

FEDLINE



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Cover photo: Special Constable Samantha Garford and PC Justin Bielawski trying to cool off on one of the hottest days of 2020 while on patrol in Fenland.

View from the chair

By **Liz Groom**, chair of Cambridgeshire Police Federation

Welcome to the late summer edition of our member's magazine – **Fedline**.

The magazine is part of a co-ordinated communications strategy aimed at keeping members up to date with news and views from the Federation. We also post news items on our website – cambridgeshire.polfed.org – so please make sure you check the site regularly to avoid missing out on useful information.

This edition of the magazine also gives an overview of the work your Federation branch did in 2019 as part of an annual review. Each Federation branch is asked to produce an annual public value report to demonstrate the value it provides not just to members but also to the Force and the public. We will build on this year's review when we produce our 2020 annual public value report next year.

It has been interesting while pulling together the information for the review to look back on 2019 and remember how promising things were looking for policing at the end of the year.

Once Boris Johnson became Prime Minister, he had announced a programme to recruit 20,000 police officers across England and Wales over the next three years and these plans were taking shape.

Then, just before Christmas, we were given an outline of the proposed provisions of the Police Powers and Protections Bill. This will introduce a Police Covenant, setting out a Government commitment to enshrining police wellbeing in law, and a change to driving legislation to give police drivers better protection in law.

While the recruitment programme is now well underway and the new bill is due to come before Parliament in the autumn, the coronavirus pandemic has understandably shifted everyone's focus.

As the service of first and last resort, police forces have been at the forefront of the country's response to the pandemic and, as ever, police officers have stepped up to the mark, putting their own health and safety on the line to maintain effective policing services for their communities.

I would like to put on record my thanks to each and every officer who has ensured that the public had been able to rely on the police service. But, a big thank you is also extended to our police staff colleagues and, of course, members of the Special Constabulary who have carried out hours and hours of work voluntarily during the pandemic.

Sadly, despite the widespread support for police officers during the ongoing crisis, we have still heard far too many reports of officers being assaulted while carrying out their duties. Officers are being spat at and coughed over by people claiming to have the virus which just shows how low some people will go. But the Home Secretary seems to be acting on a pledge she made at the centenary's Federation event last November when she said, if re-elected, she would seek to double the maximum sentences for those who assault police officers and other emergency service workers to two years. A consultation on these plans is now underway.

Please take the time to read this magazine and let us know if you have ideas for our next magazine. We would love to feature more members' stories – what issues are you facing in the workplace? How has the Federation helped you during your career? Let us know.



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Pay increase 'a positive step'

Cambridgeshire Police Federation chair Liz Groom says there's still a long way to go to repair the damage to police pay during the austerity years as she welcomed the Government's announcement that officers would receive a 2.5 per cent wage increase this year.

Liz said the increase, which applies across the ranks and comes into effect on 1 September, was a positive step after years of below inflation salary increases.

But she said there was still a long journey ahead after officers had seen their pay fall by 18 per cent in real terms during the decade of austerity.

Liz said: "With the economic uncertainty we face as a country following the pandemic, it's a positive step to receive a 2.5 per cent pay increase. However, it is only a step. There's still a long way to go to bring officers' pay back to the levels where they should be and the Federation will continue to fight for better pay increases for our members, once the economy allows."

"Police officers perform a unique job in society in serving our communities, protecting the vulnerable and fighting crime, as we've seen as they have remained on the front-line during the pandemic, and they deserve to be fairly paid for that."

The Home Office announced on 21 July that it will accept in full the recommendations of the Police Remuneration Review Body (PRRB) - the independent body which advises the Government on officer pay.

"This hasn't always been the case and that destabilised the pay review process,"



said Liz, "So it's positive to see the Government abiding by proper process and accepting all the recommendations of the PRRB."

Liz's comments were echoed by John Apter, the national chair of the Police Federation.

He said: "In the current financial climate with so much uncertainty, the fact the Government has fully accepted the

recommendations of the PRRB will come as a relief.

"The 2.5 per cent increase in pay across all ranks is a step in the right direction and, while it is less than we asked for, will be broadly welcomed against a backdrop of financial pressures on the economy.

