far from quiet.

We have seen that one of the main concerns throughout the country as a whole has been the staggering increase in knife crime, and unfortunately the Merseyside area has not been left untouched by the upsurge. There isn't a week that goes by without a report in the national press that somebody tragically has been stabbed to death. In far too many cases, we are seeing that the victims in these horrific incidents are young people who have their whole lives ahead of them. As if to make matters worse, we have had to hear the out-going Prime Minister state that the reduction in police officer numbers has 'no direct correlation' to the rise in certain crime across the country, including knife crime.

It really is clear and obvious to the majority of people that knife crime on the streets is out of control and the reduction in police officer numbers over the last few years has meant less officers on the front line. Surely it's not just a coincidence that we have seen an appalling increase in violent crimes, including

“..... we have had to hear the out-going Prime Minister state that the reduction in police officer numbers has 'no direct correlation' to the rise in certain crime across the country, including knife crime. ”

those offences involving knives / sharp instruments, whilst the number of officers on our streets has dramatically reduced. Is there a simple solution? Tackling knife crime is a complex issue and one that the police service alone cannot solve. I'm sure that we would all agree that we need more officers on the streets and in our communities, this provides the visible police presence that the public want and the criminals don't. As I mentioned, the police service can't do it alone, there needs to be a partnership approach with community groups, schools, other services and voluntary organisations.

An increase in police funding is the starting point. We have seen our own Chief Constable, together with others from around the country, in discussions around the upsurge in violent crime with the Home Secretary, Sajid Javid. As a result, the Government has allocated £100 million to forces around the country to help with the fight against violent crime, but knife crime in particular. Merseyside Police were granted £4.2 million of this money to be used in 'surge activities'. Operation Target has been launched by the Force for targeting of offenders, high visibility policing patrols and operations focussing on reduction in street violence providing reassurance to the public.



I am aware that there are no extra officers, it's the same officers working their rest days really trying to make a difference for the communities of Merseyside. This is only a short term fix and will not see police officer numbers at what they were prior to Government austerity. There has to be a sustained increase in funding for the police service from central government in order to develop long term solutions and reduce the demand on officers who are already working to capacity. Good old-fashioned local policing relies on police officers building strong relationships with individuals and groups within the communities they serve. By having a firm foot in communities we get to know the people within them and those who have influence within those communities. We can build trust, gather intelligence, provide reassurance, protect the vulnerable, as well as tackle and prevent crime.

We police by consent and need the support of the public in the same way that they need us, but the cuts to policing have taken us away from our communities, and this has led to a gradual erosion of neighbourhood policing. We have seen our own Chief Constable's efforts to restore this vital backbone of policing has been backed by support from the Police and Crime Commissioner whose budget will allow the Force to recruit more police officers in the next year. However, while any investment in boosting our numbers has to be a good thing, we still have a long way to go to get us back to the levels we need. Let's hope that the Government starts listening and properly invests in policing so that we can deliver the policing service that the public deserves.

As mentioned earlier, we are all aware of changes afoot at 10 Downing Street. I'm sure that police officers will not be sorry to see Theresa May go. As Home Secretary, she decimated the police service

“..... police officers will not be sorry to see Theresa May go. As Home Secretary, she decimated the police service and continued along those same lines whilst Prime Minister. ”

and continued along those same lines whilst Prime Minister. The consequences of this can be clearly seen in police officer numbers and the serious crime statistics that we have seen rise throughout the country, hence Operation Target here in Merseyside. The police service as a whole and the public will still be adversely affected by her decisions for years to come. In Merseyside alone, we have lost over 1100 police officers, whilst demand for the police service continues to rise. We need a Prime Minister who is committed to sustained investment in our police service to try and repair the damage caused over the years.

Recently in the National Press we have seen Theresa May condemned as the 'worst disaster for police' and the "most disastrous" prime minister and home secretary by some of Britain's most senior former police officers, including former Metropolitan Police leaders Lord Stevens, Condon, Blair and Hogan-Howe, plus Sir Paul Stephenson and Sir Hugh Orde. If only they had shouted from the rooftops about 'cuts have consequences' like the Police Federation did! We know far too well that Theresa May was home secretary from 2010 to 2016 and the former stated that people had lost confidence in the service and resources had been "drained to dangerously low levels". In a letter to The Times newspaper, they cited a 30,000 staff reduction, crippled stop-and-search powers, and "virtual destruction of neighbourhood policing". Unfortunately, we know all too well the reality of what a decade of cuts and austerity has done to policing. We can only hope that whoever takes over at Number 10 has been listening and delivers a sustained investment in the police service for years to come.

Please look after yourselves and each other.

Stay safe





Dave Lowe - Secretary
Merseyside Police Federation

Pensions. What does it really mean?

In the last edition I finished by saying we were hoping for the JR with regards the pay review award to be heard this summer along with awaiting the outcome of the Governments challenge against the FBU and Judges ruling at an ET.

The JR has been delayed due to Brexit and will now be after the summer recess and unless you have been living in a cave for the last few weeks then you will be aware that the Government were refused leave to challenge the ruling at the Supreme Court.

So what exactly does this all mean? Well the very quick answer is we don't really know at this time.

At our annual conference in May 2011, the Home Secretary Theresa May informed PFEW that she had asked Thomas Winsor to consider police pensions in the second part of his Review of Police Officer and Staff Remuneration and Conditions.

In December 2011, the chief secretary to the Treasury as part of the coalition government, laid out plans to change public service pensions with the aim of saving money for the taxpayer. An increased cost of public service schemes to £32bn a year was behind the proposals, and they led the way to the introduction of the 2015 CARE Scheme.

There was nothing the PFEW could do to prevent the scheme from being implemented. It was the only scheme proposed by the Government and was in line with the CARE schemes proposed for other public service workers. The Government is not required to negotiate with PFEW or any staff association on pension provision; they only need to engage in consultation with all staff associations. PFEW opposed its introduction and its application to existing officers, but it was introduced by the enactment of new primary legislation. The Government has the mandate to govern in the way it sees fit.

