

# INSIGHT

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

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### Coronavirus Situation

At the time of writing, this situation is rapidly changing. It is difficult to offer any comment or advice, as from one day to the next, the government are announcing significant changes that effect society and directly the emergency services.

The role of the Police is critical to ensuring Merseyside is able to function as best as it can.

We are here for you and if you enter any situation or circumstance that you feel is unsafe, please do not hesitate to contact us on **0151 259 2535** or via email at **reception@merseyside.polfed.org**, or contact any workplace rep. We will do our best to help you.

### IMPORTANT INFORMATION

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

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

# Update from the Chairman



Tony Fairclough - Chairman  
Merseyside Police Federation

## Combating “Covid Fatigue” and surveys that do make a difference

I can't believe that this is the final edition of Insight this year and 2020 is nearly at an end. It seems that every news programme, news headline or other article has been centred around Covid 19 since the coronavirus first came to light and hit the headlines almost 12 months ago.

One description of the pandemic that is trending now is 'Covid fatigue'. 'Covid fatigue' can be described as something that we thought was going to be short-lived, however it is now a more chronic or longer-term situation than any of us expected. As a result, there are numerous changes to daily life, additional safety measures and every individual has to use a lot of mental effort to maintain a high level of awareness. The situation that we all find ourselves in is strong and it's real. As we are aware, the stress caused by the length of time that we have been dealing with Covid 19 and the intensity that has been created takes an inevitable toll on everyone, police officers are no different. However, this collective fatigue makes some people careless as they are tired of being restricted, tired of being careful and, for a number of members of society, they are tired of being scared. Careless is something that police officers try not to be and the importance of officers utilising Covid PPE to protect themselves and the public is more prevalent than ever.

We must protect each other and ourselves. The force has healthy stocks of PPE for officers to utilise and we all know the importance of it to protect ourselves, our families, our colleagues and the general public, so please make use of it and don't go without.



There are a number of ways to combat 'Covid fatigue' and look after yourselves.

- If possible, maintain a routine. Keep a regular schedule to maintain stability and a sense of control.
- Mental wellbeing - acknowledge and accept emotions. If you are finding it difficult to cope, reach out to family, friends, support groups, the Occupational Health Unit of the organisation and / or your GP for help. The North West Police Benevolent Fund have recommenced both counselling and physiotherapy at Green Lane for members if required.
- Self-care. Try to remain positive and deal with stress and anxiety. It's important to take part in activities to improve both mental and physical health.

So, where are we now?.... In force we have gone from both weekly Gold and Silver Operation Georgia meetings to Recovery Cell meetings and a force survey to obtain officer feedback regarding policing the pandemic here on Merseyside. Unfortunately, as we all know, we are now back to both weekly Gold and Silver meetings and the 'recovery' so to speak, is on hold.

At the time of writing this article, the Liverpool City Region, is one of the few areas in the country to be in the governments Tier 3 category. When speaking with colleagues from around the country, the first comments are always 'How is it there?' It sometimes feels like our Region is out on a limb and the environment is alien to the rest of the country who are dealing with lesser restrictions. Policing the new regulations is something that all officers have embraced utilising the 4 'E's and no matter what is to come, you, our officers will continue to serve the public of Merseyside to the best of your abilities, of that there is no doubt.



Moving away from the pandemic, since the last edition of Insight, there have been two surveys sent direct to members from PFEW, the first being the Pay and Morale Survey, which is the only national survey to capture members' views on pay and conditions. Officers often ask, 'What's the point, nothing ever happens? It's just another survey.' These survey's really do make a difference and enable representation that is evidence based and last year's survey has already made a difference to police officer pay with the 2.5% pay uplift across the board that commenced this September; together with the removal of the lowest point on the sergeants' pay scale.

Shortly after the Pay and Morale survey, the Demand, Capacity & Welfare Survey was sent direct to members from PFEW. This is the only national survey which captures officers' views on the demands and pressures they face, day to day, and gives a critical insight into the welfare of officers. This year's survey includes specific questions around policing the COVID-19 pandemic and will help gather evidence and better understand the real impact the pandemic has had on officers across all federated ranks.

Over the last couple of months, we have been delighted to welcome a number of transferees and new recruits on both the Police Constable Degree Apprenticeship and the Degree Holder Entry Programme to the Federation. Unfortunately, we

have been unable to see the new recruits at Green Lane due to social distancing measures, however with fantastic assistance from The Academy, we were fortunate to be able to be accommodated at Mather Avenue to see them at the beginning of their journey as police officers. They will soon be aware that it really is a job like no other.

As this year is nearing to a close and this is the final issue of Insight for 2020, I extend my most sincere best wishes to you all for a very merry Christmas, a happy and prosperous New Year. I hope that you are all able to spend some quality time with your loved ones and friends over the festive period, which is always a busy time for police officers and I'm sure this year will be no different.

**Please look after yourselves and each other.**

**Stay safe**  
**Tony Fairclough**  
**Chairman**  
**Merseyside Police Federation**

# Update from the Secretary

*Dave comments on the struggle of policing a pandemic at Tier 3*



Dave Lowe - Secretary  
Merseyside Police Federation

***“Whatever you do may seem insignificant to you, but it is most important that you do it.”***  
**Mahatma Gandhi.**

At the time of my writing the first draft of this article we were the only County in Tier 3. We were in the spotlight nationally and our worst fears had arrived with the onset of the second wave.

Increasing rates of infection along with the increased admissions to the local hospitals meant the Government took the step of placing us in the highest Tier in their 3-tier ladder.

As you will be aware it wasn't exactly clear what we could and couldn't do but we were getting used to the confusing messages from the government. This was reinforced when firstly Lancashire entered tier 3 with different rules and then Greater Manchester entered tier 3 again with different rules to ourselves.

What hasn't changed is the policing of the pandemic sits with yourselves. You will be aware that due to additional measures following the region being placed in tier-3 the enforcement of its laws placed you under the spotlight nationally once again. Mahatma Gandhi once said, 'Whatever you do may seem insignificant to you, but it is most important that you do it.' If ever a quote is applicable to policing the pandemic this one must be in the top 10.

