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INSIGHT

Magazine of Merseyside Police Federation

About Insight Magazine:

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Published by:

Merseyside Police Federation
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13 Green Lane
Liverpool, L13 7DT

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Insight Magazine is produced by:

United Awareness Publishing
Refuge House, 33-37 Watgate Row
Chester, CH1 2LE

Tel. 01244 624022
www.uapl.co.uk

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. Contributions may be sent in confidence to the Editor, (who reserves the right to amend or edit all material as necessary, where possible with the consent of the contributor) at: Insight, Merseyside Police Federation, Malvern House, 13 Green Lane, Liverpool, L13 7DT. Federation telephone numbers: +44 (0) 151 777 7500-04 or +44 (0) 151 259 2535. Federation, Fax number: +44 (0) 151 228 0973.

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Negotiation or Consultation

Tony Barton looks at the distinct difference between being consulted, and being able to negotiate. There is a BIG difference.



By **Tony Barton**,
Secretary Merseyside
Branch Board

During the recent changes to the force structure the issue has been raised a number of times about what the Federation have agreed to, or not agreed to, and there appears to be some confusion about what takes place when we are having discussions with the force.

As you are aware the police service is governed by Police Regulations which set out the legal position of what police officers are entitled to in relation to the terms and conditions of their employment.

Most of the queries in relation to the interpretation of regulations can be readily answered as they are written into statute and challengeable in the courts if there is a disagreement on the interpretation.

When it comes to discussing matters with the force that are not contained within police regulations then there are two processes that are used - negotiation or consultation. Although they may sound similar these have two distinct separate interpretations; the following definitions outline the different uses when engaging in these processes:

Negotiation

General: Bargaining (give and take) process between two or more parties (each with its own aims, needs, and viewpoints) seeking to discover a common ground and reach an agreement to settle a matter of mutual concern or resolve a conflict.

Consultation

Consultation involves taking account of as well as listening to the views of employees

and must therefore take place before decisions are made. Consultation does not mean that employees' views have to be acted on since there may be good practical or financial reasons for not doing so. Consultation requires a free exchange of ideas and views affecting the interests of employees. An agreement with employees does not have to be reached and an organisation may introduce measures once consultation has taken place.

The only reference to either of these processes in police regulations is that Chief Officers have to consult with the local Branch Board before introducing changes. A typical example of this is in relation to the introduction of a variable shift arrangement.

Regulation 22 Annex E

(2 A chief officer may, after consulting with the joint branch board and members affected, allowing them at least 30 days to make representations and taking account of the likely effects of the new arrangements on their personal circumstances:

- i) Announce that he intends to bring into operation variable shift arrangements for all or any particular class of members below the rank of inspector.
- ii) Bring the arrangements into operation not less than 30 days after the announcement.

This example highlights that Police Regulations allow for Chief Officer's to make decisions without needing to negotiate or reach agreement with the Police Federation. However once that decision has been made it is recognised that for any changes to be effective it is good practice to then negotiate the terms of the decision with affected staff to allow them to have a say in how the changes will be implemented.

This then leads to engage in negotiation where the Police Federation can represent on behalf the affected staff. We can challenge anything that it is potentially unlawful and offer alternative solutions to those being proposed; eventually we should reach an agreed position.

With regards to the recent changes to the force structure and moving towards a centralised functional model this decision was taken by Chief Officers without consultation or negotiation due to the financial constraints placed on the force by central government austerity measures. Once made, the decision was communicated to staff and we entered into negotiations with the force to try and work with them to make the introduction of the changes the least impactful on staff as possible.

It is often very difficult when negotiating on behalf of police officers due to the nature of the role they perform in society. It is frequently a fine balancing act of recognising what the legal position is, the officer's well-being and the need to provide an effective service to the public. It is also impossible when collective bargaining to take account of all individual circumstances.

Problems often arise when making pretence of consultation on issues that have already been decided; it is unproductive and engenders suspicion and mistrust about the process amongst staff.

I hope this goes some way to explain that a lot of the complexities that are involved when negotiating on your behalf. Decisions made by the force are not always by negotiated agreement with the Police Federation but rather after consultation only — once decisions are made we then try to negotiate around the impact of such decisions.

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Message from the Chairman

Peter Singleton highlights the support provided by Merseyside Federation via our schemes.



By Peter Singleton,
Chairman
Merseyside Joint
Branch Board

Ok – I know I'm not as young as I used to be, but I'm not sure exactly when I became aware of the fact. There certainly wasn't a flash of light, roll of thunder or any apocalyptic moment when it hit me, but recently I've noticed that things aren't as they used to be.

For instance, I still (occasionally) run up a flight of stairs, but I'm now breathless at the top and have to take a couple of deep breaths to recover, thus wasting the time I've saved by running up them in the first place. I've also started to make odd groaning or sighing noises when I sit down, get up, open a reluctant door or lift anything heavier than a small sack of spuds, which is all the more depressing when I realise I now make more noises just moving around than I do when having se... erm ... being intimate.

If you think that's bad then don't even mention my bladders reduced capacity. I used to be able to drink what I wanted, when I wanted, and still get an uninterrupted seven or eight hours sleep, where now, even if I avoid drinking anything after about 8pm I'll still be up at 02.30 for a pee (and again at 05.00 if I'm unlucky).

Now you may think none of this matters – and in a way you are quite correct, but it does start to matter when you think

Resilience is an important requirement for a Police Officer, but as individuals we are all different, and we all have different tolerances of different stresses.

about your role as a Police Officer. You see I still run (well, jog) a bit and still go to the gym occasionally to keep healthy and in some sort of condition, as I still have to pass the Job Related Fitness Test so I can keep my POL2 qualification current.

Now no longer being as young as I once was means that slight 'twinges' or strains of muscles that I used to be able to shrug off, are becoming painful injuries that reduce my ability to train and take far longer to recover from. And I'm lucky – I've never had a really bad injury (at least not in the last 18 years) and I don't have any medical problems like arthritis or osteoporosis that would seriously affect my fitness and training. So suddenly this getting old (or at least not being as young) can affect me, and therefore you, in our roles as serving Police Officers.