The National Federation sought legal advice throughout the process and was advised that there were no grounds to successfully challenge the introduction of the new scheme. The National Federation were aware of the potential detrimental risks to officers in the transitional protection bracket however PFEW believed that transitional protections were a good thing. The rationale for this was the fact it achieved a positive outcome for as many members as possible.

The legal advice the National Federation obtained regarding the implementation of a new pension scheme gave poor prospects of success. On that basis the decision was taken not to fund any challenge. It's important to be clear that the challenge wasn't about the 2015 CARE scheme being illegal it was regarding the transitional arrangements that had been introduced.

There is no legal challenge to a government that moves you from one pension scheme to another it is not unlawful, hence no public sector body has challenged the government. Basically if there had been no transitional protections imposed then there would have been no challenge and no ET.

“ In December 2011, the chief secretary to the Treasury as part of the coalition government, laid out plans to change public service pensions with the aim of saving money for the taxpayer. ”

In January and February 2017, the Judges and F.B.U's employment tribunals ruled in favour of the

Government, stating the discrimination inherent in the transitional arrangements was justifiable as they were a proportionate means of achieving a legitimate aim. Both stated their intentions to appeal the decision.

In December 2018 the appeal court ruled that changes to the pension schemes for the judges and firefighters were discriminatory on the grounds of age. It is important to be clear that it wasn't the ruling that the new pension scheme was unlawful, it was the transitional protection which the ruling was in favour of.

The National Federation received criticism for not pursuing any claim on behalf of its members but it's important to remember the legal advice strongly advised that a challenge was unlikely to be successful. It is also worthy of note other federations sought independent legal advice also which mirrored that of PFEW nationally.

The treasury have since issued a statement surrounding this issue which makes it clear that the Government will apply an industrial remedy to the discrimination found by the Employment Appeal Tribunal. This means that the remedy will apply to every affected worker in the public sector pension schemes, including police officers.

What we do not know is exactly what the remedy will be and what it means for our members, so while it is understandable you will have further questions about this, we are not in a position to answer those until such time as we have heard what the resolution may be and we expect those discussions to be protracted.

Further on in this edition you will read about our Charitable Trust and the great work it has done serving the community of Merseyside since 2006. By the end of the financial year we hope to have met the threshold of raising over ½ million pounds since we became a registered charity which has all been put back into the area, we all serve. This has only been possible by the help and support of yourselves and other supporters from the region.

My role also gives me the opportunity to meet inspirational men and woman who out of tragedy they find the strength to make a difference to support others from their experiences. Recently I had the honour to meet Mark King whose son tragically died aged 12 during a swimming race at a Liverpool School suffering a cardiac arrest due to a condition known as Sudden Arrhythmic Death Syndrome (SADS).



In memory of his son Oliver he founded the Oliver King Foundation. The aim of the charity is to significantly increase the provision of lifesaving defibrillators across the United Kingdom, Campaign for and secure legislation that will ensure every school in the UK has access to a lifesaving defibrillator, provide ECG tests for young people in the community and raise awareness of Sudden Cardiac Arrest and how lives can be saved.

“ By the end of the financial year we hope to have met the threshold of raising over half a million pounds since we became a registered charity which has all been put back into the area, we all serve. ”

Due to our own Charity having funds available to support such good causes we have donated enough money to purchase a defibrillator, housing and training for staff where it is to be located in Merseyside. This is only possible by the continued support from yourselves and as in this case supporting another Merseyside based good causes and the ability to save lives in doing so.

Applications for funding from the Charity can be obtained from our website. All applications should be as comprehensive as possible with full costings. There are also some guidelines which need to be adhered to..

Police Bravery Awards 2019: Merseyside Nomination



**This is a high profile annual event.
We congratulate our officers, and provide details of their nomination.**

At 14.20 hours on Wednesday 27th September 2017, Constable Mark Patterson and Constable Stuart Bratherton were on uniform patrol when they responded to a report of a man brandishing a firearm while threatening a member of the public in West Kirby, Wirral.

The officers identified the offender's vehicle making off from the scene and pursued the vehicle whilst providing a running commentary to the control room in order for firearms officers and colleagues to make to the scene also. Whilst Cons Patterson and Bratherton did this, the suspect vehicle came to an abrupt stop in the residential street of Leigh Road. Our unarmed officers were left with a split-second decision to either wait for ARV support or confront the armed suspect and protect the public from a potential gunman on a public street.

Mark and Stuart alighted from their police vehicle and with no hesitation approached the suspect's car not knowing if the suspect was about to brandish the gun on them as had been done to the initial victim. Due to their fast thinking and quick reactions they were able to detain the gunman.

Upon searching the vehicle, a handgun and an Improvised Explosive Device were located in the vehicle and the suspect was arrested. Due to the severity of the risk to the public and surrounding residents an evacuation was called and a safety cordon was implemented with the Explosive Ordnance Disposal Team requested to attend.

The E.O.D. confirmed that the suspect bomb inside the vehicle was a 'viable explosive device' and therefore required a robot to be used to carry out a controlled explosion on the vehicle.

A further search of the suspects premises revealed a further firearm and a number of other home-made explosive devices. These items were also taken to a safe location where they too were detonated under controlled conditions.

Due to our Officers acting in such a swift decisive and brave manner the suspect was apprehended and the situation was defused from a potential serious escalation of threat to the public. The defendant was found guilty at Crown Court and sentenced to 4 ½ years in prison.



Judge Conrad:

“Your behaviour in committing these offences was warped and serious it caused fear and the deployment of armed police and an army bomb disposal team.”