"Do my colleagues deserve more? Absolutely, and the Government must go further to pay officers fairly for the unique and dangerous job they do.

"However, with the economic vulnerability we face as a country, many colleagues will be relieved to receive a 2.5 per cent pay increase - anything lower would have been completely unacceptable."

The wage rise will mean a constable will receive an extra £1,100, taking into account salary and allowances, of pensionable salary a year from 1 September this year.

The Government also announced:

- **London Weighting and the dog handlers' allowance would increase by 2.5 per cent too**
- **The lowest point on the sergeants' pay scale would be removed**
- **The maximum rate of London Allowance would increase by £1,000 to £5,338 a year for officers appointed on or after 1 September 1994 and not receiving replacement allowance.**

In February, the Police Federation and the Police Superintendents' Association made a joint submission to the PRRB and called for a five per cent pay rise across the ranks.

Take part in our pay and morale survey

All members are being encouraged to take part in the annual pay and morale survey carried out by the Police Federation of England and Wales.

The findings of the survey are used in the Federation's annual submission to the Police Remuneration Review Body (PRRB) - the independent organisation which advises the Government on officer pay.

"I cannot emphasise enough how important it is for members to take part in this survey. I appreciate that everyone is really busy but taking the time to fill out this survey will have an impact on the Federation's representations to PRRB on officer pay and morale," says Liz Groom, chair of Cambridgeshire Police Federation.

"Locally, we also discuss the findings with chief officers and the Force leadership team as they give a snapshot of how officers are feeling about their pay and allowances, their morale and the police service generally.

"The more people who respond to this survey the better. It gives us much more weight in our negotiations if we can say that

the results represent the views of the majority of our members."

Last year's survey revealed:

- **72 per cent of Cambridgeshire respondents were dissatisfied with their overall remuneration, including pay and allowances**
- **66 per cent felt they were worse off financially than they were five years ago**
- **46 per cent reported worrying about the state of their finances every day or almost every day**
- **10 per cent reported never or almost never having enough money to cover all their essentials.**
- **85 per cent felt morale within the Force was low, and**
- **54 per cent said they would not recommend joining the police to others.**

The survey has been issued via the Federation's National Member Database and will close at midnight on Friday 11 September.

Contact the Federation office if you need a link to the survey by emailing cambridgeshire@polfed.org

Sentences for officer assaults could double



Cambridgeshire Police Federation chair Liz Groom says doubling the maximum jail sentence for people who assault police and emergency service personnel will send out a powerful message of support for blue light workers.

Liz was speaking after Justice Secretary and Lord Chancellor Robert Buckland and Home Secretary Priti Patel launched a four-week review into the Assaults on Emergency Workers (Offences) Act 2018.

It could result in the maximum sentence for assaulting emergency workers being doubled to two years in prison.

Liz said: "It has been sickening in the last few months to see the numbers of people who have tried to weaponise the coronavirus by coughing or spitting at our officers. Our members

have been on the front-line in this pandemic and have worked tirelessly during the lockdown to serve their communities and protect the NHS.

"Any assault on one of our emergency services colleagues is totally unacceptable but even more so during these unprecedented times. As a Federation, our Protect the Protectors campaign led to the Assaults on Emergency Services Workers (Offences) Act being introduced.

"However, the one-year jail sentence set out for these offences doesn't seem to act as a suitable punishment or deterrent. Doubling that sentence will send out a powerful message of support for our members and their emergency services colleagues, but it will need to be backed up by the courts."

Roads policing 'inadequate'

Cuts to roads policing budgets leading to a drop in the number of dedicated roads policing officers have been blamed for a gradual increase in road deaths after more than 30 years of steadily declining fatalities.

A new report by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) called "Roads Policing: not optional" highlights the fact that £120 million cuts to roads policing budgets between 2013 and 2019 were reflected in a 'substantial decrease' in police enforcement activity in particular the targeting of the Fatal Four of drink and drug driving, not wearing seatbelts, excess speed and driving while distracted, for example, by using mobile phones.