But don't forget that the physical issues

are only part of the issue. The stresses and strains many of us (many of YOU) are under also take their toll over the years. Resilience is an important requirement for a Police Officer, but as individuals we are all different, and we all have different tolerances of different stresses.

The demands of shift-work take their toll mentally as well as physically, the abuse we endure, the assaults we sustain, the increasing workloads that are the result of having 1000 fewer officers on Merseyside, the worry and strain when a complaint – no matter how frivolous or malicious – is made, all of these take their toll psychologically.

It doesn't get any better when we all have to put up with the changes in the way we work, changes in the technology we use, the changes to the structure of Merseyside Police of when and where we will work, and the uncertainty and worry of how we will continue to provide the excellent service to the public that you still, despite the above, manage to produce day after day. All these issues result in the psychological stresses and strains we are under that I mentioned earlier.

Locally and nationally these issues are causing some concern, and rightly so. Nationally there has been a 14% increase in Police Officers signed off work for mental health related illnesses, including stress, anxiety, depression and PTSD. Policing is stressful, Policing is demanding, and officers should expect to be supported. That is not always the

case for some of our colleagues around the country.

You may have read about the Chief Con who Tweeted "You're allowed to leave and seek another job ... dry your eyes, do the job and move on", and unfortunately this individual was not alone. A PCC, a DCC and a Chief Supt have recently said or written in similar vein, that stress is almost imagined, that psychological complaints are "the new bad back" excuse for some people who just fancy a break from work without using leave.

That is fortunately not the case here on Merseyside, where not just the Chief Constable but the whole Chief Officer team are aware of these pressures. They appreciate the efforts we at the Federation are making to help and support officers who feel these pressures and suffer as a result.

Our Group Insurance scheme provides

access to Red Arc for bespoke counselling and treatments if required, while it also gives access to Kinsella Clarke to assist officers with financial advice; as let's not forget, sometimes it's not just work that can cause stress.

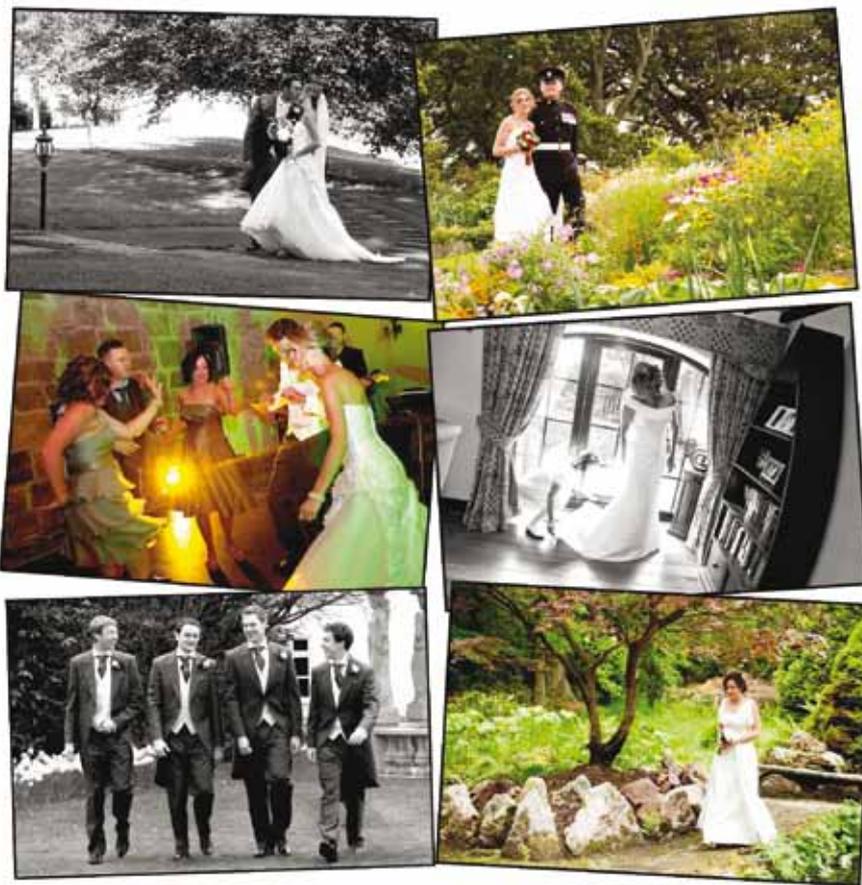
The North West Police Benevolent Fund provides members with a range of services that includes locally delivered counselling and physiotherapy as well as providing, in cases of real need and hardship, loans, or in special cases, grants. The force supplements this service and also provides counselling at our Green lane office one day a week to ease the pressure on the other two providers.

Merseyside Federation members have also been amongst the most frequent users of the national Federations Welfare Support Programme, a 24 hour seven days a week telephone support service exclusively available to Police Officers and their families.

So life as a UK Police officer in 2017 isn't all sunshine and flowers. It's hard, it's stressful, it's demanding and it's tough. But Merseyside Police Federation, with the support of Merseyside Police the organisation, is aware of how tough it can be and the pressures you may be under at times.

We have support in place for our members, so if you feel that you're suffering from stress, depression or anxiety and need psychological support, or if you've suffered an injury or have a medical condition that could be assisted by physiotherapy, then get in touch with the office at Green Lane. We cannot claim to have the solution to all problems you currently may face, but we will always do our best, and we will always be here to support our members.

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Injury Award – Police Injury Benefit Regulations 2006

It is a regrettable fact that police duty can give rise to incidents in which officers sustain injury through no fault of their own.



By **Dave Sim**,
Deputy Secretary

Such incidents can occur in many different ways, whether on police premises, through assaults, road traffic collisions, as a result of faulty police equipment or through the negligence of other officers. In my previous article I described the process around ill health and the potential outcomes. At times, ill health retirement comes about as a result of any of the above injuries on duty.

The following describes how an injury award may be made:

“Where an officer ceases to be a member of a police force, and is permanently disabled as a result of an injury received, that is not the officer's own fault, and the injury was sustained in the execution of his duty, the officer shall be entitled to a gratuity, and in addition to an injury pension.”