“On the afternoon of September 27 you were out in your motorcar carrying the CO2 pistol, a realistic weapon capable of causing injury. Also in that car was an explosive devices carrying pyrotechnic power and 226 metal tacks. Clearly an item capable of causing serious injury.””

Judge Conrad says the second handgun, found in the house, was capable of injuring the person who fired it.

“These are very serious matters particularly in today’s climate where the use of firearms is prevalent...we live in a time where the public are put in fear by explosions and here where the valuable resources of the army and armed police were deployed.”



“The officers acted in a swift, decisive manner and demonstrated great bravery in tackling the suspect and detaining him.”

Merseyside Police Federation Chairman Tony Fairclough said the officers had shown incredible bravery in tackling an extremely serious situation. *“The officers acted in a swift, decisive manner and demonstrated great bravery in tackling the suspect and detaining him. The offender was armed and there was nothing to suggest that he wouldn’t have been prepared to use the weapon against the officers or members of the public. They took him, the firearm and the dangerous explosive devices off the streets and are very worthy of this nomination.”*

How we help our local communities



Registered Charity Number: 1119125

Merseyside Police Federation Charitable Trust has been assisting the community of Merseyside since it was established as a registered charity in 2006. We value our social responsibility to the community of Merseyside and are extremely lucky, with your help, to be able to offer a helping hand to those in need. The charity is administered entirely by Merseyside Police Federation.

We all have good intentions and feel that we should probably do a bit more to help those in need and for those of you who subscribe to the Merseyside Police Federation Charitable Trust Lottery that's exactly what you do. At only £1 per entry deducted directly from your monthly pay – it's as easy as that! - you're helping that pensioner in the community who's been a victim of assault, that family who's suffering severe financial hardship or that child who's learning to live with memories of abuse.

Hopefully, most of our members are aware of the Merseyside Police Federation Charitable Trust and the support it offers, but for those who aren't aware, this is what it's all about.

The Merseyside Police Federation Charitable Trust (registered charity number 1119125) was established as a registered charity in 2006. All monies received into the Charitable Trust comes from :

- Your lottery subscriptions
- Donations
- The contents of a charity bucket held at Police Headquarters Gatehouse where all your loose change is welcome! (This alone has raised £8,267.10 in the last few years!)
- Money raised from a high profile annual charity evening

All proceeds help those in need within the Merseyside community. Local beneficiaries, whether it be a victim of crime or violence, someone who has suffered some form of loss, hardship or distress, a local charity trying to raise much needed funds or a community group helping disadvantaged youngsters, all receive support from the Trust in the form of a cash donation, gift i.e. shopping vouchers or food hampers at Christmas (Charitable Trust rules apply) No administration costs are claimed from the Trust and it is administered entirely free of any levy by the Police Federation staff and Executive Officers.



REG. MPFCT 14-04-19 20
 THANK YOU FOR YOUR KIND GESTURE OF PROVIDING FOLLOWING THE BROTHER
 I HAVE SOME SPOONS THAT MY WIFE AND I USE TO COOK WITH
 IT WAS ONE A FEW TO MY SAVING AND I WOULD BE VERY GRATEFUL IF YOU COULD RETURN THEM TO ME

Thank you so much for the hamper & £20 received for Christmas. A Happy New Year to you all.



The Merseyside Police Federation Charitable Trust
 Thank you so much for the hamper and gift card you so kindly sent at Christmas. I was lost for words. I was overwhelmed. I was overwhelmed. My many thanks again.



Throughout 2018 the Charitable Trust provided support/assistance for the following :-

Wirral Community Narrowboat Trust Received £1,000 donation
 Clatterbridge Cancer Charity Received £200 donation
 Sunflowers, Zoes Place and Stick n Step Each received £2,000 donation
 Victim of domestic abuse with 2 young children..... Received £100 Tesco Gift Cards
 Elderly widow, victim of theft Trust replaced Acer Tablet stolen
 Male left paralysed after vicious attack Trust purchased 'Amazon Echo'
 East Liverpool Royal British Legion Received £250 donation
 8 yr old wheelchair user, victim of theft Received £30 Argos Gift Cards to buy toys
 Crosby & District Scout Council..... Received £250 donation to help repair scout hut
 12 yr old boys mauled by dog Received £100 Smyths Toys Gift Cards
 Disabled male victim of assault by 3 masked men Received £100 B&Q Gift Cards

And many more!!! All good causes I'm sure you will agree.

The Trust has also been able to donate to various charities, the latest being:

- Rhys Jones Community Centre - £13,000
- Liverpool Sunflowers - £20,000
- KIND (Kids in Need and Distress) - £12,000

During the approach to the 2018 Christmas period we welcomed the 'Christmas Hamper Applications' and received 200 submissions which were allocated a food hamper, a retail voucher or both depending on the circumstances of the application. The Charitable Trust paid out over **£10,000** in retail vouchers and **125 food hampers worth £65 each**. The feedback from grateful recipients is astonishing, we receive telephone calls and thankyou cards, many of whom are from elderly victims of crime who took the time to write saying it restored their faith in humanity – and that's all thanks to you, our subscribing members.

Charity Applications are welcomed all year round. Submissions must be on the appropriate Charity Application Form which can be downloaded from the Merseyside Police Federation website homepage, where you see the Charitable Trust logo. Applications must be submitted by a member of the Merseyside Police, meet the Charitable Trust criteria and directed to the Police Federation for consideration by the Charitable Trust Committee.

We are extremely proud of the Charitable Trust and feel honoured to be able to offer some very disadvantaged people assistance. We cannot replace or repair a situation where loss or harm has occurred but we can offer a small act of kindness on behalf of you, our members, which hopefully makes a difference.

