

FEDERATION EXPRESS



The magazine of North Yorkshire Police Federation

ISSUE 3/2010



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Federation Express is the magazine of North Yorkshire 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 Board, 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: Federation Express, Police Federation Office, Police Station, Castlegate, Knaresborough, North Yorkshire, HG5 8AR.

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JBB Chairman: **Mark Botham**
JBB Secretary: **Nigel Day**
JBB Treasurer: **Mike Stubbs**
Mal Taylor: Joint Central Committee

CENTRAL AREA REPRESENTATIVES

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Mark Holland Constable
Dave Horn Sergeants
Graham Carrols Sergeants
Vacant Inspector
Vacant Inspector

EASTERN AREA REPRESENTATIVES

Steve Leach Constables
Margo Burgess Constable
Vacant Sergeants
Vacant Sergeants

Mike Fenton Inspectors
Leo Suret Inspectors

WESTERN AREA REPRESENTATIVES

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Fiona Tetley Constables
Debbie Perkin Sergeants
Jerry Perrin Sergeants
Dave Porter Inspectors
Nick Wattam Inspectors

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Vacant RPG Constables
Ian McIntosh HQ Constables
Steve Menzies CID Constables
Vacant Female Constables
Vacant RPG Sergeants

Ian Butler HQ Sergeants
Gary Ridler CID Sergeants
Vacant Female Sergeants
Bob Mowat HQ Inspectors
Dave Brown HQ Inspectors
Pete Martin CID Inspectors
Vacant Female Inspectors

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You have elected your representatives – so please use them!

If you are interested in finding out anymore about becoming a representative or in filling any of the vacant positions please contact Nigel Day.



The Police Treatment Centres

Every day police officers are suffering injuries and illnesses that have an impact on their work to protect their local communities. The Police Treatment Centres is a registered charity which provides vital treatment and support to help these officers return to better health and wellbeing, and in turn enable them to get back to work sooner.

Most of the 4000 officers who attend the Police Treatment Centres each year do so because they need intensive physiotherapy which is tailored to their individual needs. The treatment facilities at St Andrews in Harrogate and Castlebrae in Auchterarder have been designed to meet the unique needs of injured officers and maximise their chances of recovery.

Alongside those who have suffered injuries, the Police Treatment Centres also support a growing number of officers who have encountered traumatic and stressful incidents at work. For these officers a range of workshops, one-to-one support meetings and complementary therapies are provided which help them to manage the challenges they face.

We do not replace the NHS; we enhance it. Capacity is always an issue with the NHS and we can intervene sooner and with more focussed treatment to speed recovery and return to work. Many accidents and injuries that happen to police officers can be traumatic; therapy and rehabilitation alongside other police officers in a safe and protected environment is a key part of the journey back to full health.

It costs £4 million every year to keep our Centres open and the bulk of our running costs are paid by the donations of individual officers. If you would like to make a regular donation to the Police Treatment Centres, please contact the Police Federation Office.

For more information on our work, visit www.thepolicetreatmentcentres.org

St Andrews

Harlow Moor Road

Harrogate

North Yorkshire

HG2 0AD

Tel: 01423 504448

enquiries@thepolicetreatmentcentres.org

Castlebrae

Castleton Road

Auchterarder

Perthshire

PH3 1AD

Tel: 01764 664369

Chairman's Address

Welcome to the summer 2010 edition of FEDERATION EXPRESS, the magazine of North Yorkshire Police Federation. We hope you find it informative and thought provoking.

Can I also invite you to pay a visit to our website www.nypolfed.org.uk which has been redesigned by our new website providers to make it easier to search.

OPEN MEETING

Many thanks to those of you who attended the Open Meeting. At the start of the meeting I announced that in the past year we have secured for our members though CICA and civil claims, more than £564,501.00. and this figure does not include the recent 3 figure settlement achieved for an officer who had been unlawfully arrested.

We hope all our members are pleased with the increase in TASER availability as a result of us raising this as an issue on your behalf at the meeting. We are also indebted to your colleague who during the question time session asked about the removal of ties which has seen an immediate change in force policy.

We made it clear that officers are sick and tired of having rest days cancelled for events that could and should be planned for in advance.

It cannot be acceptable to anyone that when events are known about months in advance managers are seeking to claim an exigency of duty to cover up their repeated failure to plan.

On behalf of officers and staff we asked the Chief Constable to agree to a 12 month pilot of red circling. How this works is that officers and staff may make a request to "protect" or "red circle" from possible change up to three rest days a year and up to three rostered shifts a year. the "red circling" of rest days is subject to exigencies, but it would be expected that once approved, only unforeseen events would require the agreement to be breached by management.

The "red circling" of rostered shifts, to prevent changes to start or finish times should be honoured on three occasions in a financial year. This is more than officers and staff get now, indeed 38 police officers each and every day have their rest days interfered with. it costs the force nothing. We expect to see a decision before 31st August 2010 on whether the force will agree to this, and if there is to be yet another shift review surely it is only fair and equitable for this policy to be introduced.

POLICING BUDGET

As you are aware when the current Government came to office they



Mark Botham

announced a range of financial cuts for all Police Forces. For North Yorkshire this translated into an initial reduction of £1.2 million pounds.

This has since been followed up with an Emergency budget and then on 8th July 2010 the Deputy Chief Constable put out the following message:

"NYP will have to respond to significant challenges in terms of reduced funding over the next four years. The estimated scale of the budget reductions which will need to be achieved range from £13.7m to £28.5m over the next four years.

The actual amount of the savings will not become clear until after the Comprehensive Spending Review (CSR) published in October 2010. Once this has been issued it will enable more accurate detailed assessments to be made and for our plans to be refined.