The report states that since 2013 the number of deaths caused by road accidents in England and Wales has gradually increased, rising from 1,541 fatalities in 2013 to 1,624 fatalities in 2018.

It found roads policing in some forces was inadequate, that often capability and capacity did not meet demand and that a lack of co-ordination hindered effective engagement with partners and the public. It also called for roads policing to be standardised and accredited, as one of 13 recommendations to improve the effectiveness of roads policing in England and Wales, and also urged the Government to include roads policing within the Strategic Policing Requirement.

Cambridgeshire Police Federation chair Liz Groom has welcomed the report but said it laid bare the decline in roads policing capabilities and the tragic impact that had on road safety.

"You cannot cut the number of specialist roads policing officers so drastically and not expect there to be consequences," says Liz, "The Federation warned at the outset of the cuts programme that reducing funding would lead to cuts to policing services but roads policing has been particularly badly hit leaving many forces with an inadequate service.

"This report should serve as a wake-up call to the Government and police leaders. It's time for roads policing to be made a priority so that officers can help reverse the upward trend in road fatalities."

Officer fatigue

High levels of fatigue among officers across the country have been revealed by the findings of the first police national wellbeing survey, which was filled in by around 35,000 people and conducted by Oscar Kilo, the National Police Wellbeing Service, and the College of Policing.

The survey showed almost half (45 per cent) of respondents were getting less than six hours' sleep a night.

Special members

Cambridgeshire branch chair Liz Groom has welcomed a move to allow Special Constables to join the Federation.

Opening up Federation membership to Specials is part of the Police Powers and Protections Bill which is set to come before MPs later this year.

Annual public value report

Cambridgeshire Police Federation represents the interests of the Force's constables, sergeants and inspecting ranks. It seeks to negotiate on their behalf and influence decision-makers, locally, regionally and nationally.



Based at Yaxley Police Station, the Federation, its full-time officials, staff and workplace representatives across the Force area put members' interests at the heart of all they do and are committed to providing an effective and efficient service.

It is also important that the Federation's services represent value for money for the members, for the Force and for the communities they serve.

We are giving an overview of the branch's work on members'

behalf during 2019 while also highlighting the fact that it would be almost impossible to give a detailed account of all the time Federation representatives and staff spend talking to members, offering advice, listening to their concerns or sharing information with them. Likewise, it would be incredibly difficult to gather statistics on the hundreds, if not thousands, of face to face conversations, telephone calls, text messages and emails between Federation officials and senior officers and staff or between workplace representatives and their colleagues.

The Federation also works in partnership with 'Member service' providers to offer members a comprehensive Group Insurance Scheme and a range of offers, discounts and services tailored to their needs.

2019: a pivotal year for policing

By Liz Groom, chair of Cambridgeshire Police Federation

Given that I am writing this in 2020 while in the grips of the pandemic, it is interesting to look back on 2019 and the promising signs for policing that it brought.

Following the General Election, we were all buoyed by the Government's announcement of plans to recruit 20,000 officers over the next three years and £10 million in ring-fenced funding for Taser. News of the provisions of the Police Powers and Protections Bill was also encouraging, as was the Government decision to back the recommendations of the Police Remuneration Review Body (PRRB) on officer pay.

For me, 2019 was the year when officer wellbeing was starting to be taken more seriously and that was certainly something we, as a Federation, had been pushing for some time.

The tide really did seem to be turning after years of austerity had led to officer numbers plummeting as demand soared.

While, inevitably, the pandemic has led to a change of focus, the positive signs we had started to see are being built on – recruitment is on track and, once again, we have just heard that the Government has agreed to the PRRB recommendations on pay for 2020 too.

Representation

Police Federation representatives do not just represent their colleagues, they also negotiate on their behalf and seek to influence decision-makers and stakeholders. Cambridgeshire Police Federation has three full-time executive officers at Yaxley Police Station.

They act on members' behalf in dealings

with the Force and in discussions around regulations, policies and procedures, locally and nationally. Each of these full-time officials has their own roles, responsibilities and specialisms covering the full range of Federation work streams including conduct, health and safety and equality. They, along with the 18 workplace representatives, receive full training so they can professionally represent members. The workplace reps are an easily accessible first point of contact for any Federated member with a work-related or welfare issue.