2019 Charitable Trust Lottery Winners:

January

Con 2084 Paul Forshaw £500.00
 Con 3618 Caroline Jackson..... £ 250.00

February

Pen Steven Glen..... £500.00
 Insp 4765 Sarbjit Kaur £ 250.00

March

Pen Elizabeth McDonald..... £500.00
 Con 5427 Peter Smith..... £250.00

April

Pen Philip Smith £500.00
 Pen John Forshaw £250.00

May

Sgt 4144 Neil Ogden £500.00
 Pen Melvyn Lester..... £250.00

June

Pen Brian Seddon £500.00
 Con 4176 Christopher Kelleher £250.00

July

Con 1078 Michael James £500.00
 Pen Trevor Howard £250.00

If you don't currently subscribe to the Merseyside Police Federation Charitable Trust Lottery - why not? Signing up is easy! Or you may wish to make a donation. Just contact the Federation Office on **0151 259 2535** or email **Reception@merseyside.polfed.org** for an application form. It's only £1.00 per entry (maximum of 5 entries) Two winners are generated by computer at the end of each month and the winners receive either 1st prize £500 or 2nd prize £250. Prize winners are published in Insight Magazine and NARPO newsletters.

All funds raised will allow us to continue helping many more amazing causes!

Thank you for your support

Data Protection Act - the costs to officers and the force..



Chris Leach
Misconduct Leader
Merseyside Police Federation

There are many ways a police officer may fall foul to investigations either to criminal or misconduct matters but what is alarming and at times disappointing is when officers are investigated for completing checks and accessing data for non-policing purposes, to access data that they are not privy to, or have access to for personal gain or for mere personal interest.

We now live in a digital age, with the reliance of computers and the digital information. There has never been a time when personal data is so important to the economy and also for the detection of crime.

Investigations are usually started as a result of a direct complaint made by an individual that an officer has made a check on their personal details. That they believe that an officer has access to their personal data or has shared information with a third party. It is also when at times an officer is investigated for other matters and following key strike analysis by the Anti Corruption Unit ACU it is established that an officer has been checking the force systems for matters they are not connected with. As all computer terminals and connections are password protected, it is easily established the time date and place information has been viewed, by whom and when.

Once it is suspected that an officer has completed checks unlawfully then Police Conduct Regulations Notices reg 15 's and 16's normally follow, identifying breaches of the standards of professional behaviours, such as duties and responsibilities, orders and instructions, discreditable conduct and criminal conduct. Restrictions and a criminal investigation normally ensues.

The Professional Standards Department (PSD) will assess the circumstances of the case and identify a proportionate response to the allegation. Any DPO data protection officer advising the PSD on the assessment should consider the following: the motive of the offender – was it a case of curiosity, was it for personal gain, and was it for another person's gain?

The nature of the personal data – for example, the quantity involved, what it related to, its sensitivity.

The harm and/or distress, potential or otherwise, caused to the person to whom the personal data related and others and the level of intrusion or breach of privacy suffered
Previous misconduct or criminal breaches by the offender
Whether the offender was one of many.

The wider public interest.

Unfortunately for many officers this can lead to court attendance, findings of guilt under the Data Protection Act and loss of their police career. I have had the ominous task of attending court with such officers and see directly the impact it has upon them and their families.

In terms of legislation the majority of breeches can be seen via the following legislation

The main offences included in DPA 1998 were:

- processing information without notification/registration
- failure to notify the Information Commissioner of changes to the notification register
- failure to comply with an enforcement notice, information notice or special information notice (the latter being served where there are grounds to suspect that personal data is not being processed only for 'special purposes' eg journalism, and therefore may not be exempt from the statutory provisions)
- knowingly or recklessly making a false statement in compliance with an information notice
- intentional obstruction of, or failure, without reasonable excuse to give reasonable assistance in, execution of a warrant
- unlawfully obtaining, or disclosing personal data
- knowingly or recklessly procuring the disclosure to another person of the information contained in the personal data, and
- selling or offering for sale data obtained in breach of DPA 1998

Most of the offences are triable either-way, which means they can be tried in the Magistrates' Court or the Crown Court, however the offences of obstruction and the alteration of information to prevent disclosure are triable only in the Magistrates' Courts.

The maximum financial penalty on conviction of an offence in the Magistrates' Court is an unlimited fine. On conviction of an offence in the Crown Court the fine can also be unlimited. Imprisonment is not available on conviction of any offence under DPA 2018.

There are on occasions when officers breach other legislation when accessing data illegally as below

The Computer Misuse Act 1990 (CMA 1990) creates a limited number of offences relating to computer mis-use or computer hacking. All are imprisonable offences on conviction.

The most common (and least serious) offence is gaining unauthorised access to a computer, commonly referred to as 'hacking'. The computer hacking offence will usually involve access to personal data under DPA 1998, for example a person's credit card details or employment history. But there is no statutory requirement that a defendant should succeed in obtaining access to data.

The hacking offence is an either-way offence and the maximum penalty on conviction in the Crown Court is two years imprisonment, a fine or both. On summary conviction the maximum penalty is six months imprisonment or a fine. So always remember when accessing data, should I be viewing this, why am i viewing it. Is it for a policing purpose.?

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“LIFE CHANGES”

A POLICE OFFICER THROUGH THE AGES

FROM THE PERSPECTIVE OF
HARVEY HOWELL SOLICITORS



OUR SERVICE TO MEMBERS IS TO PROVIDE AN EDUCATION. WE HELP YOU TAKE CARE OF YOUR ASSETS FROM START TO FINISH

We recently gave a presentation to a group where the average age of attendee was 70. Many of the issues we raised were met with surprise by the audience. They asked why things so important were not common knowledge. Our answer was that it should be and that is our aim – to make them so. However, the real answer is that, if they are lucky, they are only the second generation to have ever owned significant assets, like a house, so this important knowledge would not have been needed by their grandparents and parents – they are the first generation to need it.

“ We think education is really important and a lot of what we do is just about that – giving information and knowledge to members about how to look after their assets and welfare and deal properly with things if we become ill or pass away.