What we have seen once again is the reliable ever ready police service that can't say no due to our unique role. Enforcement of non-closure premises, illegal parties and gatherings to mention but a few has seen the media and public sometimes view you in a negative light rather than enforcing the laws imposed on us by the emergency legislation.

What some of the public of Merseyside don't realise is when they see you enforcing Covid legalisation, policing anti Covid demonstrations it's not additional

officers policing it it's the same officers working enforced longer hours or indeed officers rest days which have been enforced cancellations.

Within weeks we now find ourselves in a second National Lockdown which began on 5th November which is slightly different to the original one, but the broad basis remains the same. We have also seen Liverpool be identified for the first national pilot of mass testing with over 2000 military personal drafted in to run the pilot.

We are seeing higher abstractions not always down to officers being symptomatic but due to test and trace. Sometimes with family and friends testing positive, but also with colleagues which put a tremendous strain on resources and the ability to police and ensure your safety.

Currently our force is following Public Health England guidelines with regards to self-isolation, after a colleague's positive test and dependent upon how close you may have been to that person you may be required to self-isolate. Some forces however are going outside of this guidance on occasions and despite officers being near colleagues with symptoms because they have been wearing PPE they are stating self-isolation is unnecessary.

As already alluded to due to the fact the organisation has to 'police' covid related issues, whether that be persons who should be self-isolating and aren't, or the public making the police aware of potential breaches that need to be addressed. We are also starting to see anti lockdown protests which again has the potential to require several PSU's, which without cancellation of rest days we just don't have the capacity to populate.

This isn't done lightly despite what some may suggest. We were consulted every step of the way and every possible alternative is exhausted until the decision ultimately has to be taken with regards an exigency of duty.

What is an exigency? It's relating to situations where pressing demand or need, or requirement is perceived that is not reasonably avoided and necessitates a change of the duty roster. The word pressing relates to the expected situation at the time when the duty is performed rather than when the decision is made, or the roster is changed. The reason for change may be known many months in advance but still be classed as a pressing need.

The Prime Minister has repeatedly suggested that the 28 day lockdown will end on the 2nd December, however as is becoming the normal we have already had a senior government minister suggest it may be extended, and yet again the PM suggest that we will come out back into the original Tier system whatever that number may be here in Merseyside.

We continue to represent you at Covid Gold and Silver meetings as well as a weekly staff association meeting with the Gold commander for Covid. We are in constant communication once again with PFEW national lead on Op Talla feeding our views and concerns directly into Op Talla.

The uplift of police officers continues despite Covid, however its slightly misleading when the home office states that were on track to hit the government target of 6,000 officers by March 2021 and 20,000 over the next 3 years, with the current number being 5,824.

What isn't reported and highlighted is the fact between 2010 and 2018 the Conservative government cut 44,000 officers and staff from policing in England and Wales. What this announcement represents is no more than a small step towards trying to repair the incalculable harm done to policing by politicians.

As Christmas fast approaches we are all currently wondering what that will look like this year. However, what's for certain is that policing will be there ready to deal with whatever Covid throws at us. We will all be happy to put 2020 behind us for the right reasons and look forward to some form of normality hopefully in 2021 with the introduction of a vaccine.

Whilst we were in Tier-3, despite the restrictions the Federation office remained open. When the lockdown began, I took the decision to have all our staff working remotely. The Physio and Counselling services continue to operate virtually and not face to face.

The full-time federation officers remain working from Green Lane however two are self-isolating but working remotely. The phone lines and e mails remain operational and you should still contact the federation in this way. We are still allowing visitors who need help and advice however this must be done via appointment only.

**UK**

**Three-tier lockdown system**

- Tier 3 Very High**  
Pubs and bars must close, and can only remain open where they operate as if they were a restaurant - which means serving substantial meals, like a main lunchtime or evening meal. They may only serve alcohol as part of such a meal.
- Tier 2 High**  
People must not meet with anybody outside their household or support bubble in any indoor setting, whether at home or in a public place. The "Rule of Six" will continue to apply outdoors and in private gardens.
- Tier 1 Medium**  
All businesses and venues can continue to operate, in a Covid-secure manner, other than those that remain closed in law, such as nightclubs and adult entertainment venues.

## Honestly Held Belief?

Jermaine Baker, was shot during a Metropolitan Police operation regarding the attempt release of two prisoners who were transported from Wormwood Scrubs to be sentenced for a firearms offence. December 2015.

Following an investigation, the IOPC directed that the force should bring disciplinary proceedings for gross misconduct against the marksman, who was assigned a pseudonym of W80 which is normal practice.

W80 maintained that he had shot Mr Baker in self-defence; he had honestly believed that Mr Baker was reaching for a gun and that his life, and that of his colleagues, was in danger.

As such a Judicial review was sought (*R (on behalf of Officer W80 v The Director of the IOPC 2019)*)

There are currently two legal tests for the defence of self-defence. One is applied in criminal cases and the other is applied in civil cases (for the tort of assault and battery). The question for the High Court was to determine which test was applicable in police misconduct proceedings

The criminal test imposes the positive obligation on the prosecution, not the defendant, further and notably, the first part of the legal test is more generous to the mistaken defendant in criminal cases. In civil cases the defendant must always justify that his belief was reasonable. The officer argued that when determining if there is a case to answer, the IOPC should apply the criminal law test. The IOPC argued that it was the civil law test.

The Judges heard the arguments and considered the legal and regulatory framework noting in particular the following paragraph in the Code of Ethics (2014).

### **Code of Ethics**

**4.4 You will have to account for any use of force, in other words justify it based upon your honestly held belief at the time that you used the force.**

Subsequently the decision of the IOPC was quashed by the High Court.

On Friday 9th October 2020 at the appeal court, three leading judges overturned the High Court's judgment following an appeal by the IOPC. The National Police Chiefs' Council (NPCC) described the ruling as "disappointing".