NYP as an organisation will respond to these reductions in a way which:

1. Secures the delivery of policing across North Yorkshire and the City of York.
2. Continues, so far as is possible, to support NYP's current work force. SLT have taken immediate action to help secure the position of staff. These actions include:
 - a. Instigating a recruitment freeze; this includes re-examining the recruitment of student officers currently planned for this financial year. An exceptions process will be instigated for future and current police staff and officer vacancies which are assessed as being critical.
 - b. Seeking to reduce the reliance on the use of agency staff by 1 October 2010
 - c. Instigating a freeze on police officer promotion processes for the current financial year. This will enable a reassessment of supervisory ratios across the organisation.
 - d. As part of the 2012 programme a shift review has been commissioned; this will be led by Acc Cross.
3. So far as is possible NYP will





seek to limit the reduction in posts across the whole organisation, but be clear: there will need to be reductions.

The SLT have commenced work with Directors to identify how, where and when savings will be made, and how the service delivered by NYP will be re-profiled. UNISON, Police Federation and Superintendents Association are working closely with the organisation over the coming months and will continue to do so.

NYP can deliver what is needed; however, this will have to be a whole organisation approach.

As the scale of the financial implications becomes clear, and the approach NYP will take in responding to the funding gap is developed, formal internal and external communications will be undertaken.”

WHY IS THERE TO BE ANOTHER SHIFT REVIEW?

The current VSA provides

incredible flexibility to the Force in how it manages its staff. It is supplemented by a very generous interpretation of exigency of duty which allows duties and rest days to be changed and cancelled at very short notice. In fact every day 38 of our members have their rest days interfered with. That is why on behalf of the membership we raised the issue of red circling at the Open Meeting. We think this provides a balance between the requirements to meet the needs of the public and allow officers some semblance of work/ life balance through the provision of additional rest days.

Our position is that the Force should first make out a business case that the current shift pattern does not meet their needs and how and why they consider a different shift pattern would deliver greater efficiency. We will point out to them the flexibility the current pattern provides and that under an eight hour pattern they would lose a great deal of that flexibility. We

will also remind them that staff are entitled to enjoy a work life balance and that any changes should involve full staff consultation.

WHAT ABOUT REDUNDANCY?

Police Officers are currently Crown Servants and cannot be made redundant. We have become aware that a number of National ACPO members have indicated to Government that they would be unable to meet the levels of cuts without changes to conditions of service include the ability to make officers redundant. Peter Fahy their spokesman has issued the following Press Statement:

“The police are operating in a new economic environment. The Prime Minister has made it very clear things needs to be done differently to make savings – Stopping overtime alone will not generate the savings forces need to yield. Stopping recruitment of new officers can only be a temporary measure.

Chief Constables need greater flexibility to get through these uncertain times, while maintaining frontline services. My ACPO colleagues and I are working with the Home Office to explore numerous options; a voluntary redundancy scheme is something we would consider. There is good reason why officers can't be made redundant, although, let me make it clear, if people aren't performing there are capability procedures in place. However, if there are officers who have lost their thirst for policing, they should have the option to leave the service.”

We do not have a steer from the Senior Leadership Team in North Yorkshire of their views in relation to this.

We do have a clear steer from you the members as our current web poll shows:

Q. Do police officers working under Police Regulations constitute a flexible value for money workforce?

Yes (97%)
No (2%)

We recognise that most restricted duty officers play an important role in delivering policing services.

However, as with their fully fit colleagues their roles may change as the service becomes more focussed on direct front line delivery. If there were to be legislative change to allow officers to be made redundant then this would have to be accompanied by changes that allowed police officers greater employment rights to challenge unfair and constructive dismissal procedures.

At this stage there have been no formal discussions on redundancy proposals and it is clear that it has not progressed beyond the thought processes of some Chief Officers.

WHAT ABOUT PAY AND CONDITIONS?

The Home Secretary has confirmed that this year’s pay award, which is the last of the three year pay deal, will be honoured. However, she has also indicated that along with the rest of the Public Sector police officers pay will be frozen for the next two years. She has also indicated a wider review of pay and conditions and there are some obvious signs that overtime in particular will come under attack.

On top of Peter Fahy’s statement above at a recent speech to the ACPO Conference the Home Secretary stated:

“But we have to be realistic about what we can afford, so we will also undertake a review of police terms and conditions. Let me be crystal clear from the beginning: police officers and staff need to be ready, along with the rest of the public sector, to make sacrifices and accept pay restraint. It cannot be right, for example, that police overtime has become institutionalised. We may not win popularity contests for asking these difficult questions, but it is time for them to be asked.”

At this moment in time we do not have details of any firm proposals but it is clear that the current review will not deliver improvements to our pay and conditions on the current financial climate. The Federation will do everything we can in this environment to ensure that our position is understood and heard by those who will make these decisions about our future pay.

WHAT ABOUT PENSIONS?

As with pay and conditions the Government has undertaken to review all public sector pensions including the pension scheme. The review is being conducted by John Hutton and there will be an interim report in September and the final recommendations will be made next March.

In a press release from John Hutton he indicated that the Commission will consider issues including:

- the growing disparity between public service and private sector pension provision;
- the need to ensure that future pension provision is fair across the workforce;
- how risk should be shared between the taxpayer and employee; and
- Wider Government policy intended to encourage adequate saving for retirement and longer working lives.

There is much speculation and rumour about the potential outcome and whilst this is understandable it is not always helpful. What is clear from the above comment the review will certainly focus on requiring public servants, including police officers, to pay more for their pensions and work longer before they are eligible to retire.

The Police Federation has been invited to submit evidence by the end of July and they are currently working on those submissions. The initial response of the Police Federation of England and Wales has prepared and was to be considered at an extraordinary JCC meeting Monday on the 19th July. We will keep you updated and ask you to check www.nypolfed.org.uk regularly for details.

Apart from the more technical submissions regarding the cost and benefit we will ensure that the Commission are fully aware that

- The police pension scheme was reviewed as recently as 2006

and a new pension scheme which introduced a thirty five year career for new joiners is already in place.

- That Police Officers pension contribution is far higher than those of other public sector workers.
- That the risks faced by Police officers in their daily duty require a pension scheme that supports them should they be no longer able to work.
- The potential impact on morale and recruitment and retention if a pension scheme does not afford the proper protections to police officers as they go about their daily duties.