We do this by offering a service to the federations and NARPO through their membership services – we offer free seminars and individual advice sessions – advice surgeries - to members.

This has met with huge success and we’ve advised thousands of officers and retired officers. It is really not just about Wills – we offer a comprehensive service to members to discuss their needs and tailor the advice they need to their individual circumstances.

The wealthy have been taking the advice for generations. Look at the Duke of Westminster who died recently with an estate of £9 billion. His son did not pay inheritance tax. That family certainly took up solicitors on their offer of education – and it paid off!

One key difference between Hugh Grosvenor and many other people is access to information – knowledge and education about how to protect and preserve family assets from attack from any number of sources! And they have been doing it for 250 years! Education about these things is priceless – traditionally reserved for the wealthy – but available to everyone – that’s what we provide.

NEW RECRUIT

*“I have no assets, spouse or children so I do not need a Will.”
Maybe you are right - and we can tell you this to give you comfort at no cost.*



However, please remember some your biggest assets have not yet arrived – your inheritance from your parents (and your grandparents). We receive many calls from serving officers who themselves are fine but they and their parents are thinking about the future and planning some protection if, for example, one of their parents develops dementia or suffers a stroke or their surviving grandparent has just gone into care and is paying £1,000 a week for that care.

SERVING OFFICER

Most serving officers have assets, a partner or children and this is the stage when those officers acknowledge they should be taking some advice – even if it is just to put a Will in place. But please, not a basic Will which just repeats what the law says and leaves everything to the surviving spouse and then the children – this is not sufficient protection.

FOR WILLS, PROBATE, TRUSTS & POWERS OF ATTORNEY CONSULT HARVEY HOWELL



If properly advised, you can save your children's inheritance if you die young and your partner meets or marries someone else, or goes into long term care. Most officers we meet would not be best pleased if they died and their assets, life insurance payments and pension ended up passing to another person unknown to them.

If you have young children you will want to be sure that in the event of you and your co-parent dying together and before your children reach 18, people you approve of will take care of the children. A guardian has parental responsibility for a child and can make important decisions for them such as those concerning medical treatment and education. A person who does not have parental responsibility, but who has care of a child, has only limited legal rights to do what is reasonable in all the circumstances to safeguard or promote the child's welfare. In the absence of appointing a guardian, only the courts can do so – an informal agreement with relatives/friend is not enough.

What if your children have disabilities or receive other means tested benefits? These benefits will stop if they receive an inheritance unless a trust is incorporated into a Will.

What if your children divorce after your death? Not only do they lose their spouse and half their assets but also their share of your assets too.

150,000 people a year have a stroke and one third of those are under 60. Recent tragic events amongst our police community have shown how important it is to put a Lasting Power of Attorney in place, not just for financial affairs but also for health and welfare decisions.

OLDER OR RETIRED

Many of the above issues apply to the retired officer with the inevitable increase in the incidence of stroke, death, dementia and so on.

We recently met with the son of a retired officer. His father was widowed and lived on his own and had a stroke. Whilst in hospital the water pipes burst at his home and caused £80,000 of damage. The house insurers subsequently refused to speak with the son



as he was not the policy holder. The son could not access his father's bank accounts, pay bills, cancel direct debits and certainly not sell the house. The insurance company then refused to pay compensation because the home had been unoccupied for so long. To add insult to injury, social services put the retired officer into care – against the wishes of the son. Lasting Powers of Attorney could have dealt with all these problems.

Have you already made a power of attorney? Prior to October 2007 you could make an Enduring Power of Attorney which remains in force. However, these only covered a person's property and financial affairs – not health and welfare. How would the son have kept his father out of the care home? Both types are important!

50,000 people lose their homes each year to fund their care. Can this be prevented? Do not fall for the expensive schemes sold to you by many non-solicitor legal advisors that promise to protect your home from these care home fees. Talk to us for specialist advice.

Many officers have made free Wills which not only fail to afford any of the protection against the threats set out above but have appointed banks as their Executors who may subsequently charge up to 5% of the estate value to administer the estate – that's £15,000 on a £300,000 estate. Once you pass away it is not easy to change Executors but please let us help fix this for you before it's too late.

Finally, the Ministry of Justice has announced changes to probate registration fees. The plans are to change the current, relatively nominal, fee of £215 to, for a typical retired officer's estate, between £75 and £2,500 (in addition to any legal fees payable should you ask a solicitor to help you – as we always advise). Can this "stealth tax" be avoided?

AFTER DEATH – WE ARE STILL HERE FOR YOUR FAMILY

We can help your family with probate and other matters at this difficult time.

NEXT STEPS

Attend one of our free seminars or free WEEKLY surgeries at Green Lane and take advantage of this education.

We maintain it is one of the most valuable things you can do!



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What constitutes work related stress?

Jon Andrews -

Principal Lawyer and Team Leader in Industrial Disease at Slater and Gordon, Liverpool



Stress in its simplest form can actually be a good thing. Many of us actually need stress to perform at our best. However, it can be dangerous and it is when stress becomes too much and manifests into something more serious such as a recognised psychiatric condition that it can give rise to a potential personal injury claim.

One of the first questions we would ask a member is whether or not they have been diagnosed with a recognised psychiatric disorder. A claim for damages cannot be made if someone is suffering from “stress” alone. Common psychiatric disorders include depression, PTSD or generalised anxiety disorder. A member may have been to see their GP because of work related stress but are unaware they have been diagnosed with a psychiatric condition. We can assist by requesting copies of their GP records but a good indicator is that the member has been to see their GP because of occupational stress.

The second issue is a threshold question: was the psychiatric injury reasonably foreseeable? The key consideration for the Courts is deciding whether or not the member’s force knew, or ought to have reasonably known about how work was affecting their health. This unfortunately is the bar to so many claims. Good examples of where the force may have had foresight include:

- A previous work related stress absence
- Previously disclosed mental health difficulties
- The members complaining to their manager that they were becoming ill (as opposed to just stressed)

If you are struggling at work to the extent it is affecting your health it is extremely important that you let your work based representative or federation know.