In a summary of the ruling, Sir Geoffrey Vos said: "The IOPC was justified in concluding that it was open to a reasonable misconduct panel to make a finding of misconduct if W80's honest, but mistaken, belief that his life was threatened was found to be unreasonable. *"That conclusion was soundly based in law on the proper and plain meaning of the relevant regulations and the (College of Policing's) Code of Ethics."*

In a statement released in response to the ruling, the IOPC said: *"Today's decision from the Court is welcome and provides clarity on an important principle of policing. We investigated Mr Baker's death and the officer involved was criminally interviewed by our investigators."* A file was sent to the Crown Prosecution Service (CPS) who decided not to bring any criminal charges.

*"We decided there was a case to answer in disciplinary proceedings, however the Metropolitan Police Service (MPS) disagreed and we directed them to hold gross misconduct proceedings"*.

*"Our direction was successfully challenged in the Divisional Court and we appealed the decision as we did not believe this to be right, and felt the judgment had wider implications for police accountability relating to all forms of force".* Today's judgment provides clarity on this with the court summary stating:

*"It was wrong to say that there could be no misconduct wherever an officer used proportionate force based on an honest belief that he was in danger. If the officer made an honest mistake, the disciplinary panel must still determine whether the use of force was reasonable in all the circumstances. In many cases, an honest mistake is also likely to be found to have been reasonable in all the circumstances, but there will be some cases where it will not."*

IOPC Director General Michael Lockwood said: "This is an important legal decision for maintaining public trust and confidence in a system which ensures police are accountable for upholding the standards of professional behaviour."

PFEW is continuing to support W80 and on his behalf and have lodged an application with the Supreme Court for permission to appeal the Court of Appeal judgment dated 9 October 2020.

As a result of this continuing appeal process, and until it is concluded, the Metropolitan Commissioner is prohibited by the courts from taking further action against W80 as directed by the IOPC. This appeal process may take approximately 12 months.

Should the IOPC direct any hearings based on the same Civil test here in Merseyside then we would need to seek immediate legal advice protect your position.

National understanding amongst armed officers, firearms commanders and tactical advisors is that the criminal law test of self-defence (Section 76 Criminal Justice and Immigration Act 2008) is applicable to them, as opposed to the civil law test. In a situation of mistaken, but honestly held belief, officers are taught that they are entitled to rely on that honestly held belief regardless of whether it is later, objectively, found to be unreasonable.

The Court of Appeal found that the difference between the civil and criminal test was somewhat missing "the point". The crux was instead that the Regulations and Code of Ethics were sufficient Officers "will have to account for any use of force", in other words justify it based upon [their] honestly held belief at the time that [they] used the force (Para 4.4). That belief will then be judged by the disciplinary panel according to whether the force used was "necessary, proportionate and reasonable in all the circumstances."

The result of this case could have a fundamental impact on how we train, work and compile evidence as police officers. It could also have an impact on the decisions taken or not, as the case may be, by senior officers who may be asked to authorise certain deployments or tactics. Officers of all ranks must understand the legislative framework that they work to and are judged by.

Officers must also comply with the UK Governments Home Office approved Police Regulations, NPCC policy decisions and are trained, assessed and accredited by the College of Policing and their approved training materials. Given the implications of this case PFEW believe that it would be prudent for the Home Office, the NPCC and the College of Policing to commence work now so that if any appeal to the Supreme Court is unsuccessful the 120,000 officers in England and Wales are aware of the implications.

We will continue to monitor the progress of this case which may have a huge impact on any use of force.



# Misconduct

## Your conduct as a Merseyside Police Officer



Phil Griffiths  
Misconduct Lead  
Merseyside Police Federation

**Misconduct and or the criminal process that you may find yourself in can be extremely difficult and cause concerns both in and out of the workplace.**

The people that help you within the process may come from your family and friends, federation representatives, welfare officers or your lawyer and barrister. There are also other partner agencies that you may be signposted to by way of the group insurance or benevolent fund. If you are a member of such schemes the details can be found on the Merseyside Police Federation website or by contacting the federation office.

You are not alone in the process you will receive the utmost help and guidance from myself or other trained representatives.

In the year ending Dec2019, the total number of complaints received by Merseyside Police Professional Standards Department were 1500, 100 were service recovered, leaving 400 for investigating officers to deal with.

To date the organisation has received 1329, the service recovery is ongoing and of course the ones that have been recovered will not be ratified until Dec 2020.

Your conduct as a police officer both on and off duty is always subject to the standards of professional behaviour.

Those standards are:

- Honesty and Integrity
- Authority respect and courtesy
- Equality and diversity
- Use of force
- Orders and instructions
- Duties and responsibilities
- Confidentiality
- Fitness for work
- Discreditable conduct
- Challenging and reporting improper conduct

In essence you can expect that your behaviour may always be subject to third party testimony or otherwise. We are all warranted officers and are crown servants to uphold the age old Peelian principles.

### Social Media

The proliferation of social media platforms in recent years has led to most people having access to a computer, smart phone, or a tablet having a social media profile to some extent. However there are some risks involved with this, insidious individuals can obtain information from your profile and also your associated profiles, to build a picture

of who you are, where you live and how you spend your time whilst off duty. Information can be obtained from photographs, including where the picture was taken. Facial imaging software can be used to identify others in the picture. Take great care when establishing how open your profile is and the information contained within it. Make sure you also check your contact profiles, to ensure there are no adverse links to you. Make sure there is no information which may put you or family at risk or disclose any information about policing operations.

There is a social media policy. If you are unsure about its contents, please make yourself aware or refresh your memory.

### Federation Advice and Support

If you are faced with a situation in which you find yourself considering whether you need federation advice, then you probably do. The earlier you seek advice, the more opportunity there is for your representative to assist you. Even if you think you may be served with a regulation 17 notice informing you that you are under investigation, contact a representative. They will help and advise you of the necessary procedures and regulations, which will help you to consider how you should respond.