Whilst we will do everything we can to ensure a fair and equitable outcome to the review it should be noted that unlike pay and conditions pensions are not negotiable and any changes can and will be imposed. Clearly if they breach legal obligations the Federation, as they have demonstrated in the past, will legally challenge the Government through the Judicial Review Process.

RUMOUR CONTROL

Given the enormity of all the potential changes and the uncertainty this brings it is understandable that officers will seek to try and gather as much information as possible. In the absence of information the rumour mill is rife and speculation quickly becomes fact. The Federation is committed to ensure that we communicate based on fact and not engage in the speculation. As information comes out we will get that information out to your JBB representatives and place the same on our web site.

The initial response of the Police Federation of England and Wales has prepared and was to be considered at an extraordinary JCC meeting Monday on the 19th July. Please register your email address on our website to receive this updates as soon as they are released.

www.nypolfed.org.uk

Bravery at house fire in Strensall recognised

Every December the Police Federation of England & Wales send out a circular requesting nominations from Joint Branch Boards for officers who fulfil certain tight criteria. Each year we seek details of potential nominees from senior managers within North Yorkshire Police and select a nominee for the awards ceremony, which is run in the July of each year in conjunction with the Sun newspaper at the Dorchester Hotel in London and is preceded by a reception at 10 Downing Street for the police officers from England and Wales who have been nominated by their Joint Branch Boards.

This year our nominee was Pc Sarah Lacy who was nominated by York management for her actions in relation to a house fire which occurred in Strensall in June 2009.

Pc Sarah Lacy had been at work on an early shift on 22nd June, 2009, and was at home off duty making tea when her dog ran outside into the garden barking, she went out to see what was the matter.

She could hear an alarm sounding and could smell smoke. Pc Lacy went to the front of her house and saw a lot of black smoke pouring out of the bedroom window of a house over the road. She ran back inside and called the fire brigade.

When Pc Lacy got back to the house she could see a male in the bedroom window, he opened it and was hanging out of the window coughing with a lot of black smoke coming out of the room he was in. Such was the severity of the fire Pc Lacy along with neighbours Grant Law, Lee Lyons, Lee Nicholson and



Pc Sarah Lacy. Picture courtesy of Anderson photography



Mark Botham

Chris Cooper had to act fast.

Grant Law grabbed a sledgehammer from his van and used it to smash his way into the locked house. They then put out the fire by wetting laundry that was hanging up in the kitchen and throwing it over the flames. They then ran upstairs, through thick black smoke, and found a female occupant unconscious on a bed. They dragged her downstairs, Pc Lacy put her in the front garden of the house and did mouth to mouth and CPR on her as she was not breathing and unconscious. She continued with first aid until the ambulance and fire brigade arrived.

It was hit and miss whether she would survive at first and was in re-sus for a couple of hours before coming round and went on to make a full recovery.

As the Police Federation Bravery awards are only available to police officers, the Joint Branch Board wish to place on record their recognition of the brave, selfless actions of Grant Law, Lee Lyons, Lee Nicholson and Chris Cooper. The Joint Branch Board will be honouring their bravery in a separate event.

We are also working with the Chief Constable's office in relation



Left to right Lee Lyons, Lee Nicholson, Chris Cooper and Grant Law. Picture reproduced courtesy of The Press, York

to nominating them for a High Sherriff's award, we understand that North Yorkshire Fire & Rescue are also considering formal recognition for their Bravery and that Grant Law has been nominated for a York Evening Press Community Pride award.

We wish them all the very best and wish to place on record the admiration of the North Yorkshire Police Federation for their selfless and brave actions on 22nd June 2009.

Returning specifically now to the North Yorkshire Police Federation nominee, Pc Sarah Lacy I am delighted to say that Sarah won the North East Region award which was presented to her by former members of the cast of Eastenders at the awards ceremony at the Dorchester Hotel on 8th July 2010.

The ceremony was attended by the following officers from North Yorkshire: Pc Lacy, her fiancé Pc Stuart Hodge, Acc Tim Madgwick along with Mal Taylor (JCC) and myself.

The Prime Minister, the Rt Hon David Cameron, MP was at the awards ceremony to give a posthumous award to the family of Bill Barker who gave his life protecting others during the floods in Workington last year. Mr Cameron also took the time and opportunity to have his photo taken with the nominees from each Joint Branch Board.

The day after the awards ceremony the North Yorkshire party were treated to a tour of the Houses of Parliament by Baroness Harris of Richmond and I would like to place on record my gratitude to her for taking time from her busy schedule to receive us.

I would also like to thank York management for proving us with details of Sarah Lacy's actions and place on record our thanks to North Yorkshire Police Press office for their assistance each year in relation to the PFEW / Sun Bravery awards.

Mark Botham
JBB Chairman



Picture courtesy of Anderson photography



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Letter from Leatherhead

Back in May the Queen delivered her speech which was the start of the new coalition Governments Legislative programme for the next 18 months. This was launched under the heading of “Freedom, Fairness and Responsibility”. I have recently taken over the role of Secretary to the Joint Central Committee’s (JCC) Legislation Sub-Committee and am looking forward to embarking on this new era to influence Legislation on behalf of the 140,000 police officers in England and Wales that we represent. We hope that the new coalition Government will focus on producing quality Legislation in contrast to the previous administration who created in excess of 4,700 new offences of which over 1000 had a power of arrest attached.

The Legislation Sub-Committee is made up of representatives from all federated ranks which also include representatives from Region 7 who work closely with the Sub-Committee on Welsh Assembly issues. The aims and objectives of the Sub-Committee are to respond to Legislative

consultations on behalf of the Police Federation and to lobby were necessary to influence key decision makers in respect of both existing and new legislation that affects operational police officers. The Sub-Committee also has a Parliamentary Researcher and Policy Advisor who sits within the Communications department at Leatherhead.

The Sub-Committee focuses on both JCC and National Federation issues and some of the key business areas include; Drugs; Custody; Youth Justice, Roads Policing, CID and Criminal Justice.