Thirdly, it is necessary to show there has been a breach of duty and that it was in fact something which the force did (or failed to do) contrary to law, which has caused the illness. We often ask members what their force could have done to prevent the harm they have suffered. Examples may include:

- A failure to refer the member to occupational health
- In an overwork case, a failure to re-allocate work appropriately
- In a bullying case, failing to investigate the member’s complaints and perform a risk assessment

The final test is whether the breach of duty complained of caused the injury as opposed to other life stressors that we all commonly have.

If you feel that the above applies to you then we encourage you to speak with your work based representative or federation about your concerns.

If you or a family member wishes to bring a claim please contact the PF Claimline on Freephone 0800 917 1999 or visit pfclaimline.com where you will get advice free of charge. We hope you don’t need us, but if you do, we are here to support you.



"It's nice to relax knowing my divorce settlement is sorted."

Getting a divorce is never easy, especially on top of the pressures of police work. At Slater and Gordon we offer Police Federation members a free initial consultation, a divorce fixed fee package of £350 plus VAT and discounted hourly rates. We'll be with you every step of the way so you can focus on your job and let us deal with everything else.

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What is needed to pursue a successful claim against a local authority or highway agency for a pothole?



By Sophia Christou

In this edition my colleague Sophia Christou explores what to do if you have sustained an injury as a result of a pothole.

In the current climate it is becoming increasingly difficult to pursue a successful claim against a local authority or Highway Agency when a Claimant has sustained an injury as a result of a pothole. However, these organisations are under a duty to ensure that the pavements and roads are maintained, meaning that they should be defect free. If they are not and that defect has caused someone an injury, then the injured person will be entitled to make a claim. However, what does the Claimant need to do to ensure success?

The Claimant must prove:

1. The highway was in such a condition that it was dangerous to traffic or pedestrians;
2. The dangerous condition was created by the failure to maintain or repair the highway;
3. The injury or damage resulted from such failure.

If a Claimant has an injury as a result of a pothole, whether they have fallen off their bike because of it or they have tripped over it, one thing is clear; they need to take good quality photographs.

The photographs ideally need to be taken on the day of the accident, or as close to the accident date as possible to avoid the argument later down the line that there was further wear and tear in the period between the accident and the photographs being taken.

The Claimant needs to obtain clear measurements of the pothole, both the depth and the width and these need to be obviously photographed so that the Solicitors can accurately assess if a Court will deem the pothole/defect as dangerous. If you are unable to prove with certainty that the pothole/defect was dangerous then it is likely that the case will not succeed.

The photographs should show clearly the location of the potholes on the pavement, road, carriageway, highway with reference to markers e.g. lamp post, or post box etc. and ideally from different angles.

It is therefore of upmost importance that if you want to bring a claim for an injury as a result of a pothole or defect that good quality photographs are obtained as these are essential.



Jonathan Belcham holds regular surgeries at Merseyside Police Federation – if you have concerns or a possible claim that you would like to discuss first, just contact the Federation Office to make an appointment or contact Ralli directly on **0161 207 2020**





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We understand that behind every uniform, lies a person

Merseyside Group Insurance Scheme

Annual Report to Members

01/04/18 – 31/03/19

The Merseyside Group Insurance Trust continues to provide significant support to Merseyside members with £408,619.12 being directly paid to support Merseyside members and their beneficiaries through the various benefits provided in the past year.

The scheme has also provided assistance to 1,458 officers and their families through the provision of Motor Breakdown, Home Emergency, Red Arc, and Legal Expenses Services.

Scheme Renewal

During the past year we have met with our scheme managers from Philip Williams on a quarterly basis to review scheme performance and claim's history.

At the renewal meeting the following Heads of Cover were due for renewal.

- Legal Expenses
- Motor Breakdown
- Home Emergency
- Red Arc

The above required a small increase in premium and the Trustees also decided to include the following totally new benefit:

Medical Solutions. A 24-hour family GP Service

As a consequence of the above the new price of the scheme for serving members is as follows:

- Serving member £31.85
- Partner of serving member will be £6.75

This below is the claims information for the Merseyside scheme for the insurance period from 1st April 2018 to 31st March 2019 for the information of Trust Members.

Membership Numbers

Category	No. of members	No. of partners	No. of members	No. of partners	No. of members	No. of partners
	Apr 2018	Apr 2018	Oct 2018	Oct 2018	Mar 2019	Mar 2019
Serving	2858	846	2859	837	2847	836
Retired	1833	746	1869	754	1887	747

Life Insurance

Serving	Retired	Other	TPA	Total Claims
0	£110,000	£15,000	1	7

Critical Illness

Serving	Retired	Other	Total Claims
£80,000	£45,000	0	17
Pending £40,000	Pending £15,000	Pending £5,000	Pending 8

PTD/Accidental Loss of Use

Number of settled Claims	Total Settled	Total outstanding
0	0	0

Hospital Benefit

Number of settled Claims	Total Settled	Total outstanding
44	£7,450.00	1

Dental Benefit

Number of settled Claims	Total Settled	Total outstanding
28	£3,732.95	0

Sickness Benefit

Number of settled Claims	Total Settled	Ongoing Claims
23	£41,363.63	5

Travel Claims

Total Settled	Total Outstanding
£106,072.54	£10,871.15

Data to 28th February

Benefit	Accepted Claims
Legal Expenses	12
Motor Breakdown	734
Home Emergency	594
Red Arc	118

Have you severed financial ties with your ex?

Georgina Chase - Principal Lawyer in Family Law at Slater and Gordon



Many people mistakenly believe that a divorce alone breaks all financial claims with their former spouse, but this isn't the case. Only a financial order can sever these financial ties, and not having one in place will leave you vulnerable to a potential claim being made against you even after the court has granted the decree absolute.