Cambridgeshire Police Federation full-time officials and workplace representatives have represented members at various Force, regional and national meetings including:

- Force executive board - monthly
- Force/BCH Health and Safety Board
- Force posting meetings
- CAPLO seminars (Federation)
- CAPLO lead with head of PSD
- BCH policy meetings
- Force TASER STRA challenge (securing a 50 per cent uplift in trained officers for Cambridgeshire)

- BCH uniform and equipment group meetings
- Vehicle user group meetings
- Force use of force group meetings
- Force limited duties meetings
- BCH retention working group
- JNCC
- Health and safety inspections
- Welfare champions meetings
- Force and BCH COVID Gold/Silver meetings
- Force COVID and recovery learning process.
- Force COVID deputy Bronze
- BCH post-incident procedures (PIP) user group and CPD days
- National Detectives' Forum
- BCH Federation principles meetings
- National Council (Police Federation) meetings (three per year - chair and secretary)
- Federation meetings with the Chief Constable, Deputy Chief Constable and Assistant Chief Constable
- Federation meetings with the head of operational policing and investigations (chief superintendent).

“ WHILE, INEVITABLY, THE PANDEMIC HAS LED TO A CHANGE OF FOCUS, THE POSITIVE SIGNS WE HAD STARTED TO SEE ARE BEING BUILT ON – RECRUITMENT IS ON TRACK AND, ONCE AGAIN, WE HAVE JUST HEARD THAT THE GOVERNMENT HAS AGREED TO THE PRRB RECOMMENDATIONS ON PAY FOR 2020 TOO. ”

Conduct

The Cambridgeshire Police Federation conduct and performance liaison officer (CAPLO) is branch secretary Oz Merrygold and he is supported by DS Scott Houghton who will be taking over as secretary and conduct lead when Oz retires later this year. Together they provide advice, guidance and support to members on all conduct and performance issues.

The Federation operates a call-out rota so members can contact a trained conduct representative at all times of the day year-round.

The conduct reps worked closely with the Force and PSD to prepare for

the launch of new conduct regulations at the start of 2020. These aim to embed a culture of learning and development rather than sanction and punishment.

Equality

The branch equality lead is Rachel Ball. She supports members facing a range of equality issues and also through the Regulation 28 and ill-health retirement processes.

Health and safety

Branch deputy chair Jon Capes is the Cambridgeshire Police Federation health and safety lead. Key work streams during 2019 included officer assaults, safe staffing levels, safe working

environments and health and wellbeing.

Advice

Cambridgeshire Police Federation offered FREE advice and expert support on a wide range of issues during 2019 covering the following areas:

- Police Regulations
- Mortgages
- Family law
- Planning for retirement
- Financial education.

Communications

The Federation regularly updates its website – cambridgeshire.polfed.org – and produces a magazine four times a year to provide members with news on the issues affecting them at work.

Supporting members at all times

Comprehensive cover with our Group Insurance Scheme

There are a total of 2,645 members in the scheme; 1,340 serving members, 645 retired, 660 partners retired and serving.

Our claim year runs from December to December each year.

This year, to date, we have had one life claim of £22,500. By contrast, last year's total figures for 2018/19 were £307,500. There are still four months to go but so far this has been a very good year which, given the pandemic, makes it sound even more remarkable.

There were four critical illness claims from December 2018 to December 2019. But there have been none so far this year. This figure is slightly more worrying due to the fact that it may be skewed by the pandemic as members may not have gone to see their GP.

There have been two half pay claims during 2020 and 19 travel claims which is obviously low because of COVID-19 and the travel restrictions in place at the time.

There have been seven personal accident claims.

During 2018/19 there were 91 claims under the mobile phone insurance cover costing £30,029 and this is consistent with the previous four years.

There have been 27 uses of home emergency cover totalling £4,806.

Motor breakdown has also been lower than expected due to the pandemic and so far during 2020 this has only been used 91 times at a cost of £7,700.

The legal expense cover has been used five times so far this year at a cost of £47,164.