In this context a gratuity means a tax free lump sum paid once. An injury pension would be a continuing annual payment paid on a monthly basis.

The process for whether an officer is “permanently disabled” follows the same way described in my last article around ill health. Any of the following key capabilities would render an officer disabled for the ordinary duties:

- The ability to sit for reasonable

periods, to write, read, use the telephone and to use (or learn to use) IT;

- The ability to run, walk reasonable distances, and stand for reasonable periods;
- The ability to make decisions and report situations to others;
- The ability to evaluate information and to record details;
- The ability to exercise reasonable physical force in restraint and retention in custody;
- The ability to understand, retain and explain facts and procedures.

Permanency is exactly what it says and in most cases there will be extensive medical evidence available both within the force, and with GP and hospital records to show permanency. I do believe that permanency is much easier to show in physical injury type conditions, and much harder to show in psychological conditions for a variety of reasons.

Please remember that by virtue of Regulation 6, Police (Injury Benefit) Regulations 2006, with reference to “injury received in the execution of duty by a member of a police force” means an injury received in the execution of that person's duty, while on duty or while on a journey necessary to enable him/her to report for duty or return home after duty. It should be noted that an injury whilst engaged in sport, no longer constitutes an Injury on Duty, unless it was with regard to participating in an activity as part of training (e.g. PSU training).

Many officers are still unaware of their Industrial Injury entitlements and as a result officers are financially missing out and are potentially in the longer term putting themselves at risk. You may be able to claim Industrial Injuries Disablement Benefit (IIDB) if:

- You were employed when the accident or event happened.
- You were on an approved employment training scheme or course when the accident or event happened.
- The work accident or event that caused your illness or disability happened in England, Scotland or Wales.

If you are injured at work you must record the details of the injury or accident on the Force reporting system. Many of you will say that minor cuts and bruises for example, will cause no lasting harm. However, if they do cause lasting harm and the matter is not recorded properly then your position at work (should sickness issues be relevant), or your future appropriate pension arrangements could be in jeopardy. It would be my advice to report all injuries, no matter how slight they seem at the time.

In conclusion, please follow the three R's:

Report the injury to the Force/DWP/CICA (Where applicable) as soon as practicable.

Record the impact of the injury over your career/retirement.

Retain both force reports and medical records in relation to the injury.



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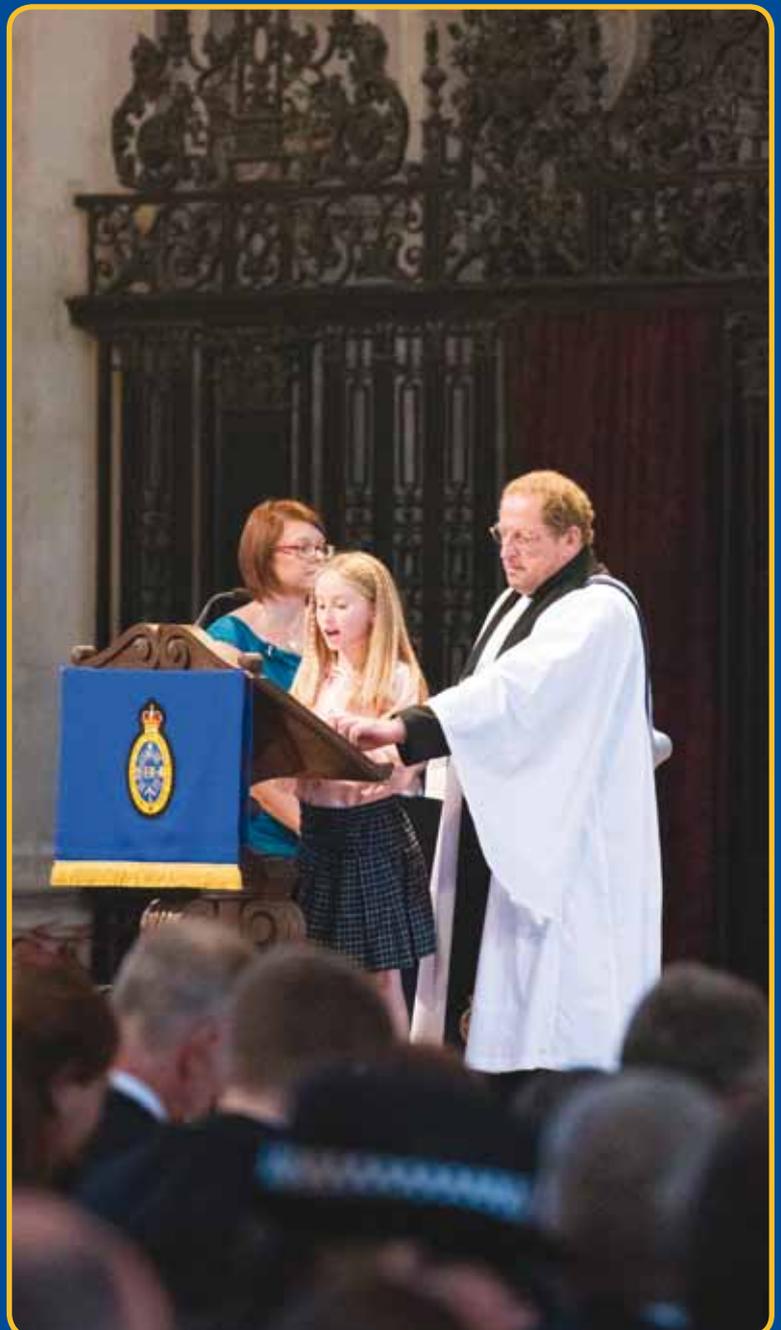
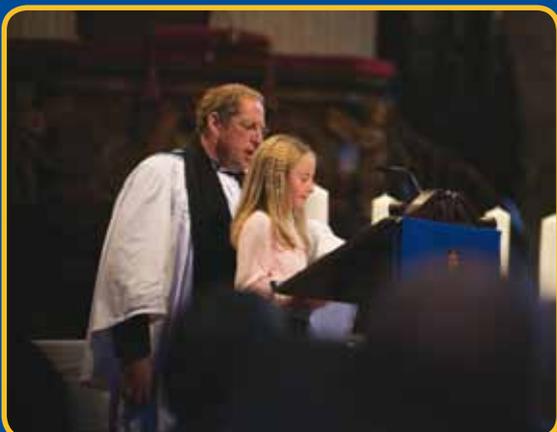
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National Police Memorial Day



The National Police Memorial day took place on Sunday the 25th September at St Pauls Cathedral. Here are some images that reflect the day. The family of Dave Phillips were our guests.