A financial order can be made by consent or imposed upon you by the court. You can obtain a financial order in a number of different ways; which route you take will largely depend on how amicable your relationship with your ex-spouse is and the level/complexity of matrimonial assets to be divided.

MEDIATION

If relations remain amicable between you and your former spouse, mediation may be the best option. Mediation involves attending joint (or shuffle) sessions with a mediator for assistance. For mediation to be successful it needs to be entered into willingly, with both parties prepared to make some compromises.

If agreement is reached at mediation, your lawyer will draft a financial order (made by consent) to be lodged with the court for approval.

FINANCIAL DISCLOSURE

The exchange of full and frank financial disclosure provides both parties with full transparency as to the extent of the matrimonial pot in order for negotiations to begin. If there's any uncertainty as to the value of assets, such as the family home or pensions, experts may need to be instructed.

Once all the relevant information has been gathered, your lawyer will advise you as to what a reasonable settlement might be. This provides a starting point to negotiate with your ex-partner to try to reach an agreement. Once an agreement is reached, your lawyer will draft a financial order (made by consent) to be lodged with the court for approval.

FINANCIAL REMEDY PROCEEDINGS

If mediation or negotiations are unsuccessful, you will need to issue financial remedy proceedings. The court will provide both parties with a strict timetable for the proceedings, which includes a date by which you and your ex-partner must exchange full and frank financial disclosure.

There will be a First Directions Appointment (FDA) for the Judge to consider if any further information needs to be gathered following the exchange of financial disclosure. At the second hearing, the Financial Dispute Resolution (FDR), the judge can give an indication as to what they believe a reasonable settlement might be. Both parties are encouraged to reach an agreement at this stage. However, if an agreement is still not possible the court will list a contested Final Hearing. A different Judge to the FDR Judge will hear the Final Hearing and make a final decision, imposing a financial order onto the parties.

CONCLUSION

If you're going through a divorce, or got divorced a number of years ago without getting a financial order, it's important that you seek legal advice. Your ex-spouse may still have a financial claim available against you

If you would like specialist advice from a family lawyer please contact Slater and Gordon on **0808 175 7710** and we'll be happy to help.



“Now the pressure’s gone, I can get back to my police work.”

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Your table of cover

	Level 1	Level 2	Level 3	Level 4	Level 5
Monthly premium for you	£13.43	£17.51	£21.65	£27.38	£43.91
Monthly premium for you and your partner	£24.80	£29.39	£38.18	£51.66	£73.36
Cover for up to four of your children under the age of 18	FREE				

Premiums include Insurance Premium Tax where applicable

myWellbeing	Available to all levels of cover
Speak to a GP Speak to a GP over the phone 24 hours a day, 7 days a week. If the GP privately prescribes you some medication, they can arrange for this to be delivered to you at home or at work (the cost of the medication is not covered under this policy)	
Telephone counselling Speak to a qualified counsellor over the phone 24 hours a day, 7 days a week	
Wellbeing and lifestyle guidance Speak to someone over the phone about your wellbeing, legal and financial challenges or relationship issues 24 hours a day, 7 days a week	

We also have a range of health-related information and services which can be accessed through your online account

To help keep your eyes and teeth healthy	We pay	Annual limit for each person				
Dental Includes check-ups and treatment, for example fillings, crowns and bridges, hygienist's fees, dentures	100% of your receipt up to your annual limit	£100	£120	£160	£190	£280
Dental accident (3 month qualifying period) Treatment to help return your oral health to its pre-accident state		£100	£250	£500	£750	£1000
Optical Includes sight tests, prescription glasses and contact lenses		£100	£120	£160	£190	£280
To help you feel your best	We pay	Annual limit for each person				
Physiotherapy, osteopathy, chiropractic, acupuncture You can use your annual limit for one or all of these treatments	50% of your receipt up to your annual limit	£295	£345	£420	£520	£770
Chiropody / podiatry, homeopathy and reflexology Includes treatment and assessments, for example gait analysis, by a chiropodist or podiatrist as well as homeopathy and reflexology		£100	£125	£150	£200	£300
To help you find out what's wrong	We pay	Annual limit for each person				
Diagnostic consultation Consultant's fees for a diagnostic consultation that is to find or help to find the cause of your symptoms. Includes allergy testing	50% of your receipt up to your annual limit	£175	£200	£260	£320	£525
X-rays and scans Consultant referred X-rays and scans (this does not include CT, MRI or PET scans)		£75	£90	£110	£250	£370
To help you find out more about your health	We pay	Annual limit for each person				
Health assessment Helps towards the costs of a detailed assessment of your health with a nurse, doctor or pharmacist. The benefit is not available to children	50% of your receipt up to your annual limit	£100	£125	£150	£200	£300
To help you when you need it most	We pay	Annual limit for each person				
Hospital Cash amount when you are admitted to hospital, or staying overnight with your child. Pre-existing conditions are excluded for the first 12 months	For each day / night (max 20 each year)	Adult £28	Adult £35	Adult £40	Adult £60	Adult £90
		Child £14	Child £18	Child £20	Child £30	Child £45
Medical apparel (maximum two items each policy year) Helps towards the costs of items that you need to wear for medical reasons	50% of your receipt up to your annual limit	£250	£300	£400	£500	£750
Prescriptions charges Prescriptions issued by a GP or Dentist	100% of your receipt up to your annual limit	£8.60	£17.20	£25.80	£34.40	£43.00
Redundancy premium protection (12 month qualifying period) We will cover the premiums for a maximum of six months in the event the policyholder is made redundant and subsequently unemployed		✓	✓	✓	✓	✓
To help you when your family grows						
New child payment (12 month qualifying period) One payment for each child if you or your partner have a baby or adopt		£175	£200	£250	£325	£450
Weekly premium for you		£3.10	£4.05	£5.00	£6.32	£10.14
Weekly premium for you and your partner		£5.72	£6.80	£8.82	£11.92	£16.94

The joining age for this policy is from 18 years old up to 79. If anyone on the policy is aged 80 or over, you will not be able to increase the level of cover.