### Personal mobile phones

Your mobile phone is your property and belongs to you. If you are asked for it. You can refuse. However, you must be mindful that it can be seized if it is contained within a warrant or you have been arrested and the investigating officer wants to seize it to secure evidence.

As this is the last article of 2020, may I take this opportunity to wish you all a Merry Christmas and a Happy New Year.

### Phil Griffiths



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# Charitable Trust Update



Registered Charity Number: 1119125

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

2020 has been a challenging year for all of us, from wondering where the next bag of pasta or toilet roll is coming from to lockdowns, social-distancing, masks and sanitiser becoming the new 'norm'. It's certainly a different world to say the least but what hasn't changed is that there are still people in the community who are struggling, probably now more than ever, needing assistance from the Merseyside Police Federation Charitable Trust.

The impact of COVID-19 on the work of the Charitable Trust has been immense; causing the temporary suspension of applications in March and the cancellation of our annual high-profile fundraising evening usually held in November, an event that generates much needed funds that enables us to help smaller charities struggling to survive. With luck our Charity Dinner will return in November 2021!

## CHRISTMAS FUND :

Unfortunately, we are sad to say that we will not be able to open our Charitable Trust Christmas Fund this year offering food hampers and gift cards. The hamper scheme has become extremely popular amongst our membership over the years but the scale of the process together with social-distancing has made it difficult to co-ordinate this year.

However, we will continue to accept general applications as usual. You can find the charity application form on our website [www.merpolfed.org.uk](http://www.merpolfed.org.uk) – Charitable Trust – How To Apply, and as always all applications must comply with Charity Fund guidelines which can also be found on our website.

As we have received very few photographs throughout the year here are some memories we thought you would like to see again.

We were able to make a few donations this year to the following charities and each received £1,500

- Zoe's Place Baby Hospice
- Liverpool Sunflowers (supporting cancer sufferers)
- K.I.N.D. (Kids In Need and Distress)
- O.L.L.Y. (Our Lost Love Years)
- Wirral Community Narrowboat Trust





## 2020 Charitable Trust Lottery Winners:

January	Pen Roland Mobey Sgt 5182 David W Colley	£ 500.00 £ 250.00
February	Pen Anne E Youell Pen Keith Marsden	£ 500.00 £ 250.00
March	Con 6002 Louise McGoldrick Pen Chris M Williams	£ 500.00 £ 250.00
April	Sgt 6017 Neil Dillon Sgt 1530 Anthony Grimes	£ 500.00 £ 250.00
May	Con 7885 Catherine Ellis Pen Jan Beattie	£ 500.00 £ 250.00
June	Con 7779 Lauren Bott Con 2789 Thomas Craine	£ 500.00 £ 250.00
July	Con 8599 Dafydd Cromey Pen Steven Montauti	£ 500.00 £ 250.00
August	Pen Michael B Parker Con 6282 Harriet Afriat	£ 500.00 £ 250.00
September	Pen Paul S Lynch Sgt 7535 Ian S Tabern	£ 500.00 £ 250.00
October	Con 1487 Jonathan Moore Con 1884 Erin Lee	£ 500.00 £ 250.00

**Congratulations to all!!**

The Trustees of the Charitable Trust would like to express their thanks not only to our subscribing members but everyone who has worked through this pandemic. It's been a tough year but we look forward to a brighter future for all.

Thankyou for your support

**Jane Dean**



*Proud to work with the Merseyside Police Federation*

# EXCHANGE WEALTH MANAGEMENT MORTGAGES

Whether you're moving home, remortgaging or buying a property to let out or sell, arranging a mortgage can be a complicated process. It's crucial to seek out an independent, professional specialist to help you through the transaction and to secure you the best possible deal.

*We offer:*

- ✓ **FEE-FREE** impartial, independent mortgage and protection advice
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Our team of highly qualified mortgage specialists have access to mortgage products not available on the high street. By sourcing from an extensive range of lenders, we can help you to decide which plan will suit your personal needs and circumstances.

We can help members of the Merseyside Police Federation with:

- ☑ Residential mortgages
- ☑ Buy to let\*
- ☑ Low credit score and complex credit history
- ☑ Commercial or semi-commercial mortgages
- ☑ Protection Insurances
- ☑ Secured loans
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- ☑ Equity release/lending into retirement
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**EXCHANGE**  
WEALTH MANAGEMENT  
MORTGAGES

# Independent mortgage and protection advice for the Merseyside Police Federation

Ian Ward, Director, CeMAP CeRER Exchange Wealth Management Mortgages



There are a lot of positive vibes coming from the property market at present. In spite of the coronavirus pandemic, house prices have been reaching historic highs, while mortgage offers have been soaring accordingly. Recent Bank of England figures suggest that the number of mortgage approvals rose month-on-month from 9,272 in May to a much healthier 84,000 in August, the highest number since October 2007!

Naturally, the leap is the result of a stagnant market during the early lockdown weeks, yet the fact remains that the housing sector is certainly making a buoyant recovery, with good news continuing for buyers and sellers over the coming five to six months.

Exchange Wealth Management Mortgages Director Ian Ward says there are several factors involved in the sudden housing market bonanza: "The cost of borrowing is very favourable at the moment, with interest rates incredibly low. Yet the real boost is coming from the stamp duty holiday announced in the Chancellor's summer statement. This means that, until March 2021, buyers completing on a main residence costing up to £500,000 in England or Northern Ireland won't pay any stamp duty. This could give some the ability to afford the homes they might previously have thought were beyond their reach."

The benefit will not last forever, though, Ian warns: "It is a 'holiday', so there is a deadline – buyers need to act before the end of March next year in order to benefit. Nonetheless, it's a real incentive to invest, and invest now."

## **WHY NOW IS A GOOD TIME TO APPLY FOR A MORTGAGE...**

At Exchange Wealth Management Mortgages, we would always advise prospective house purchasers to apply for their mortgage at the earliest possible stage in the property-buying process. Having the certainty of a mortgage by obtaining a 'mortgage agreement in principle', and knowing how much you

can borrow, you can go ahead with the reassurance that you will be able to make a genuine offer on your future home without delay. Importantly, it can also demonstrate to the vendor and selling agents that you are serious and ready to progress.