There have been 11 calls to the GP24 service during 2020.

Welfare expenditure

During 2019, Cambridgeshire Police Federation bought a luxury caravan at the Haven site at Hopton in Norfolk so it could provide free welfare breaks for members.

When not being used for these breaks, the Federation allows members to book the caravan for holiday breaks at very competitive



Our holiday home offers welfare breaks.



rates.

The caravan sleeps eight and overlooks the sea.

It cost £75,000 to buy with site fees costing £10,500 a year and insurance, utilities and maintenance adding a further £1,000 a year.

From the time of buying the caravan, and bearing in mind the site was closed during



the pandemic, the Federation has provided 12 free welfare breaks.

In addition, 28 officers booked paid breaks, costing about half the usual fees for a Haven park holiday, with the charges helping pay the yearly site fees and maintenance costs.

Continued on Page 8

Supporting members at all times

Welfare hampers

These hampers are provided to members when they have an injury or assault on duty requiring hospital treatment - including mental health - serious illness or an unexpected hospital admission.

In total, 71 were sent to members in the last 12 months at a cost of just over £1,300.

The Federation also bought a selection of gifts including water bottles and pens for around £5,250.

Tickets to local attractions

The Federation funded tickets to local attractions and Imperial War Museum passes - for Duxford, HMS Belfast and the Churchill War Rooms.

The number of officers who used the welfare tickets were as follows:

- Imperial War Museum – 60 passes issued (one pass covers two people)
- Shepreth Zoo – 61
- Sacrewell Farm – 73
- Church Rare Breeds Farm – 28.

For 2020, the Federation has bought new tickets for Church Farm, Sacrewell Farm, Shepreth Wildlife Park, Duxford and Nene Adventure Park. Email the



office at cambridgeshire.polfed.org to book tickets.

In addition, two passes were purchased - allowing four people entry - for the use of NARPO members only.

Team building

The Federation offered £20 per member to fund a team-building event – such as escape rooms, a water park or golf days.

A total of 278 officers took up the offer: £4,497.50 in 2019.

Hand gel

Cambridgeshire Police Federation also bought 2,500 personal issue small reusable and refillable hand gel bottles and small portable resuscitation pouches.

These cost around £5,500 plus VAT for the hand gel and £500 for the pouches.

The initial outlay for these was £3,000 when the Federation bought one per officer but as new officers have been recruits more were needed so this £500 was for a top-up.

Fruit and food hampers were also given to teams during the pandemic and hot dogs were provided, and cooked, for officers over three weekends in the lockdown period.

Festive treat

Hot dogs were cooked for officers working New Year's Eve, at a cost of around £300, and Christmas food hampers were also given out over the festive season. These cost around £2,500.

Other welfare purchases

These included:

Pool table, Wisbech	£780
Sofa custody	£534.

Officers honoured at bravery and Force Awards



At the bravery awards are PC Jess Farchica (left) and PC Natalie Hines.

Cambridgeshire PCs Natalie Hines and Jess Farchica attended a Downing Street reception and gala awards night after being nominated for the national Police Bravery Awards.

They were put forward for the prestigious annual awards after arresting a violent man who punched Natalie and then pinned Jess against a door before raising a knife to her face having trapped the officers in a house.

The officers and their two guests were escorted to the 2019



With Cambridgeshire Police Officer of the Year Sergeant Jason Hancock are Cambridgeshire Police Federation chair Liz Groom and secretary Oz Merrygold (right).

Police Bravery Awards with all costs being paid by Cambridgeshire Police Federation.

The Federation also sponsored the Cambridgeshire Police Officer of the Year at the Force Awards which was presented to Sergeant Jason Hancock.

PCs Neil Game, James Goose and Stu Budnick (who was unable to attend), runners-up for the bravery awards, were also presented with a Federation award.

A year in review



January

2019 is a milestone in the Police Federation of England and Wales (PFEW) history as the organisation turns 100.

February

The Federation's demand, capacity and welfare survey reveals 84 per cent of Cambridgeshire Police Federation members feel their workload is too high or much too high.