Whilst at the time of writing, the finer details of the Governments Legislative programme are still awaited. Two of the key bills that will impact upon policing are;

THE POLICE REFORM AND SOCIAL RESPONSIBILITY BILL

The purpose of the Bill is to:

- Make the police service more accountable to local people, create a dedicated Border Police Force and set out measures to tackle alcohol-related violence and disorder.



Mal Taylor

The main elements of this Bill are;

- To have directly elected individuals to hold the police to account
- Amended health and safety laws
- Dedicated Border Police Force as part of refocused Serious Organised Crime Agency
- Strengthened relations to deal with serious crime and extended collaboration
- Overhaul the Licensing Act

FREEDOM (GREAT REPEAL) BILL

The purpose of the Bill is to:

- The aim of our new Freedom (Great Repeal) Bill is to roll back the state, reducing the weight of government imposition on citizens that has increased in recent years through legislation and centralised programmes.

The main elements of this Bill are;

- Introducing new legislation to restrict the scope of the DNA database
- Allowing members of the public to protest peacefully without fear of being criminalised.
- Ensuring anti-terrorism legislation strikes the right balance between protecting the public, strengthening social cohesion and protecting civil liberties.
- Protecting privacy by introducing new legislation to regulate the use of CCTV
- Ensuring the storage of internet and email records is only done when there is good reason to do so

With these and many other challenges ahead for serving police officers the Legislation Sub-Committee will endeavour to influence, lobby and represent your views ensuring your voice is heard.





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So you want to live overseas – could life be simpler?

Gone it would seem are the days when one would live all ones days in the same town or village. The ways of this modern world have created a multitude of lifestyle and residency options. Which option will you take?

Could it be because you maybe know someone who has gone to live abroad or is planning to live outside the UK? Did you get the

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| Transfer Value Matrix | \$1.70 | \$1.75 | \$1.80 | \$1.85 | \$1.90 | \$1.95 | \$2 | \$2.05 | \$2.10 | \$2.15 | \$2.20 | \$2.25 | \$2.30 |
|-----------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| £70,000 | \$119,000 | \$122,500 | \$126,000 | \$129,500 | \$133,000 | \$136,500 | \$140,000 | \$143,500 | \$147,000 | \$150,500 | \$154,000 | \$157,500 | \$161,000 |
| £75,000 | \$127,500 | \$131,250 | \$135,000 | \$138,750 | \$142,500 | \$146,250 | \$150,000 | \$153,750 | \$157,500 | \$161,250 | \$165,000 | \$168,750 | \$172,500 |
| £80,000 | \$136,000 | \$140,000 | \$144,000 | \$148,000 | \$152,000 | \$156,000 | \$160,000 | \$164,000 | \$168,000 | \$172,000 | \$176,000 | \$180,000 | \$184,000 |
| £85,000 | \$144,500 | \$148,750 | \$153,000 | \$157,250 | \$161,500 | \$165,750 | \$170,000 | \$174,250 | \$178,500 | \$182,750 | \$187,000 | \$191,250 | \$195,500 |
| £90,000 | \$153,000 | \$157,500 | \$162,000 | \$166,500 | \$171,000 | \$175,500 | \$180,000 | \$184,500 | \$189,000 | \$193,500 | \$198,000 | \$202,500 | \$207,000 |
| £95,000 | \$161,500 | \$166,250 | \$171,000 | \$175,750 | \$180,500 | \$185,250 | \$190,000 | \$194,750 | \$199,500 | \$204,250 | \$209,000 | \$213,750 | \$218,500 |
| £100,000 | \$170,000 | \$175,000 | \$180,000 | \$185,000 | \$190,000 | \$195,000 | \$200,000 | \$205,000 | \$210,000 | \$215,000 | \$220,000 | \$225,000 | \$230,000 |
| £105,000 | \$178,500 | \$183,750 | \$189,000 | \$194,250 | \$199,500 | \$204,750 | \$210,000 | \$215,250 | \$220,500 | \$225,750 | \$231,000 | \$236,250 | \$241,500 |
| £110,000 | \$187,000 | \$192,500 | \$198,000 | \$203,500 | \$209,000 | \$214,500 | \$220,000 | \$225,500 | \$231,000 | \$236,500 | \$242,000 | \$247,500 | \$253,000 |
| £115,000 | \$195,500 | \$201,250 | \$207,000 | \$212,750 | \$218,500 | \$224,250 | \$230,000 | \$235,750 | \$241,500 | \$247,250 | \$253,000 | \$258,750 | \$264,500 |
| £120,000 | \$204,000 | \$210,000 | \$216,000 | \$222,000 | \$228,000 | \$234,000 | \$240,000 | \$246,000 | \$252,000 | \$258,000 | \$264,000 | \$270,000 | \$276,000 |
| £125,000 | \$212,500 | \$218,750 | \$225,000 | \$231,250 | \$237,500 | \$243,750 | \$250,000 | \$256,250 | \$262,500 | \$268,750 | \$275,000 | \$281,250 | \$287,500 |