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Does the **Common Law Spouse** exist?

Common-law marriage hasn't existed in Britain since 1753, yet the belief that it does is widespread.



By **Georgina Chase**,
Principal Lawyer
in Family Law,
Slater and Gordon

No one acquires rights over someone else's property simply by living with them, so it is important to consider your position before you decide to cohabit.

Below is a short guide for anybody planning to move in with their partner:

Joint tenants or tenants in common?

If you own the property as joint tenants, the property is held in equal shares – one tenant cannot have a larger ownership than another. A key concept in joint tenancies is the right of survivorship. This means that if any one of the joint tenants dies, the remainder of the property transfers automatically to the survivor/s. The transfer happens even if the joint tenant provides for something different to happen with his or her property in a Will.

If you own the property as tenants in common, the property does not have to be held in equal shares. For example, one tenant in common can own 75% of the property and the other 25%. There is also no right of survivorship for tenants in common and should one tenant in common die, his or her share of the property passes under the terms of any Will, or on the intestacy rules.

Do I need a deed of trust?

A Deed of Trust (also known as a

Declaration of Trust) is a legal agreement that can be used to specify how a property is held between joint owners. They can include specific information such as each party's contributions towards the purchase price or their respective shares in the property, for example.

Moving in with a partner who owns property in their sole name or jointly with another?

- Consider what will happen if the relationship breaks down
- Does the legal title need changing?
- Will you be making financial contributions towards the property and will these constitute as an interest? If there is no financial contribution, it is unlikely that you will be able to establish any legal interest
- Do you have children with your partner? Will it be possible to bring an application for the benefit of the children upon separation, if no agreement can be reached?
- Is there anything else about the property that you need to know? This is particularly important if the property is held in joint names with a third party, such as a former partner or spouse

Many people also ask whether there are any other financial claims upon separation? If there are children of the relationship, child maintenance will be payable by the 'non-resident' parent. Other than this, it is doubtful. The rules for separating

cohabitants are very different to divorcing couples. Generally you will only be looking at assets held in joint names and claims are limited to those under the laws of property and trusts.

It is vital that careful thought is given to the above matters prior to cohabitation. Whilst it may be 'unromantic' to plan for a possible separation, more couples are acknowledging that it is something of a necessary evil.

It is far better to agree your respective intentions and plans from the outset, than to separate and face legal intervention and costly court proceedings.

The best way to ensure that you are protected when considering cohabitation is to:

- Consider the above points carefully and ensure you have frank discussions with your partner
- Consider entering into a cohabitation agreement which can detail how the property is to be dealt with both during the relationship and upon separation
- Prepare a will
- It's always best to seek legal advice

For an initial consultation please call Slater and Gordon Lawyers on Freephone 0800 175 7710 or contact us online and we'll be happy to help.

Alternatively you can contact us via your local federation.

One Day's Delay is Another Day's Lack of Progress

As we enter the last quarter of 2016, sadly I still have some of the same issues that were present in January and earlier, however the issue appears to be getting worse with no immediate solution available.



By **Dave Lowe**,
Misconduct Lead
Merseyside Branch
Board

The Independent Police Complaints Commission (IPCC) and the time they take to investigate the most low level incidents — which quite frankly shouldn't be given the time of day, yet because of the low threshold required to serve officers and sometimes, dare I say it their inability to carry out the most basic of tasks we see the length of investigations spiralling out of control.

When an officer is served a notice of investigation by the IPCC they will always provide the terms of reference which also contains a target range for the investigation. This might be a default position of the computers they use as it almost always states 3-6 months. Don't be fooled by this, almost inevitably you can double this time scale at least.

What can we do as a federation? Well sadly there's nothing really we can do. However we are exploring legal advice regarding a possible remedy, however until we have this advice we remain in the default position of writing, complaining about the lack of movement or the delay in the investigations. We have complained to the local commissioner, and in fact written to the head of the IPCC voicing our concerns yet they fall on deaf ears. There is no internal complaints system; they investigate themselves and they have no sanctions.

Can you imagine the police service getting that authorised. The Home Office can see nothing wrong with them; in fact they are increasing in size dramatically and taking more and more investigations on.

Will the day come soon when professional standards departments are no longer required? Well I can see that day not far off, with PSD's being an admin or s.p.o.c role for the IPCC.

The impact an investigation, no matter how minor, has on an officer is tremendous— it impacts on work, home and family life and impacts on the way you are with your colleagues. Professional Standards are fully aware of this and we work together to move investigations on as quickly as possible but in my experience the IPCC don't have that grasp and impact assessment that their delays have on officers.

All I would ask is if you are suffering as a result of an investigation be under no illusions we are fighting your corner but get in touch and speak to us regarding how you feel; please don't suffer in silence. Depending what you are signed up to with the Police Federation we can offer a range of services to assist both you and your family if required. The force also has a responsibility for you; there is the occupational health unit who if required you should be touching base with.

Finally, since the last edition of insight regarding witness or suspect we have seen an officer receive a sanction of driving outside of his training and

officers put under investigation regarding driving matters.

The IPCC threshold for serving officers is extremely low, a broken finger is classed as a serious injury so if you are involved in an accident or a pursuit where the bandit vehicle injures a member of the public the force are duty bound to inform the IPCC. I don't have to remind you of what will normally happen once they become involved. Please be mindful in giving detailed statements and documenting speeds emergency equipment which was activated and in what order etc.

It's easier to explain that the speed direction and emergency equipment that was activated or utilised was recorded by the Incident data Recorder fitted to the vehicle. You will at a later date be asked for an additional statement however you will be in possession of the information at that time.