First-time buyers are in a particularly strong purchasing position since they are not in a chain and can, theoretically, move fast. By preparing yourself in advance, saving up for a deposit and taking steps to secure your 'mortgage agreement in principle' before you begin your property search, your position is strengthened further. Finding the most competitive mortgage deal is also critical, since securing the very best rates can end up saving you many thousands of pounds over the agreed term.

As independent mortgage advisers, Exchange Wealth Management Mortgages has many years' experience of finding the best fixed-rate deals for first-time buyers, subsequent home purchasers and those looking to remortgage.

In recent years, we have been offering mortgage surgeries for the Merseyside, Cheshire and Greater Manchester Police Federations as well as the Police Superintendents' Association, members of which have found our services especially valuable during these unprecedented times of the coronavirus pandemic. Our advisers understand the core needs of police officers, support staff and their families. They will come up with a wide range of suitable options based on our research of the whole of market, and with mortgage providers not available on the high street.

In short, we are confident that we will be able to find the most suitable, and most competitive, mortgage to meet your individual needs and circumstances both in the short and long term. Even if you feel as though you are 'locked-in' to your current mortgage with a penalty payable, we are able to assess whether there's a cost saving to be made by paying the penalty and by switching your mortgage to an even better deal.

**Exchange Wealth Management Mortgages, 1 Pacific Road, Birkenhead, Wirral CH41 1LJ**  
**Ian Ward (Director) can be contacted on mobile: 07912 215660,**  
**office tel: 0151 632 1718 or email: [Ian.Ward@exwm.co.uk](mailto:Ian.Ward@exwm.co.uk)**

Your home is at risk if you do not keep up repayments on a mortgage or loan secured on it  
\*Please note that, due to Covid-19 guidelines, Ian Ward and his team of specialist independent Mortgage Advisers are presently unable to offer face-to-face surgeries. However, we are more than happy to discuss your mortgage needs via Zoom, email, WhatsApp, FaceTime or over the phone

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## FREE BESPOKE ADVICE SERVICE ON WILLS, TRUSTS AND POWERS OF ATTORNEY FOR MERSEYSIDE POLICE FEDERATION

Harvey Howell Solicitors are working with Merseyside Police Federation to help you and your family settle your private affairs during this difficult time whilst maintaining "social distancing".

This is done on line, in a socially distanced meeting or in a telephone or skype consultation and is a great way to settle things safely.

### WHAT DO YOU NEED TO THINK ABOUT?

- // Many homes and therefore planned inheritances for children and grandchildren are being lost to pay for care – can you do anything about this? We can help guide you through this complex area of law.
- // Have you remarried leaving children from a previous relationship? You may have stopped those children from receiving an inheritance from you – we can fix that.
- // What if your children divorce after your death? Do their ex-spouses receive money your children inherited from you? This can be prevented.
- // Estranged children or other relatives can make claims against an estate even if you have made a Will – we can help prevent that.
- // What if you or a member of your family, perhaps your parent, loses the ability to make decisions for themselves due to an accident, stroke or dementia? No-one can access their bank accounts, pay bills or even decide on their medical treatment, including where and how they are treated and whether or not they have to live in a care home. These decisions are taken out of your family's hands – we can help your family have the final say through Lasting Powers of Attorney.
- // Don't leave your estate to disabled children who will lose their benefits or those who are vulnerable perhaps with drugs, gambling or alcohol problems who might lose it – put it in trust for them.
- // Don't give your house away, for example, to your children whilst you are alive – what if they die, go bankrupt, divorce or fall out with you? You are homeless. We can sort that out.

- // Are you unmarried with a partner? Dying without a Will distributes your estate in accordance with very old law which dictates how much family members receive. Unmarried partners receive nothing and, beware, your children's inheritance is administered by their surviving parent with whom you may no longer have a good relationship.

### THE FREE ADVICE SERVICE YOU WILL RECEIVE FROM US

We will take account of your personal circumstances and we will, at no cost to you, set aside time either in a socially distanced meeting, telephone or skype consultation or through you submitting your details to us in confidence through our on-line form advise you:

1. Whether and how you might be affected by some of the many common problems which could cost you or your family dearly.
2. Set out some solutions to fix those problems.
3. With clear, competitive and transparent pricing – and with no obligation – tell you the cost of doing so.

### WHAT TO DO NEXT?

- Email us your contact details and we will call you to discuss the best way to advise you at [federation@harveyhowell.co.uk](mailto:federation@harveyhowell.co.uk); or
- Call us on **0151 928 8597**; or
- Visit our website and fill out our simple, secure and confidential form at [www.harveyhowell.co.uk](http://www.harveyhowell.co.uk)

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We understand that behind every uniform, lies a person

# I have slipped on ice or snow – can I claim?



By Sally Gray

In this edition my colleague Sally Gray looks at the law relating to ice and snow.

## So it is that time of year when snow and ice can cause a problem when you are out and about.

If you injure yourself slipping on ice or snow you may be able to claim for your injuries.

If you slip on a pavement you may have a claim against the local council as the highways authority under The Highways Act 1980. Under the Act, the highway authority has a duty to ensure so far as is reasonably practicable that safe passage along a highway is not endangered by snow or ice.

This is not an absolute duty and is instead a duty of reasonableness. The simple presence of snow and ice does not automatically guarantee that the case will succeed. What is reasonable is dependent upon the specific facts of the case. If the highways authority has in place an effective risk-based winter maintenance policy and the policy has been followed then it may be difficult to establish liability. Due to cost and time highway authorities cannot treat all of the highways or pavements. Highway authorities will prioritise highways and pavements for treatment and this will be dependent upon a number of factors such as main commuter routes and the number of users and location of the highway.