| Percentage Change | \$1.70 | \$1.75 | \$1.80 | \$1.85 | \$1.90 | \$1.95 | \$2 | \$2.05 | \$2.10 | \$2.15 | \$2.20 | \$2.25 | \$2.30 |
|-------------------|---------|---------|---------|---------|---------|---------|------|---------|---------|---------|---------|---------|---------|
| £70,000 | 59.50% | 61.25% | 63% | 64.75% | 66.50% | 68.25% | 70% | 71.75% | 73.50% | 75.25% | 77% | 78.75% | 80.50% |
| £75,000 | 63.75% | 65.63% | 67.50% | 69.38% | 71.25% | 73.13% | 75% | 76.88% | 78.75% | 80.63% | 82.50% | 84.38% | 86.25% |
| £80,000 | 68% | 70% | 72% | 74% | 76% | 78% | 80% | 82% | 84% | 86% | 88% | 90% | 92% |
| £85,000 | 72.25% | 74.38% | 76.50% | 78.63% | 80.75% | 82.88% | 85% | 87.13% | 89.25% | 91.38% | 93.50% | 95.63% | 97.75% |
| £90,000 | 76.50% | 78.75% | 81% | 83.25% | 85.50% | 87.75% | 90% | 92.25% | 94.50% | 96.75% | 99% | 101.25% | 103.50% |
| £95,000 | 80.75% | 83.13% | 85.50% | 87.88% | 90.25% | 92.63% | 95% | 97.38% | 99.75% | 102.13% | 104.50% | 106.88% | 109.25% |
| £100,000 | 85% | 87.50% | 90% | 92.50% | 95% | 97.50% | 100% | 102.50% | 105% | 107.50% | 110% | 112.50% | 115% |
| £105,000 | 89.25% | 91.88% | 94.50% | 97.13% | 99.75% | 102.38% | 105% | 107.63% | 110.25% | 112.88% | 115.50% | 118.13% | 120.75% |
| £110,000 | 93.50% | 96.25% | 99% | 101.75% | 104.50% | 107.25% | 110% | 112.75% | 115.50% | 118.25% | 121% | 123.75% | 126.50% |
| £115,000 | 97.75% | 100.63% | 103.50% | 106.38% | 109.25% | 112.13% | 115% | 117.88% | 120.75% | 123.63% | 126.50% | 129.38% | 132.25% |
| £120,000 | 102% | 105% | 108% | 111% | 114% | 117% | 120% | 123% | 126% | 129% | 132% | 135% | 138% |
| £125,000 | 106.25% | 109.38% | 112.50% | 115.63% | 118.75% | 121.88% | 125% | 128.13% | 131.25% | 134.38% | 137.50% | 140.63% | 143.75% |

LIVING OVERSEAS

bug from them? Would it be because you have visited a country and savoured the lifestyle? Or was it because you may even know of someone who has a partner who was born overseas – maybe you yourself maybe a dual national?

So little wonder that today for one reason or another we are seeing and hearing more and more people looking to move abroad. Maybe the move is for better career opportunities maybe it is for the lifestyle or perhaps for retirement. One thing is for certain and that is the moving phenomenon is, if you will excuse the pun “here to stay”.

Principal migration choices include Southern Europe and the ever popular Australia, USA, New Zealand and Canada.

Those changing countries include not just individuals and families migrating but also those who form part of an ever increasing mobile international workforce, nationals may of course wish to return to their county of origin, or citizenship.

With the excitement of a new life comes the reality that there are some serious financial matters to consider and not least of all is the subject of that ever important pension. Of course we must not forget that there will be decisions to be made as regards bank accounts, closing tax returns, shares, and what price to sell the house at, Foreign Exchange (FX) etc.

Key to a move is the understanding of the effects to you of wealth protection and foreign exchange. Say you have a house or an asset worth in your mind £100,000 what is it worth in your new country? Today I have used a comparison chart, where I have mapped Australian Dollars versus Pounds. You can use the same chart for any currency just substitute A\$ for say Euros. Look at what difference the FX against pounds could be if your house value is not accurately calculated, your investments rise in value and even as we will go onto your pension transfer value. The best way to consider this chart is to look at £100,000 v A\$2.00 and then see the difference a movement in FX or a movement in asset value makes to



your wealth, you can use the same table to consider a pension income in payment. Certainly there is good reason to engage the services of the likes of Moneycorp, a firm specialising in FX purchases.

Now to pensions.

CAN I TRANSFER MY PENSION OVERSEAS?

Yes and this brings us to the subject of Qualifying Recognised Overseas Pension Schemes (QROPS).

But before we go to the subject of QROPS a quick overview of why the assumption that a UK final salary scheme is the be all and end all.

In recent days we have seen former Labour cabinet minister Lord John Hutton appointed by the government to consider the long-term viability of public service pensions.

The independent Public Service Pensions Commission is now reviewing the public service pensions provision in time for the 2011 Budget. A first / interim report is due at the end of the third quarter 2010 just ahead of the government's spending review.

They are looking at how the public service pensions can be made sustainable and affordable in the long-term, ensuring it is fair to both the public service workforce and the taxpayer, and of course

does it fit within the budgetary plans?

They have detected a growing divide between public service and private sector pensions and therefore fairness across the workforce is key. At least existing accrued pension rights will be protected under the Commission.

Chancellor George Osborne, has seen the challenge that is before us with an ageing population.

He said: “We must consider options for reform that are fair to the taxpayer and to people who work in the public sector.

So clearly change is afoot and how does it affect police officers? And is there much one can do about pension planning? Yes.

Many police officers will be looking forward after 30 years of service to a lump sum and pension in payment. But how many officers are aware that their final salary pension scheme could react potentially very differently in Country A to the way it does for a UK recipient? Because of rule changes in April 2006, it may pay to take a moment to consider the benefits of the phenomenon known as a Qualifying Recognised Overseas Pension Scheme (QROPS). What exactly could a QROPS do for you? What is for certain nobody leaving the UK should ignore the QROPS option.

It's best to explain this QROPS by a look back in time.

All serving officers can have a pension transfer, but it would be a brave man who advised a UK resident who would never be moving overseas to switch out of the police scheme. By now you may have gathered that there are some intriguing options for those who move overseas. And therefore so to history and onward to options

If you had asked the question at 1 minute to midnight on 05/04/06, what are my options

3. You can do anything that a UK pension scheme permits
4. You can move your pension scheme to a overseas scheme, but
 - a. You have to sign a declaration that you will never ever return to live and work in the UK
 - b. You must be employed in your country of residence
 - c. Your scheme is based in your country of residence

So what happened after midnight on 05/04/06? Let's go back to the points above and see how they changed.

3. No change as you would expect
4. You can still move your pension scheme overseas BUT
 - a. Gone – no declaration required as regards returning to UK
 - b. Gone – no employment required in your country of residence.
 - c. Gone – your QROPS doesn't have to be based in the country of residence

So what are the rules? Anybody in the UK who has a pension scheme except for those that have purchased an annuity or are in receipt of a pension, can move their pension into a QROPS. So to the questions below, here are the vital answers

9. Can I have pension invested in a QROPS without leaving the UK? A guarded Yes, because

there would have to be good reason if you were to follow this route.