Please can I remind you of the requirement to drive within your training? There is no defence for you if it goes wrong. It's your personal driving licence that's at risk; at the end of the day ask yourself the question is it worth it? It's your choice.

You will no doubt have heard of the Police Vehicle Driver Policy, but it might be worth you refreshing yourself with it along with the college of policing Authorised Professional Practice (APP) regarding Road Policing and Police pursuits.

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Chief Constables

Message to Members

Chief Constable Andy Cooke explains to members the unprecedented structural changes to Merseyside Police.



By Andy Cooke,
Chief Constable

In the next three months we will be embarking upon the largest scale of change that the force has ever experienced and we are all going through a period of uncertainty and nervousness.

I'm no different to everyone else. After 31 years in the job I'm set in my ways and used to doing things in a certain fashion, but I know that we can't carry on as we are. This force was created in 1974 when the world of crime was very different.

More than four decades later the challenges facing officers in the force are very different.

Technology has changed beyond recognition, people communicate in new and alternative ways and the complexity and diversity of what you are having to deal with out on the streets has increased.

I'm not going to shy away from the fact that we have lost more than 1500 officers and staff since 2010 and things aren't going to be easy, that is why we will be going through this wholesale transformation. With fewer resources we need to be smarter, we need to have processes in place to support our officers and staff on the ground and we need to ensure that we give our officers and staff the right training and welfare support throughout this transitional period.

In order to serve our communities and be

the best we can be, we need to look after our people. Without YOU we cannot deliver the quality of service that the community need and quite rightly deserve.

We are introducing the new operating model in January 2017. This is the beginning of our journey to provide a modern police force with traditional values, placing the community at the heart of everything we do. The operating model will help take pressure off staff as we move towards a one team approach with staff supporting each other across portfolios to share the burden of work.

The current geographically based structure has served us well, but you are constrained by internal boundaries on a map. The new model will ensure that we have the right people in the right places in order to meet fluctuating demands. It is not right or fair for communities that staff in one local authority area can struggle to answer calls for service when there are other staff available across the force who could assist with that demand. Borderless policing will give us flexibility and resilience and ensure that we are able to respond quickly and effectively to incidents.

Equally, the introduction of the response and resolution shift pattern, with staggered shift starts will mean that we will no longer have periods of time when whole shifts are handing over, providing increased visibility to communities and resilience for you.

Retaining local policing in all areas, but reducing the senior command structure from five Chief Superintendents to one, reduces management costs and

bureaucracy whilst increasing our efficiency.

Similarly we will have one Detective Chief Superintendent responsible for the whole of the force Investigative resources, allowing for the flexible deployment of Detectives across the entire force area based upon the threat, harm and risk posed to our communities. At the same time as the very tangible changes, I continue to drive advancement in technology to support service delivery. Rollout of handheld devices and laptops has been very successful and work continues to develop the available applications in order to maximise your efficiency and enable you to work visibly in the community as opposed to inside police stations.

There is no doubt that protecting vulnerable people is a high priority for us going forward and we need to recognise vulnerability at the earliest possible opportunity. Early intervention through partnership working will ensure that the most vulnerable people in our communities access the right services and receive the support they need when they need it.

There are many challenges in the weeks and months ahead and at times it won't be easy. I know it won't be perfect and we will need to be alert to the critical areas of business that we need to get right. But I also know that this force is made up of officers and staff who are passionate and care about what they do and that is half the battle. By working together as one team I am confident that with your continued support and commitment we can make this work to the benefit of our communities.

Merseyside Police Federation Charitable Trust

Some of the recent work our Charity has been involved in together with a list of Lottery winners this year. Contact the Fed Office if you would like to join and help us achieve our causes.

2016 LOTTERY WINNERS:

January	Con 2953 P Almond	£500.00
	Pen A J Doherty	£250.00
February	Pen D J Williams	£500.00
	Sgt 8447 G Jones	£250.00
March	Insp 2019 L Schofield	£250.00
	Pen D A Tsang	£500.00
April	Pen J Edwards	£500.00
	Con 6887 P M McElroy	£250.00
May	Pen M B Parker	£500.00
	Con 7983 G M Keegan	£250.00
June	Pen R D Torpey	£500.00
	Pen J Byrne	£250.00
July	Sgt 4685 L A Hooley	£500.00
	Pen M E Ellison	£250.00
August	Pen James Riley	£500.00
	Pen S P Rimmer	£250.00
September	Pen P Tarbuck	£500.00
	Con 6363 C Wright	£250.00
October	Pen A R Davison	£500.00
	Con 2036 Sally Leisk	£250.00



Group Insurance Scheme

- An Essential Part of your Total Care Package

One of the key benefits long associated with being a subscribing member of the Police Federation is the opportunity to subscribe, separately, to the Group Insurance Scheme.

This popular benefit is primarily a package of insurance, partly administered by your federation staff, arranged and negotiated on your behalf by your local branch board officials, who are the Trustees of the scheme. Benefits may be set which the Trustees feel are most cost-effective and appropriate for the Force area; for example, the life insurance cover on the Merseyside scheme is set at a basic level of £100,000, but there is also a very cost effective top-up facility for those members who wish to increase this level of cover to £150,000. This keeps premiums at a reasonable level for all members, whilst also providing the flexibility for those who require more life insurance. As is appropriate for those engaged in policing, payment is made when death arises from any cause, including CBRN events or even in the tragic event of a member committing suicide.

The principle of insurance is a relatively simple one; it involves a group of people who wish to be protected for an identified risk, who then agree to pay a premium based on the likelihood and potential costs of a claim. Whilst everyone paying premiums is covered should they need to claim, for insurance to work the premiums paid by the many will pay for the claims of the few. This means that we all pay a smaller amount in monthly premium than if we tried



to cover that risk from our individual resources. How many of us would realistically be able to save a £100,000 sum in the event that we die or are killed on duty?

However, the principle of paying sufficient premium to cover claims does mean that the number of claims paid by insurers will influence the premiums we all pay to cover that risk. Nevertheless, insurance arranged on a true group basis is better value for money and far cheaper than trying to arrange similar cover as an individual member or a small group. In a recent comparative exercise, a typical 40-year-old in good health could save in the region of £1,000 per year based on similar products available, and arranged on an individual basis.