If you are injured slipping at premises such as at a shop, car park, or train station then the owner or occupier of the premises has a duty of care towards visitors. The duty to visitors is governed by the Occupiers' Liability Act 1957, which imposes a duty on occupiers to ensure that visitors will be reasonably safe in using the premises for the purposes for which they are invited or permitted by the occupier to be there. Again this is not an absolute duty. The owner should take measures to clear ice, such as clearing and gritting from main walkways and entrances.

If you slip at work then the employer can be held responsible if they are found to have breached their duty of care. Liability will simply be assessed on the basis of what measures it is reasonable for a prudent employer to take. It used to be possible to rely upon breaches of Health and Safety at Work Acts to prove negligence but these laws can now only be relied upon as evidence of what might be reasonable for an employer to do rather than creating a breach of the duty of care if not adhered to.

If you are unfortunate enough to slip on ice the message is that proving legal fault can be extremely difficult. Much will depend upon whether adopted systems have failed or whether resources are available and it is reasonable for them to have been utilised. Often it is necessary to look at meteorological data to consider whether freezing might reasonably have been anticipated, the likely duration of periods of inclement weather, and the risk that failing to deal will expose people to an unacceptably high risk of injury. Take care out there but if you are unfortunate enough to slip and injure yourself Ralli will be pleased to advise and assist you in pursuing claims that may have merit.

Jonathan Belcham regularly advises Merseyside officers – if you have concerns or a possible claim that you would like to discuss first, just contact the Federation Office to make an appointment or contact Ralli directly on 0161 207 2020.



## Personal protective equipment (PPE) operational guidance

### To be circulated to all police officers and staff

This guidance gives practical advice on how to maximize the protection of officers, staff and members of the public from COVID-19 while complying with the law.

Explanatory note to accompany **Personal Protective Equipment (PPE) operational guidance: practical scenarios**. Please read in conjunction with this document.

**The recommendation in all scenarios is officers have PPE readily available and as a minimum that this is a fluid resistant surgical mask (IIR) and gloves (non-latex).**

### Leadership

It is imperative that supervisors ensure all their officers and staff have access to sufficient supplies of PPE and that it is used in accordance with this guidance. The threat of infection from COVID-19 remains high and we want everyone to protect themselves and others at all times. Supervisors should lead by example and monitor and check compliance with PPE training, the correct wearing and usage of PPE, following the force Infection Prevention Control Plan. Please note that some officers and staff may be exempt from wearing face coverings in law.

### Operational scenarios

1. Double crewing or working in a confined space: In order to reduce the opportunities for asymptomatic, or pre-symptomatic infections between colleagues, or members of the public, a surgical Type IIR face mask should be worn in an enclosed space such as a vehicle or personnel carrier when social distancing cannot be achieved. Gloves (non-latex), apron and goggles should be readily available.
2. General patrol: Forces should triage calls for suspected or confirmed COVID-19 cases to give prior warning re: PPE requirements. This is currently happening in most forces. Officers and staff should expect that they may need to put on (don) PPE quickly in some situations and take reasonable precautions to enable this. **PPE should be 'readily available', for example on the officer's person rather than in the back of the car. Officer safety is paramount in responding to situations but proper consideration should be given to ensure that PPE is not wasted.**
3. Entering premises: On entering premises where there is no prior information or suggestion that

those present are suspected or confirmed as having COVID-19 **officers should have PPE 'readily available' capable of being put on (donned) quickly prior to, or upon, entering using the NDM to risk assess each incident.** Officers should be aware that there is the possibility that infected occupants do not know that they are infected.

4. In the circumstance where 'close contact with the public is likely and social distancing is not available and there is a suspected risk of infection, or a person is symptomatic' **officers and staff should wear a fluid resistant surgical mask (IIR), gloves (non latex), disposable aprons, goggles.**
5. In cases of pre-planned activity such as cell extraction, warrants or known hazards associated with a violent person, **a local bespoke COVID NDM risk assessment should be undertaken to inform PPE requirement.**
6. In cases of spontaneous/dynamic COVID related incidents where access to PPE is not available or there is insufficient time to put on (don) PPE:
  - a. Inform a supervisor
  - b. submit a local injury on duty form which will allow H&S to consider a Riddor report and a COVID post incident procedure should follow with consideration of a COVID test through local occupational health.**
  - c. If contact was with a COVID-19 positive person, the Force must contact the local Health Protection Team (HPT)
7. **Stop and search remains an important power in the investigation and prevention of crime.** Uniform and plain clothes officers **should wear surgical mask and gloves**, subject to dynamic risk assessment, when carrying out stop and search activity. Officers must be mindful of how they clearly communicate as this activity will involve close contact with a member of the public who may have been shielding or may be at greater risk of infection from COVID 19. The public might understandably be worried about spread of infection if they are stop and searched so we must ensure strict compliance with hygiene and the wearing of PPE.
8. It is recommended that officers should carry a sufficient supply of clean Type IIR surgical masks to offer to a member of the public, if they do not have a face covering, prior to conducting stop and search procedures and arrest and detention.

## Personal protective equipment (PPE) operational guidance: practical scenarios

Hygiene and PPE requirement	Inside duties			External/public facing duties	
	Cleaning of police, stations, cars and equipment	Contact with police colleagues and suppliers –  Social distancing available	Social distancing not available – confined space	Contact with the public is likely – but with social distancing measures available	Close contact with the public is likely and social distancing is not available and there is a suspected risk of infection, or a person is symptomatic
Social distancing: first vital step in protection	2 metres	2 metres	Aspire to achieve 2 metres separation or other physical measures	2 metres	2 metres unless closer contact is essential
Basic hygiene	<ul style="list-style-type: none"> <li>■ Avoid touching eyes, nose and mouth</li> <li>■ Wash hands for 20 seconds with soap and hot water and when not available use alcohol based hand sanitiser as often as possible, after incidents, and on return to station</li> </ul>				
Fluid resistant surgical mask (IIR)	 No	 No	 Yes	 No	 Yes
Disposable gloves (non-latex)	 Yes	 No	Risk assess	 No	 Yes
Disposable aprons	Risk assess	 No	 No	 No	 Yes
Goggles	Risk assess	 No	Risk assess	 No	 Yes
Fluid repellent coverall/over-suit	 No	 No	 No	 No	Risk assess

### Infection Prevention and Control (IPC)

All forces are required to hold an Infection Prevention and Control Plan. This will address three key areas:

1. the safe procedures for putting-on (donning) and taking off (doffing) of PPE
2. the wearing of PPE in specific circumstances – outlined in the this guidance
3. infection prevention in the workplace

Correct application of the force IPC may remove the need for officers to self-isolate after coming in to contact with someone who is COVID-19 positive. The below points outline Infection Protection and Control that all persons in the police service should be adhering to:

Achieve two metre social distancing where possible. This provides the most effective first line of protection – consider crewing arrangements.