10. What is a QROPS? it is an overseas pension scheme, that has been recognised by Her Majesty's Revenue and Customs that has agreed to behave like a UK scheme and pay benefits as UK scheme would.
11. Are there issues for me? Yes, should you wish to draw benefits then (and this is where it gets interesting and where expert opinion is an absolute must) you are subject to UK tax rules for the first 5 complete UK tax years after departure.
12. Does this mean that I could potentially realise the whole UK pension as a fund after 5 UK tax years absence? Potentially
13. Could I split my fund with my partner? Potentially after 5 years.
14. Are their countries that permit full encashment? Yes, but once again utmost care should be taken
15. Did I hear that right? Could I have my pension as 100% cash? Potentially YES
16. Could I pay less tax if my pension goes into a QROPS? Potentially Yes

Beginning to see the difference?

For UK residents who because of their personal circumstances are moving overseas the options now available are immense, certainly one should not assume that the final salary police pension scheme is the only option when leaving service.

Perhaps your retirement fund is better structured in another jurisdiction. If so this will involve moving funds into a Qualifying Recognised Overseas Pension Scheme (QROPS), for which greater detail will follow. How a QROPS can work for you needs to be checked out.

So knowing the above where does one start?

Final salary schemes have been seen as the gold plated pension

arrangements for many years and the Police Pension Scheme is regarded as one of the best currently available, this you would not question.

But put a QROPS next to a Police Pension Scheme and you may think differently.

A QROPS does not require non-UK resident scheme members to take an enforced income stream, unless mandated by QROPS rules. An individual can transfer a UK pension to a QROPS without ceasing UK residency. UK does not restrict which country can have a QROPS, but local rules may restrict membership.

The idea of being able to move pensions from one country to another is not a new one and finds its roots going back to 1996, when I designed a UK pension scheme within an Australian Superannuation scheme and then took the fund into Australia for an Australian resident, this was the first ever off the peg product and has been seen by many as the forerunner of QROPS, certainly the first transfer product in Australia.

The actual term QROPS (See www.qrops.co.uk for more information) were introduced in the Finance Act of 2004 and came into being on what was known as 'A Day' on 6th April 2006. Since then QROPS have sprung up from a multitude of companies and are now offered by many jurisdictions.

But a word of warning if you move your pensions abroad and do not get this right you can end up paying the price. HMRC want their rules to be abided by, so those 5 years are real. When HM Revenue & Customs (HMRC) introduced the QROPS legislation it meant that an overseas transfer could only be made to a QROPS.

Any overseas pension transfer to a non registered overseas pension scheme (registered in the country of residence), which is not a QROPS, will be subject to a UK tax charge. In this instance the member incurs a UK tax charge of 40% on the amount of the payment.

When moving funds into another jurisdiction you must be mindful of your tax position and how this affects you. For instance we as

specialists take into consideration your domicile and what your local tax position would be and for ourselves these are only the starting points. So whatever you do you will need to take steps to receive financial planning advice from an independent financial adviser who has the experience of this market place to ensure you meet your objectives. QROPS specialists of which there are few (experience is of course limited) will also use the services of international tax specialists and will where necessary recommend their involvement for you.

Getting this aspect is essential, a start, could be a self check on the HMRC website: www.hmrc.gov.uk/pensionschemes/qrops-list.htm. But which one is a question? and is a QROPS suitable anyway is another? That is where expert advice is a must.

A list of QROPS is only a list. So it is of paramount importance that you integrate independent advice to ensure any movement of your pension funds is right for you. In order to be classed as a QROPS a scheme will need to undertake to provide HMRC with information on how it manages ex-UK pension schemes post transfer and how it conducts monies paid out of the scheme. For example an 'unauthorised payments charge' will apply if you were to access the pension benefits before the age of 55. In addition, a charge will apply if you receive greater than 25% of the transfer fund in the form of a lump sum, from the overseas scheme, within five complete UK tax years of overseas residency.

The QROPS also has to report on your whereabouts so that they can "communicate with you" if you have had an unauthorised transfer. Montfort International plc is in regular contact with HMRC and various QROPS providers and overseas advisers to discuss how the legislation works in practice and implement any changes to meet our clients needs. However you should note that having QROPS status does not mean that the QROPS has no further obligations to HMRC. The

responsibilities of being a QROPS are indeed onerous as set by HMRC. Montfort International will certainly advise as to how serious the recommended QROPS takes its responsibilities and finding the right adviser with the experience to take your pension programme forward is quintessential.

MOVING ABROAD

So what should I do with my Police Pension? Lets take an example of someone who is a police officer, in good health, age 38 and has 15 years pensionable service within the Police Pension Scheme. He or she is migrating to Country A. We will assume this person will exit the UK and has no intention of returning to live, work, or retire.

SO WHAT ARE THEIR UK PENSION OPTIONS?

You may view these as follows;

- Leave the funds in the Police Pension Scheme
- Transfer the funds to a UK pension, e.g. Self Invested Personal Pension (SIPP), Personal Pension, or Section 32 Bond
- Transfer the funds to a QROPS

Should you consider moving your funds out of the Police Pension Scheme a pension transfer analysis will be required. You maybe familiar with the above options and I now will look at QROPS in greater detail.

Each client has their own aspirations and goals and when exiting the UK and they need to be realistic in going forward.

Remember this does not only apply to individuals leaving the UK permanently, there is a range of solutions for Temporary Visa holders looking to go to Australia and other destinations which have a range of solutions and tax planning opportunities.

Transferring a pension is only one of the points someone needs to consider and making sure this is right requires careful consideration and planning. We have only touched on QROPS above, not all jurisdictions offer the same on the packet and others may feel more comfortable to a client, with may

have perceived closer links with the UK and greater security and familiarity.

Detailed below are what some QROPS can offer, this should only be used as guidance and is not indicative of all schemes.