Group Insurance is written on a Trust Basis, meaning members subscribe to the trust to gain the benefits set by the Trustees; through this arrangement, the Trustees are also able to provide additional benefits to members not covered by the insured products. These additional benefits have included the purchase of Green Lane to provide confidential meeting facilities for members who may not want to meet on Force premises; in recent years, it has also provided further improvement to those meeting facilities, including the provision of local physiotherapy at Green Lane, and the availability of an independent counselling service. It has also paid for the purchase and availability of cottages in the Lake District, as well as the payment of

individual awards to members who have been seriously injured in the execution of duty, or who have had difficult life situations where help is not available elsewhere.

As austerity and budget cuts have affected the welfare provision provided by Force and other public services, these additional benefits have become increasingly important and have meant officers have continued to be supported via the Trust and Federation.

Since 2011, Philip Williams & Company Insurance Management have administered the scheme on our behalf. They have a long-standing association and experience of managing Police Group Insurance Schemes, and currently administer schemes for over 20 Police Federations across the country. Through Philip Williams and Co., we have access to experienced insurance claims handlers and account managers, who have a vast amount of knowledge and experience of both insurance and policing matters. In the event that problems arise, the support and advice they provide have proved invaluable in resolving matters, often to the members' benefit.

The appointment of Philip Williams saw many new benefits introduced into the scheme: Home Emergency, Red Arc Care Service, Dental Emergency Cover and a Motor Breakdown policy covering you and your partner in any vehicle. We also improved levels of cover for Critical Illness, as well as Sick Pay Cover in the event that the Chief Constable reduces your pay to half or no pay. The products they provide are tried and tested, and are amongst the best available in the market, being regularly reviewed and enhanced. For example, this year your travel cover was enhanced with increased levels of cover for cancellation and curtailment, as well as a more relaxed medical screening process. This means that, even if you have a pre-existing condition, this would not preclude you from going on holiday, or be facing a higher premium to travel, providing you can satisfy the conditions contained within your policy documents.

We meet with our scheme managers at Philip Williams on a quarterly basis to go

 *The group insurance scheme has been in place for many years, and the insured products are tried and tested, continuing to provide vital support to police officers and their families.*

through the claims history for each area of our scheme, this enables the Trustees to take an active part in managing the scheme, ensuring all parts remain relevant for your needs and premiums are set at appropriate levels that work for the insurer, whilst continuing to deliver value for money to you as a member.

This process is very transparent and has a proven track record of maintaining price stability, as demonstrated by the fact that in the past six years the price has risen by less than £4.00 per month, despite the inclusion of the new and enhanced benefits highlighted above.

Your scheme represents fantastic value for money and works in conjunction with your Federation Subscriptions and Benevolent Fund, to provide a total care package for you and your family whatever challenges life throws at you.

By way of example of how they operate together, your Federation Subscriptions will cover you for legal advice and representation for any duty-related matter; there is no indemnity limit with this cover and you have access to specialist solicitors, who have operated and represented police officers for many years. The legal expenses cover contained within your Group Insurance Scheme will automatically step in and provide cover for non-duty related matters, and if funding is not available from the Federation.

You will have access to the same specialist solicitors, and whether it is an on- or off-duty matter, subscribing members will be able to rely on the support and advice of a trained and fully indemnified Federation Representative at all stages of the process.

The group insurance scheme has been in place for many years, and the insured products are tried and tested, continuing to provide vital support to police officers and their families.

Most members choose to subscribe to the scheme at the point they join the service, and remain in the scheme throughout their service and into retirement, up to the maximum age for membership of the scheme, which is currently 70.

By joining at the earliest opportunity, there is no requirement for you to be underwritten, and this remains the case so long as you continue to remain a member of the scheme. Each category of member, i.e. serving or retired member or a partner of a member, pays an identical subscription.

Each category of member enjoys the benefit relevant to that category and individual premiums will not increase, even if you need to claim or you have health problems, which increase the likelihood of you making a claim.

Unfortunately, there have been occasions when members have not subscribed immediately, or cancelled their subscriptions for some reason—in such circumstances, there is no automatic right to re-join the scheme and insurers would require you to be underwritten with the possibility of refusing cover, if you have any underlying issues that may give rise to a future claim. Whilst the Trustees would endorse the scheme to you, perhaps the greatest testimony and recommendation comes from the fact that over 90% of all Merseyside officers subscribe to the Group Insurance scheme, and are protected by all the benefits the scheme and the Federation provide to its members.

If you are not a member of the scheme, but would like to join, please contact the Federation Office for further details.

TAKE ADVANTAGE OF THE PARTNERSHIP BETWEEN LOCAL SOLICITOR JOHN HOWELL AND THE POLICE FEDERATION

John Howell has been a practising solicitor for over 11 years. He has held positions in a number of Top UK Law firms and holds a Master's Degree in Law. He has won prizes for academic grades. John is a trusted advisor to a number of major organisations.

Here he discusses a common situation by way of explaining the importance of considering;

- // Making or updating your Will
- // Lasting Powers of Attorney
- // Uses of a trust

“ You have worked your whole life and acquired assets such as a house and savings. Often, these assets have taken decades to pay for yet, without proper planning, they can be taken from you in an instant.

ALLOW US TO USE
MR AND MRS SMITH AS AN ILLUSTRATION

Mr & Mrs Smith are a married couple with 2 children. They own their own house and have some modest savings. Mr & Mrs Smith are better than most because they have put in place Wills, which we all know we should do. Their Wills leave everything to each other and then once they have both died to their 2 children.

SHOULD THEY BE PLEASED WITH THEMSELVES?

NO. They have done nothing other than repeat what the law dictates will happen in default of putting in place a Will. No wonder people don't get around to making Wills as, on many occasions, they are not important.



AS WE SEE IT, THEY STILL HAVE A NUMBER OF POTENTIAL PROBLEMS:

THEIR WILLS LEAVE EVERYTHING TO EACH OTHER WHAT IF MRS SMITH DIES AND MR SMITH RE-MARRIES?