- Think practically – how can I maintain social distancing? Use the NDM when likely to have close contact with a member of the public. What are your alternatives to close contact? Be proactive to protect yourself and others.

- Disinfect the inside of police vehicles thoroughly at the start and end of every shift or with a change of crew – focus on steering wheel, handbrake, door handles, radio, data terminal and seat belt. Avoid touching eyes, nose and mouth. Use only force supplied surface disinfectants. Also take this action immediately after contact with a COVID suspected or COVID positive person.

- Increase cleaning of stations and 24/7 high usage/ high footfall areas where officers/staff cannot easily leave their position during a shift – consider enhanced cleaning regime and regularity – use force supplied disinfectant and/or wipes.

- When on inside duty teams – disinfect equipment keyboards, mouse prior to use and at regular intervals throughout a shift using disinfectant and/or wipes provided. Take the initiative – if you think it needs cleaning – protect yourself and colleagues.

- Avoid entering someone's non-police premises unless it is absolutely essential to do so – consider phoning and/or speaking through window/door to maintain social distance.

- Put on and remove PPE using safe undressing, dressing protocols and disposal methods as identified in your safe PPE usage procedures and IPC plan. Officers and staff should be proficient in and follow PPE and equipment manufacturers guidance correctly for **putting on (donning)** and **taking off (doffing)** PPE as part of an infection prevention and control (IPC) protocol. If clothing becomes contaminated this must also be removed following your force advice in your force IPC plan.
- Wash hands with soap and water frequently, and always after wearing PPE, or if not possible due to location, use hand sanitiser. Due to the nature of policing, it is recommended that all officers carry sanitiser on their person at all times.
- Seal potentially contaminated disposable PPE in a double bag and dispose of it immediately in clinical waste (or, if not possible, store securely for 72 hours and dispose of it in normal waste).
- Fluid resistant surgical masks (IIR), FFP2 and FFP3 respirator masks, disposable gloves, aprons, and fluid

repellent coveralls are all single use items. Goggles may be cleaned and use repeatedly, unless they are COVID-19 contaminated or suspected to be so.

- Face Shields, Visors and protective spectacles may be provided for certain duties, however they are not appropriate for contact with COVID-19 suspected or COVID-19 confirmed people. Goggles are the only eye protection suitable for these scenarios.