- Pension income deducted gross without the deduction of local income tax
- Gross roll up; no capital gains tax on the assets within the scheme
- No limits on the level of fund which can accumulate
- No requirement to purchase an insurance based annuity, although other options are available.
- Able to received protected rights funds from a UK pension
- Ability to leave residual fund to beneficiaries
- Ability to avoid potential implications of alternatively secured pension (ASP)
- Option lump sum available up to 25% and tax free
- Investment flexibility

What happens after being out the UK for five full tax years of non residency?

- Currently irrespective of age, any payments made to a client will fall outside the unauthorised member payments regime, and therefore no pension charges will apply.
- On death there is no UK Inheritance Tax (IHT), the assets under a QROPS can be paid to the nominated beneficiary, or beneficiaries.

We must point out that depending on where the QROPS has been established, there may be a local tax charge on death under the tax laws of the country of residence of the individual.

If you would like further details on your pension planning should you decide to leave the UK and migrate abroad, please contact myself Geraint Davies Managing Director at Montfort International 01483 202072 or email info@miplc.co.uk

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Equality Act 2010: what do I need to know?

A summary guide to your rights

At the moment there are several different laws to protect people from discrimination on grounds of

- race
- sex
- sexual orientation (whether being lesbian, gay, bisexual or heterosexual)
- disability (or because of something connected with their

disability)

- religion or belief
- being a transsexual person (transsexuality is where someone has changed, is changing or has proposed changing their sex – called ‘gender reassignment’ in law)
- having just had a baby or being pregnant
- being married or in a civil partnership (this applies only at

- work or if someone is being trained for work), and
- age (this applies only at work or if someone is being trained for work).

The Equality Act 2010 simplifies the current laws and puts them all together in one piece of legislation. Also, it makes the law stronger in some areas. So depending on your circumstances, the new Act may protect you more.

Most of the Equality Act will start to apply in October 2010 and this guide covers the main changes coming into effect then.

In this article we tell you about some of the most important points in the Equality Act. However this article doesn't cover all your rights. Get advice if you think you're being discriminated against even if we don't cover your situation here

SIMPLIFYING THE LAW

At the moment it's against the law to discriminate against you because of things like race or religion.

Different laws cover these different issues. Until the new law comes into force, the old laws will still apply.

When the new law comes in all the law about discrimination will be in one place: the Equality Act 2010. You'll still be protected from things like racial or religious discrimination, as the new law will take over from the old laws.

WHERE THE LAW HAS BEEN MADE STRONGER

Here are the main areas where the law has been made stronger from October 2010. Remember that not all the changes will start at the same time, if you think you might be covered by the new law, you'll need to get advice about whether it has come in to force yet.

IF YOU'RE DISABLED

If you're discriminated against because you're disabled the new law could help you.

For example, there will be a slightly different test of what 'disability' means. When the new law comes in, it will be easier for someone to show that they have difficulty carrying out their day-to-day activities, and therefore that they come under the definition of 'disabled person' and are protected under the Act.

Example

You suffer from depression so it's very hard for you to make decisions or even to get up in the morning. You're forgetful and you can't plan ahead. Together, these factors make it difficult for you to carry out day-to-day activities. You've had several linked periods of depression over the last two years and the effects of the depression are long term.

So, for the purpose of the Equality Act, you're defined as a 'disabled person'.

Before the Equality Act, you might not have been able to get disability discrimination protection.

Another way the new law could help you if you are disabled is that for the first time, the law protects you from 'indirect discrimination'.

This is where a policy or practise is applied in the same way to everyone, but it puts disabled people at a particular disadvantage. However, it doesn't count as indirect discrimination if the person applying the policy can justify it.

Example

Your employer brings in a new shift pattern which means that everyone has to work fewer days, but longer days. You have a disability that means you're exhausted after two long days of working. So the new shift pattern puts you and other people who have the same disability as you at a disadvantage.

Your employer will have indirectly discriminated against you if it can't justify the new shift pattern.

When the new law comes in it will be easier for you to make a claim for discrimination that happens because something connected with your disability. It will count as 'unlawful discrimination' if someone who knows you are disabled treats you unfavourably because of something that results from your disability, provided that treatment can't be justified.

This is called 'discrimination arising from a disability'.

Example

Because of your disability, you might need to take more leave from work than people you work with. Your employer must not treat you unfavourably because you are off work, as long as it knows that you have a disability. However, your employer may be able to justify anything it does, and if its action can be justified then, it won't be against the law.

If you're at a substantial disadvantage when compared with someone who isn't disabled, reasonable changes ('adjustments') must be made by your employer. They may have to change the way things are done or make changes to a building or provide aids such as special computer software to help you do your job. Reasonable

adjustments can also include providing information in an accessible format.

If you're a transsexual person The new law could help if:

- you've changed your sex
- you're in the process of changing your sex, or
- you have simply told someone that you are planning to change your sex.

Under the new law, you'll no longer have to be under medical supervision to be protected from discrimination and harassment. You mustn't be discriminated against or harassed by someone exercising a public function such as policing because you've started the process of changing your sex. You'll also be protected from direct discrimination as a result of being associated with someone who is transsexual for example if you're their partner: or if you are discriminated against by someone because they think you are transsexual even if you aren't.

POSITIVE ACTION

Positive action is when something is done specifically to help someone who has a protected characteristic. There are several different reasons why it may be appropriate to take some sort of positive action, for instance if someone is suffering some kind of disadvantage linked to that characteristic, or if they have particular needs or if people with that characteristic are under represented in an activity or a type of work.

One form of positive action is encouraging or training people to apply for jobs or take part in an activity in which people with that characteristic are under-represented. This may be done by means of training courses, mentoring schemes or event open days or other events to show people what a particular job or activity is really like.

The new law makes it easier for employers to take positive action. However taking any form of positive action is entirely voluntary and people don't have to consider doing it if they don't want to.



IF YOU'RE BEING HARASSED

Harassment is behaviour which hurts a person's pride or which is offensive. The new law makes it clear that you will be protected if you are harassed because you associate with someone who has a protected characteristic or because someone thinks you have a protected characteristic, for example if you are harassed because your son is gay or because someone wrongly thinks you are Muslim. Harassment may be deliberate but it doesn't have to be. Someone could be harassing you even if they don't mean to or don't realise they are doing so.