Sadly there is not a lawyer present at most marriage ceremonies but if there was he may say 2 things; (1) "Be careful, that is a legal contract you are signing saying what's mine is yours" and (2) "This marriage automatically revokes all former Wills". You may now see the problem. Mr Smith dies before his new wife and completely disinherits his 2 beloved children.

LET US ASSUME THERE IS NO SUBSEQUENT REMARRIAGE. HOWEVER, MR SMITH REQUIRES LONG TERM CARE.

His house will be used to fund his care like 50,000 homes each year (and increasing). Care home fees are often around £1000/week. Mr Smith is in care for a few years and, once again, the children's inheritance has vanished.

WHAT IF THERE IS NO SUBSEQUENT REMARRIAGE AND NO CARE HOME?

That is great and the children inherit the estate as planned. But then one of the children divorces, or goes bankrupt, or dies and their assets (now including Mr & Mrs Smith's estate) pass to their spouse who then remarries. Maybe one or more of the children have poor judgment with money, or are vulnerable and have issues with gambling or alcohol. Once again there is potentially huge loss to the assets Mr & Mrs Smith built up during their lifetime resulting in both their children, and therefore their grandchildren, losing out. What if one of the children is in receipt of state benefits? They are certain to stop when they come into an inheritance.



AFTER DEATH ANY PERSON MAY ISSUE A CLAIM AGAINST MR & MRS SMITH'S ESTATE.

They may not stand a chance of success but you can guarantee it will cause stress for Mr & Mrs Smith's children.

WE HAVE ESTABLISHED THAT WHEN MR & MRS SMITH DIE, ALL THINGS BEING WELL, THEIR ASSETS BECOME THEIR CHILDRENS'.

The children may already own a house and have some savings. When Mr and Mrs Smith's children die, the grandchildren have one huge inheritance tax bill to pay.

MR & MRS SMITH'S EXECUTORS WILL NEED TO OBTAIN A GRANT OF PROBATE.

This may be costly, stressful and time consuming.

MR & MRS SMITH HAVE NOT PUT IN PLACE LASTING POWERS OF ATTORNEY.

We live in an ageing population. 150,000 people each year have strokes and the incidence increases with age. If you are on your own and a stroke strikes then your family face some real problems. No one can access your bank accounts, no-one can pay your bills, no-one can sell your house. It is not just strokesaccident, old age, dementia all affect your ability and desire to make decisions for yourself.

**WHY NOT PRE-EMPT AND
FULLY CONTROL ALL OF
THESE MAJOR ISSUES?
MAKE AN APPOINTMENT
TO SEE JOHN HOWELL AT
THE WEEKLY SURGERIES
AT GREEN LANE!**

FOR MORE INFORMATION AND TO MAKE AN INITIAL FREE NO OBLIGATION APPOINTMENT WITH JOHN HOWELL, PLEASE CONTACT THE FEDERATION OFFICE.

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Why Choose a Package Holiday?

In the unfortunate event that you or one of your holiday party suffers an accident or illness while abroad, there are legal benefits to choosing a package holiday.



By **Paul McClorry**,
Head of Travel at
Slater and Gordon

In English Law, the Package Travel Regulations 1992 allow you to bring legal action against the tour operator irrespective of whether the elements of the holiday were provided directly by them or one of their suppliers. This means that if you have an accident or suffer illness abroad which was caused by the hotel's negligence, a claim can be brought against the UK based tour operator in this country if the hotel was booked as part of a package holiday.

Your holiday is likely to be a package holiday if it:

- has been prearranged; and
- has been sold for an inclusive price; and
- covers a periods of over 24 hours or overnight accommodation; and
- includes at least two of the following: transport, accommodation or other tourist services.

Your holiday may not be a package holiday if it:

- is booked separately with different providers; and
- has not been sold at an inclusive price.

What if You Haven't Booked a Package Holiday?

But what if misfortune strikes and you're injured or suffer food poisoning on a holiday that is not booked as a package?

In many cases, European regulations give you rights to bring your claim in England if you were injured in an EU member state, whether you were a driver, passenger or pedestrian.

If you were injured in a hotel or other public area in a European country, such as a water park, Adventure Park, bar or shopping centre, you may well be able to pursue your case in England directly against the insurer.

Time Limits and How to Avoid Them

There is a three-year time limit for bringing a holiday compensation claim; this rule applies to all holidaymakers who book a package holiday with a UK-based tour operator.

Many holidaymakers suffer the medical costs and potential loss of earnings from time off work to recover from any injuries or illnesses.

The best advice for avoiding these costs and worrying about time limitations is to plan ahead. Here are some practical tips to keep in mind when making your plans:

Travel Insurance: The importance of taking out travel insurance cannot be

 *Without travel insurance, holidaymakers could face substantial bills for a hospital stay, medication and even repatriation, where required.*

underestimated, yet so many people don't give it a second thought. Pricing for travel insurance is very competitive and there are a wide variety of policy types to choose from.

Without travel insurance, holidaymakers could face substantial bills for a hospital stay, medication and even repatriation, where required.

EHIC Card: Along with travel insurance, if you're planning a trip to Europe you should also consider a European Health Insurance Card (EHIC card) as part of your essentials when packing. An EHIC card is not a replacement for travel insurance. It grants medical care relative to the same received by locals depending on where you are in the EU.

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Equality Update

A Simplistic view of the Equality Act 2010 and how it may affect you (Part two).



By **Rob Venables**,
Welfare, Support
and Equality Officer

Last time we looked at the Equality Act 2010 and how it can give protection to Police Officers who have one (or more) of the Act's defined nine protected characteristics:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation.

We looked at the definition of Direct Discrimination and Indirect Discrimination.

I intend to continue to look at aspects of the Equality Act 2010.

Harassment

A person harasses another, if they engage in unwanted conduct related to a particular protected characteristic, and the conduct has the purpose or effect of: violating the other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other person.

In deciding whether the conduct has had that purpose or effect, the following must be taken into account:

a) The perception of the person with the protected characteristic

b) The other circumstances of the case

c) Whether it is reasonable for the conduct to have that effect

All protected characteristics except marriage and civil partnership are covered by the Harassment Section of the Equality Act 2010.