You can find full policy details in the policy documents.



HSLVOL-0717



The Police Treatment Centres

22 Riders, cycle 249 Miles in under 24 Hours for Police Charity!

On 22nd June 2019, 22 police officers from across the country took on the epic challenge of a 249 mile bike ride in aid of The Police Treatment Centres.

Cyclelogical Bike Ride

They did it! On 22nd June 2019, 22 elite riders from 17 of the PTC's constituent forces completed an epic 249 mile ride from the PTC Centres in Auchterarder to the PTC Centres in Harrogate, in an impressive time of 16 hours and 11 minutes!

It was a long weekend for the group, who started by travelling up to Auchterarder on 21st June. The riders were given a warm welcome by the Castlebrae staff that ensured they were fed and watered before the journey ahead. The next day the riders were up for breakfast before dawn and were powered by Scottish oats! The riders set off for Harrogate at around 4.20am and began their long journey south.

The riders made excellent time, which was aided by the team of fantastic volunteer support staff who provided slick and efficient organisation, route mapping and feed stations. The volunteers were; Pete Oram Daz Beech, Dave Holden, Heather Thomson, Carol Patz, Lynton Patz, Liam Kelly and Chris Bell. Without this fantastic group of volunteers, the event would simply not have been possible.

The Peloton ate up the miles and stuck together during the entire ride. They arrived to plenty of cheers at St Andrews at 8.30pm...still with smiles on their faces.

A huge thank you also to our sponsors; Northern Police Healthcare Scheme, The Oldest Sweet Shop in England, All Terrain Cycles, Sypeland, Kendalls' Butchers, Papa John's Pizza, Practical Car Hire, Enterprise Car Hire and England Police Rugby.

The Peloton and their fundraising buddies have so far raised over £30,000 through their amazing efforts. This money will go directly into the PTC's Psychological Wellbeing Programme.

In 2019, The Police Treatment Centres will be expanding and extending its Psychological Wellbeing Programme. A state-of-the-art extension will be built at St Andrews, Harrogate to accommodate more officers onto the already successful programme.

The Police Treatment Centres provides residential based intensive physiotherapy treatment and psychological support to serving police officers, whether they have been injured on or off duty. This support allows them to get back to full health and full duties as quickly as possible. The PTC has two residential rehabilitation Centres, one in Auchterarder in Scotland and one in Harrogate.



The PTC make a difference to the lives of around four thousand Officers each year from 23 forces in England, North Wales, Scotland and Northern Ireland as well as British Transport Police, Civil Nuclear Constabulary and Ministry of Defence Police.

The majority of the PTC's funding is from Police Officers themselves who make donations to be eligible for free treatment. However, with the reduction in Police Officers nationally, there has been a loss in income for the charity. Therefore, it is vital that the PTC fundraise to ensure that it remains in existence for the long term; allowing it to continue to provide treatment for both Serving and Retired Officers.

The peloton has raised funds for an expansion to the PTC's Psychological Wellbeing Programme. 1 in 3 officers attending the Centres do so to receive Psychological Wellbeing Treatment. The PTC believes it is their responsibility to meet the increasing need for wellbeing support for the police family.

Inspector Dave Atkinson, the representative from Merseyside Police Force reflects on the ride;

'I was really proud to represent Merseyside Police on this epic cycling challenge.'

The ride, weather and route couldn't have been any better making it such a memorable day. The whole group from riders to support crew were absolutely amazing. As a keen club cyclist its up there as one of my most favourite bike rides to date.

Having raised in excess of £30k for the Police treatment Centres by simply riding our bikes is absolutely amazing. It's fantastic to know that the money raised will go on to help those in the organisation who need it.'



It is still possible to support the Peloton and help them to reach their £35,000 target.

Supporting the event is easy! You can visit the online giving pages at: <http://uk.virginmoneygiving.com/fund/PTCCyclelogical>

Or you can donate and text:

PTCRIDE 3 to 70085 to donate £3

PTCRIDE 5 to 70085 to donate £5

PTCRIDE 10 to 70085 to donate £10

The Police Treatment Centres relies on fundraising support to meet the increasing needs of its Police Family patients. The money raised from the Cyclelogical Bike Ride will aid those Officers who find themselves in difficult circumstances, and require the Wellbeing Support offered by The Police Treatment Centres.

For further information on this story please contact:

Zoe Myatt

zodem@thepolicetreatmentcentres.org

01423 504448

About the Police Treatment Centres

- The Police Treatment Centres is a registered charity (Charity Commission No 1147449. OSCR No SC043396) which operates two centres where injured and ill police officers receive intensive physiotherapy or psychological wellbeing support to aid their return to full health.
- The Centres (St Andrews in Harrogate and Castlebrae in Perthshire) cost £4.5 million per year to run and the charity is supported primarily by donations from officers in the North of England, North Wales, Scotland and Northern Ireland.
- Treatment is provided free-of-charge to officers who make a monthly donation to the charity.
- More information is available from: www.thepolicetreatmentcentres.org

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It is now 10 years since the shock government bail-out of Northern Rock, which led to the chain of events fondly known as the “credit crunch”.

Thankfully the position in the credit markets gradually stabilized, albeit the financial institutions now are forced to retain far more capital in an attempt by the Government to ensure it never happens again.

Financial commentators however, are once more concerned that the levels of consumer debt are again reaching unsustainable highs and consumers need to be cautious and monitor personal income and expenditure carefully.

Simon Kirkham and myself are retained by your Police Federation and those of you who are members of the Group Insurance Scheme are entitled to FREE, CONFIDENTIAL DEBT RESTRUCTURING ADVICE.

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