If you're harassed at work, the new law will mean that your employer will be held responsible if:

- they know that you have been harassed repeatedly by someone
- they do nothing reasonable to stop it happening again

Taking action about discrimination

The Police Federation trains representatives to help police officers who may have a complaint

about the lack of equality or diversity in their treatment at work, who may have had a complaint made against them, who may be a witness to acts that form a complaint or who may be otherwise involved.

Police Federation Representatives can help officers to resolve their complaint within the workplace.

They will

- be objective and independent
- maintain confidentiality
- help officers to clarify matters and identify relevant information
- explore the options available to resolve their complaint
- seek to manage the officers expectations
- assist officers to achieve a resolution through their force procedure
- advise on how and when to use the Force Grievance Procedure; and
- in appropriate circumstances, they can arrange for a solicitor to advise on the possibility of taking a case to an Employment Tribunal

If you have a problem of discrimination at work and you can't sort it out with your employer you

can take action at an employment tribunal. If you win your case you could get compensation or the employment tribunal could recommend that your employer stops discrimination against you. Be careful not to miss deadlines for going to an employment tribunal.

Most claims to Employment Tribunals must be made within very strict time limits. In most cases the tribunal must receive your claim within three months. In discrimination cases or complaints relating to non-payment of wages or holiday pay the three month period begins when the matter you are complaining about happened.

Employment tribunals have been given extra powers under the new law. They will be able to make recommendations in discrimination cases which benefit other people who work for the employer as well as the person who made the claim.

FIND OUT MORE ABOUT THE EQUALITY ACT 2010

Directgov: www.direct.gov.uk

Equality and Human Rights Commission:

www.equalityhumanrights.com

Government Equalities Office

website: www.equalities.gov.uk

Acas website: www.acas.org.uk

JBB Treasurer reports

At the Police Federation Annual Conference in May 2010, delegates took the difficult decision to increase weekly subscriptions to the Police Federation by 93p to £4.98 per week. JBB Treasurer Mike Stubbs explains why the rise was necessary, and why Police Federation membership still represents excellent value for money

No rise was agreed in 2009 to allow the financial challenges facing the Police Federation to be properly considered. The latest rise won't come into effect until January 2011, which means that subscriptions haven't increased for two years.

For several years prior to that, subscription increases were limited to the same percentage as the annual pay increase. That left a growing gap between income and expenditure which was filled by the interest on reserves held by the Police Federation. This income stream has since disappeared as interest rates have dipped and reserves have become depleted.

The decision to increase subscriptions was only taken after lengthy discussion over a period of more than 12 months. The debate at Conference was heated at times, as delegates wrestled with the need to keep the cost of membership to a minimum whilst maintaining the high standard of support that members rely on when they turn to the Police Federation for help

Consideration also had to be given to recent changes to legal aid which have increased the cost of representing members. Legal aid for Crown Court costs is now means-tested, and the threshold of £15,000 will exclude police officers from legal aid, leaving the Police Federation to pick up the bill. Even if the case is successful, only legal

aid rates can be reclaimed. We will only engage legal representatives who will provide the best service for our members and legal aid rates will not cover their charges.

Currently over 75% of the Police Federation budget, amounting to more than £12 million, is allocated to cover legal costs. This includes representation to cover criminal injury compensation claims, civil matters, gross misconduct and performance matters, defamation, employment tribunals, regulation related disputes, inquests and judicial reviews. It also provides assistance for civil matters which include personal injury and negligence claims for members and their families.

To put that in the context of North Yorkshire, in the last 12 months Police Federation funds have been used to recover more than £500,000 through CICA and civil claims for members and their families. We have provided legal representation for officers facing criminal and gross misconduct allegations, as well as several officers facing potential prosecution for road traffic offences following collisions on duty. Seven officers are currently receiving legal support during an IPCC investigation following a death in custody. This support will continue through the investigation to the inquest. At the time of going to press, we have six employment tribunal cases pending for employment matters related to gender and disability. And, of course, we currently have an application for a Judicial Review lodged at the High Court in respect of the 2009 SPP scheme, the largest challenge to SPP ever mounted nationally.

None of the officers involved in these cases could have foreseen the



Mike Stubbs

level of legal support they would need from the Police Federation. Just one case can result in bills for tens of thousands of pounds. Many of you will have seen media coverage of the Metropolitan Police Sergeant who was recently acquitted following his trial for assault arising from the G20 protests. The legal bill for his defence amounted to more than £28,000.

We also face new challenges on a national scale. At the recent ACPO Conference, the Home Secretary stated "But we have to be realistic about what we can afford, so we will also undertake a review of police terms and conditions. Let me be crystal clear from the beginning: police officers and staff need to be ready, along with the rest of the public sector, to make sacrifices and accept pay restraint. It cannot be right, for example, that police overtime has become institutionalised. We may not win popularity contests for asking these difficult questions, but it is time for them to be asked."

There is also a broader review of public sector pensions, including police pensions, due to report in March 2011. Together, these developments potentially represent a larger threat to our conditions of service than that posed by the Sheehy Report 17 years ago. It is vitally important that the Police Federation has sufficient funds to sustain what may be a lengthy campaign over these issues.

Subscription rates for the Police Federation still compare favourably with unions. The weekly subscription to the Fire Brigades Union is currently £5.25 per week and a Unison member on the same salary as a PC with 4 years service would pay £4.68 per week. Neither undertake the sort of confrontational roles that result in the many criminal and conduct investigations that our members face.

Please remember that, as a subscribing member, you are entitled to claim tax relief on your Police Federation subscriptions – you can find more details on our website www.nypolfed.org.uk

Mike Stubbs
JBB Treasurer



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Pattinson & Brewer are proud to have been able to support the work of the Police Federation of England and Wales and to represent its members. We look forward to continuing our strong and close relationship.

Please contact

Personal Injury – Jane Radcliffe

Medical Accident – Jane Radcliffe

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