Victimisation

A person (A) victimises another (B) if they subject that person to a detriment because:

a) The person B with the protected characteristic has done a protected act or

b) The person A believes that B has done or may do a protected act

A protected act is defines as:

1) Bringing proceedings under the Equality Act 2010.

2) Giving evidence or information in connection with proceedings under the Act.

3) Doing any other thing for the purposes of or in connection with this Act.

4) Making an allegation that A, or another person, has contravened this Act.

As can be seen this section is designed to protect a person who raises concerns under this Act – whether the matter is found in their favour or not. This may for example relate to an officer who brings a grievance raising their concerns as to how they are being treated because of their protected characteristic. The matter is dealt with satisfactorily but then some time later they are subject to a detriment

because of the earlier grievance.

Additional Protection for Officers with Disabilities

Duties to Make Adjustments (for Disabled Persons)

There are three parts to this duty:

1) Where a provision, criterion or practice puts a disabled person at a substantial disadvantage ... in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

2) There is a requirement that where a physical feature puts a disabled person at a substantial disadvantage ...in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

3) Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage ... in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

Examples of reasonable adjustments would include bespoke seating to assist with musculoskeletal disorders, provision of specialist software to assist with reading, and following on from the recent case of Griffiths v DWP the potential to change the trigger point for action in relation to attendance management.

I would urge our officers who consider that they are subject to potential breaches of the Equality Act 2010 to contact me at the Merseyside Police Federation or their local rep at their earliest convenience – strict time limits apply for action.

Your *local* Federation

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Merseyside Police Federation Insurance Scheme

SCHEME BENEFITS with effect from 1st April 2016

Serving Member

Life insurance	£100,000
Terminal prognosis advance on life insurance	20% of sum insured
Permanent total disablement (due to accident)	£100,000
Accidental loss of use benefit	£60,000
Infection of HIV/AIDS on duty	£60,000
Temporary total disablement <i>(up to 104 weeks excluding first 7 days)</i>	£21 per week
Critical illness	£10,000
Child critical illness	£2,000
Child death grant	£2,000
Red Arc assistance	Member Only

Hospitalisation benefit up to 5 nights	£50 per night
Accident/incident/emergency admission	£50 per night
Planned admission after first 3 nights	20% scale pay
Sick pay benefit (when pay cut to half) <i>up to 26 weeks, then a further 4 weeks when on no pay</i>	
Family travel policy	Worldwide
Legal expenses including ID theft protection	Included
Emergency and injury dental benefit	Included
Home emergency assistance	Included
Free financial advice with Kinsella Clarke	Included
Motor breakdown cover	Member and partner

CALENDAR MONTHLY SUBSCRIPTION

Weeks of service 1-52

£28.95

£Nil

COHABITING PARTNER OF SERVING MEMBER

Life insurance
Terminal prognosis advance on life insurance
Critical illness
RedArc assistance for subscribing partner
RedArc Assistance for Children

£50,000
20% of sum insured
£5,000

CALENDAR MONTHLY SUBSCRIPTION

£6.65

The first 52 weeks of service are free of charge to both new Student Officer members and cohabiting partners.

The benefits arranged under this insurance trust are provided strictly under the terms of insurance policies taken out and owned by the trust. Copies of the policies are available to view at the Police Federation office. Subscription to the Trust entitles the member to the benefits provided by the Trust but confers no ownership of any of the underlying policies, which are vested in the trustees.

Where two members are cohabiting spouse/partners and both paying the full member subscription, a reduction for ONE member is available. This is due to the duplication of the family benefits of travel insurance, Red Arc assistance, motor breakdown and home emergency assistance. To apply for this discount, please contact the federation office.



Update from the Merseyside Police LGBT Network

Tracy O'Hara, Chair of the LGBT network highlights another busy summer — and an increase in people joining the Network and becoming allies.

We would like to wish a very warm welcome to our new network Champion, ACC Julie Cooke. We continue to receive strong support from the Merseyside Police Federation.

The Merseyside Police LGBT Network has attended a number of Pride events under the banner of Police with Pride. We are part of a regional group of LGBT networks who come together to attend events and represent the police service.

We attended Sparkle, a celebration of Trans+ lives. Our chair Tracy O'Hara attended the first ever LGBT conference for criminal justice officers from across the globe, which took place in Amsterdam. This conference was attended by 300 colleagues from 26 countries and afforded Tracy the chance to share our best practice and network. The theme was 'connect and inspire' and it is fair to say Tracy has done that and we now have contacts across the globe. An excellent opportunity! Thanks to the Chief for supporting this (for those wondering this was a free conference).

The photograph of the huge team Merseyside includes those who attended Liverpool Pride this year: 160 of us proudly marching together through our streets alongside Chief Constable Cooke, ACC Critchley and the deputy PCC. History was made on July 30 2016 with Mr Cooke being the first Chief to march at



our Pride — a very proud day for me and for all of us within the network.

We have also started our input to all new police officer recruits. Merseyside Police is recruiting again and this always

affords us a great opportunity to introduce ourselves, engage our future in open discussion around LGBT and share our details. So far, this has been a great success and we look forward to more as we continue in our recruitment campaign.



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5 reasons why some insurers charge you more than you think

With some car insurance, the price quoted can quickly increase.

Here are the top 5 hidden extras that can bump up your premiums – and we're proud to say, at Police Mutual we won't charge you for any of them.

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- 2 Charging you a fee just for setting up your policy
- 3 Charging you to make changes to your policy
- 4 Charging you for duplicate policy documents
- 5 Charging you for cancelling your policy

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*Average premium savings of £130 is based on 19% of all car insurance members who provided their existing premium and switched their insurance (inbound sales only) from June 2015 – May 2016. Our car insurance is provided by Royal & Sun Alliance Insurance plc. PMGI Limited, trading as Police Mutual, is authorised and regulated by the Financial Conduct Authority. Registered in England & Wales No 1073408. Registered office: Alexandra House, Queen Street, Lichfield, Staffordshire WS13 6QS. For your security, all telephone calls are recorded and may be monitored.