March

Two cyber-attacks hit PFEW systems. The Police Federation's annual conference is cancelled.

April

The first menopause survey in policing, carried out by the Federation, reveals the majority of respondents felt low mood and lower confidence as a result of the menopause had been either moderately or extremely problematic for them at work.



May

The Home Office issues a Written Ministerial Statement announcing plans to change the law to give police drivers better protection from prosecution.

June

Federation members are urged to complete a survey on pay and conditions and officer morale. The findings will be used as evidence in the Federation's submission to the Police Remuneration Review Body (PRRB).



July

Cambridgeshire PCs Natalie Hines and Jess Farchica attend a Downing Street reception and gala awards night after being nominated for the national Police Bravery Awards. They were nominated after arresting a violent man who punched Natalie and then pinned Jess against a door before raising a knife to her face having trapped the officers in a house.

August

The death of Thames Valley PC Andrew Harper shocks the police service and the public.



September

Liz Groom, chair of Cambridgeshire Police Federation, represents Cambridgeshire Police Federation at the National Police Memorial Day in Glasgow.



October

The Force is allocated 62 new recruits in Year 1 of the Government's three-year plan to boost officer numbers across England and Wales by 20,000.

November

Federation representatives nationwide attend a celebratory event in London to mark the 100th anniversary of the formation of the Police Federation of England and Wales. The centenary event is held at Methodist Central Hall in Westminster where the first Federation meeting was held in 1919.



December

The Queen's Speech during the State Opening of Parliament outlines the Police Protections and Powers Bill, the establishment of a Police Covenant and a Royal Commission to examine the efficiency and effectiveness of the criminal justice system.

National Police Memorial Day service moves online



The National Police Memorial Day service will be held online this year to ensure that fallen officers can still be honoured and remembered.

The service will be held on Sunday 27 September at 3pm.

The website streaming the service will also be hosting a tribute wall where you can share your memories and photos or leave condolence messages.

"National Police Memorial Day is one of the key events of the policing year and provides police officers of all ranks the opportunity to stand shoulder to shoulder with the families of fallen officers and pay tribute to those who have given their lives in the line of duty," says Liz Groom, chair of Cambridgeshire Police Federation.

"Once it became obvious that, due to the pandemic, it would not be possible for us to gather at Lincoln Cathedral on 27

September for this year's memorial day service, discussions started as to how we could still honour our fallen colleagues.

"This online service and tribute wall will allow us to mark National Police Memorial Day and I hope as many people as possible will watch the service and add their own messages to the tribute wall."

To access the service, you will be asked to provide your name and email address.

National Police Memorial Day was first held in 2004 and has been held at the end of September each year since. It rotates around England, Wales, Scotland and Northern Ireland.

Federation representatives, chief officers and the Home Secretary usually join the families of fallen officers at the service and the Prince of Wales, patron of the National Police Memorial Day charity, often attends.

Pensions remedy

The Government has announced a consultation on its proposed remedy to the discrimination found when it launched the 2015 Career Average Revalued Earnings (CARE) Police Pension Scheme.

The consultation, which also involves other public service pension schemes, was launched on Thursday 16 July and will close on 11 October 2020.

The Police Federation of England and Wales (PFEW) is working with other UK staff associations to form a detailed response to the Government consultation.

Find out more on the pensions pages at polfed.org

New DSI policy

Officers involved in all Post-Incident Procedures (PIP) will now have the same protection afforded to those subjected to a firearms PIP.

The College of Policing has launched a Death or Serious Injury Authorised Professional Practice (DSI APP) Policy.

The policy sets out the steps that should be taken by a force to protect officers legally, look after their welfare and support them during an investigation.

"This new policy will ensure that all officers involved in a PIP are properly supported and represented," explains Liz Groom, chair of Cambridgeshire Police Federation, "Firearms officers have been covered by a death or serious injury policy for some years now. This policy has been thoroughly tested through the courts in this time and sets a standard that ensures officers are protected but also allows them to provide the best possible evidence.

"PIP processes are used for any incident in which there is a death or serious injury following police contact so it follows that there needs to be a policy in place for any officer involved in these. I would encourage all officers to read the APP guidance to make sure they understand the process."