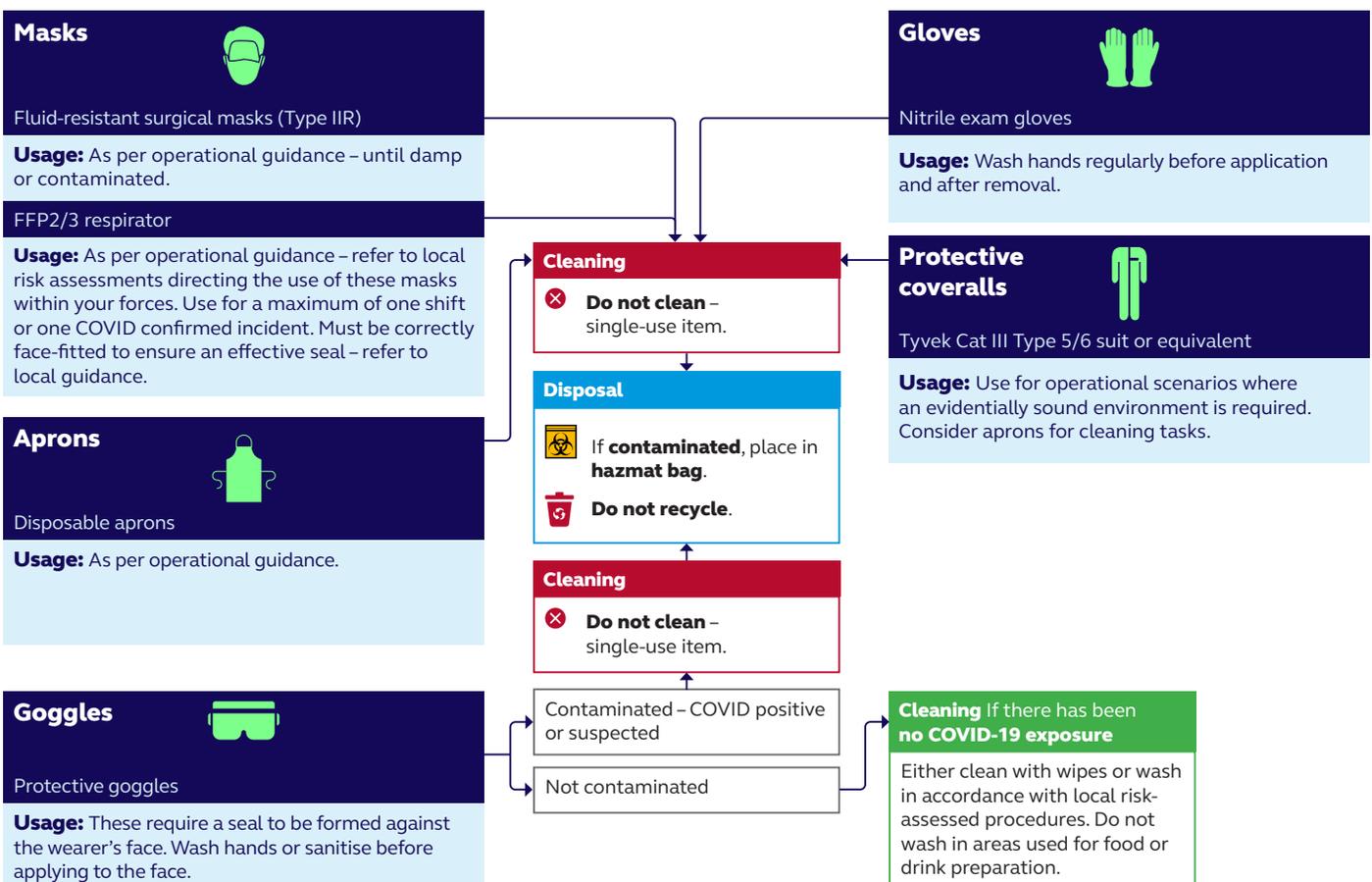
#### Additional notes

Masks – FFP 2 and 3 are only required in aerosol generating procedures such as invasive medical processes or by local risk assessment, which may include high intensity or prolonged physical contact with a suspect. Masks should be retained as contingency equipment for custody, forensics and DVI. They must be properly fitted to be effective.

Face covering guidance has been produced. Face coverings are not PPE but they are to be worn in specific scenarios. All officers have been provided with face coverings for operational use.

**Face coverings are not medical grade masks.**

## Personal protective equipment (PPE) operational guidance



# Be Prepared for the Cold-Weather Season with Philip Williams GP24

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As Summer draws to a close, we begin to prepare ourselves for the common ailments many experience over Autumn and Winter. Among the most common ailments worsened by cold weather are:

- Colds and sore throat
- Asthma
- Painful joints and muscles
- Cold Sores
- Dry skin
- Flu

Whether you experience joint pain, have cold-hands-and-feet or any symptoms that concern you, we are here to help you through the changing seasons.

If you feel unwell or have a medication query, book a phone, or video consultation with a GP via Philip Williams GP24 service - available 24 hours a day, 7 days a week, 365 days a year.

GP24 is a private GP service that enables you to speak in confidence by phone or video consultation to a qualified practising GP without waiting for an NHS appointment. GP24 is provided in partnership with Medical Solutions, the most experienced provider of private remote GP services in the UK and Republic of Ireland.



## How Does the Service Work?

Philip Williams GP24 service is available 24 hours a day, 7 days a week, 365 days a year. This means you and your loved ones can receive advice, reassurance, diagnosis, when you need it, from wherever you are in the world. The service is accessible by phone or via the Philip Williams GP24 app. Our friendly Customer Service team are on hand, day and night to guide you, book consultations, and where necessary, organise your prescriptions and referral letters. Simply call the GP24 number to book an appointment. You can also request an appointment online through the app, or send a short message to a doctor, access medically validated information or find your local healthcare services.

## Private Prescriptions and Open Private Referrals

During your appointment, the GP will recommend the best course of action. Should they feel you would benefit from a specialist assessment or further treatment they can provide you with an open private referral letter. This referral is for Private Medical Care only and will not be accepted for services in the NHS. Please note that private medical insurance is not included as part of the Federation scheme. Referral letters can be posted or emailed directly to you.

Where the GP believes it is clinically appropriate, they can issue private prescriptions. The medication can either be collected from a nominated pharmacy or delivered to any UK address. For medication delivery there is a separate charge for postage and packaging in addition to the medication.



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# The PAG Report & Treatment of Police Pensions upon Divorce

Georgina Chase - Principal Lawyer in 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 cohabitation/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.

Whilst 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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# CHRISTMAS QUIZ

Answer the Christmas themed questions, along with a few others where the answers can be found amongst our advertisers in this edition. Write your name and contact details at the foot of the page and send the whole page to the Federation Office, green Lane where all the correct answers will be put into a draw and the first three pulled out will receive a prize.



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**3rd £50 of Amazon Vouchers**



The draw will take place on Friday 18th December and the winners will be notified. In order to enter the competition you must be a subscribing member of Merseyside Police Federation.

1. The Christmas Carol 'God Rest Ye Merry Gentlemen' brings tidings of what?	
2. What name is given to a baby reindeer?	
3. In <i>Die Hard 2</i> , which airport is taken over by terrorists?	
4. Which Christmas movie features Arnold Schwarzenegger?	
5. Who is the lead singer of <i>Slade</i> ?	
6. In which movie does Tom Hanks quote, 'Seeing is believing, but sometimes the most real things in the world are the things we can't see.'?	
7. Who sang 'Let it Go' for the Disney movie <i>Frozen</i> ?	
8. Which Christmas song begins with the lyrics, 'Sleigh bells ring are you listening'?	
9. In which ocean is Christmas Island located?	
10. In which country is Lapland located?	
11. Which Cliff Richard song reached Christmas number one in the UK in 1988?	
12. If you were born on Christmas day, which star sign would you belong to?	
13. Which female artist features with the Pogues on the song 'Fairytale of New York'?	
14. What was discovered by James W. Marshall in California in 1848?	
15. In the Christmas song 'The Twelve Days Of Christmas', what is sent on the fifth day?	
16. Which comedian stars in the 2003 movie 'Elf'?	
17. Which New York City department store became the first to stay open until Midnight on Christmas Eve?	
18. Which 2019 Christmas movie stars Emilia Clarke?	
19. Which Christmas movie stars two characters by the names of Harry and Marv?	
20. Which British monarch was the first to broadcast a Christmas message from the sovereign to the British Empire?	
21. Which British civil servant commissioned the first commercial Christmas cards?	
22. From a famous Christmas film, who says 'God Bless Us Everyone'?	
23. Name the Merseyside Misconduct Lead	
24. Jonathan Belcham is one of the legal partners of which Injury Lawyers?	
25. What service is available from Philip Williams 365 days a year?	

Your name:	Collar No.	Contact No or Email address:
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