Cambridgeshire Police Federation chair Liz Groom provides PIP awareness training and has been delivering this to teams again now the new APP has been published. If you would like Liz to speak to your shift, please email liz.groom@polfed.org

Federation subs

Police Federation subscriptions will go up by £2 a month from September this year.

The increase in subs, supported by delegates at a Police Federation of England and Wales (PFEW) virtual conference in mid-June, is the first since 2011.

It means members will pay £23.58 a month for the range of support, advice and services provided by the Federation but this will actually amount to £18.86 when tax relief is applied.

TREATMENT OF POLICE PENSIONS UPON DIVORCE

By **Hannah Cornish**, head of family law at Slater and Gordon



The report of the Pension Advisory Group (PAG), 'A Guide to the Treatment of Pensions on Divorce' was published in July 2019.

Three recent decisions by the Family Court concerning the divisions of pensions have all referenced the PAG report as being influential on judicial decision-making.

The judgment of HHJ Robinson in *KM v CV* [2020] EWFC B22 and *RH v SV* [2020] EWFC B23 along with HHJ Hess' judgment in *W v H* (divorce: financial remedies) [2020] EWFC B10 can be drawn together to provide the following authority regarding the treatment of pensions:

- Expert evidence from a Pensions on Divorce Expert or PODE where proportionate and affordable is invaluable and often essential to provide evidence on the pension claim on divorce to achieve equality of income.
- The court is to determine the claim to a Pension Sharing Order taking into account the income - yield of pensions, as well as their capital value (CE), particularly in small to medium money cases, where needs are an issue. It will often be fair in such cases to aim to provide the parties with similar incomes in retirement by way of a Pension Sharing Order, rather than a simple division of CEs.
- When needs take precedence, the court will give less weight to contribution based arguments and excluding any portion of a

pension as 'non-matrimonial' is unlikely to be justified where pensions are the sole or main asset to meet the parties' post-retirement needs.

Pensions cannot be compared as like for like value with other capital assets. Mixing categories of assets by way of offsetting, risks unfairness and often the appropriate method is to divide the pension separately from other assets.

How does this effect the claim on a police pension upon divorce?

The police pension is an unfunded final salary occupational pension scheme and the income from within the scheme per £ of CE is generally higher than annuity income outside the scheme per £ of CE. As such, subject to the CE being valuable, in a case where retirement is on the horizon and the case being one in which needs arise, the guidance from the PAG report is that the fair outcome would be for the Pension Sharing Order to be based on an equalisation of incomes on retirement and this approach requires expert evidence from a PODE.

This is different to adopting the approach of simply dividing the pensions by equality of capital value (CEs). Therefore, in the majority of cases, before the claim to a Pension Sharing Order can be determined, it's now more likely than ever that there will need to be a joint instruction to an expert pension actuary (at joint expense) to prepare a pension report and to calculate the Pension Sharing Order to equalise incomes.

Further, it's certainly not clear cut, nor guaranteed, that the portion of the police pension accrued prior to co-habitation/

marriage will be automatically ring-fenced from the pot for division. Where the pensions concerned represent the sole or main mechanism for meeting the post-retirement needs of both parties and where the income produced by the pension funds after division falls short in meeting needs, the court's approach is likely to be that no portion of the pension should be excluded and that all the pension provision, regardless as to when it accrued, should be taken into account in determining the Pension Sharing Order.

This is not to say that practitioners should stop asking the PODE to calculate percentages for Pension Sharing Orders on the basis of both the entirety of the pension provision as well as only that pension that has accrued during the relationship but, unless the latter calculation meets the needs of the receiving spouse, the likelihood is that the judge will order a Pension Sharing Order that is higher - thereby dipping into the pre-marital/post-separation pension contributions.

While there's no 'one size fits all' to the answer as to how pensions should be treated upon divorce and every case is decided on its own facts, at the discretion of the judge, the comments on pensions in recent case law referencing the PAG report should be treated as authoritative and persuasive.

When going through a divorce, it's imperative that you seek advice from a divorce specialist experienced in dealing with police pensions.

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



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