Under Cave Color C

TURNING THE TIDE N WORKERS' RIGHTS IT'S LABOUR'S TIME - BUT HOW MANY OF THEIR Ш SWEEPING EMPLOYMENT CHANGES AFFECT THE NCA? **EMPLOYMENT** TRIBUNALS -**NCARRB REPORT SLAMS** THE FULL STORY 'MISSED OPPORTUNITIES' **ABOUT TIME LIMITS** ON NCA PAY REFORM

SIMON BOON BIDS FAREWELL ■ TEN TOP TRANSFERABLE SKILLS

TRAUMA-TRAINED REPS ■ BODY ARMOUR UPDATE ■ NEC ELECTIONS



INSURANCE

BENEFITS TRUST

SCHEME BENEFITS with effect from 1 June 2024

SERVING MEMBER AGED UNDER 70

Life Insurance

Terminal Prognosis Advance on Life Insurance*

Critical Illness

Child Critical Illness

Child Death Grant

Permanent Total Disablement (due to accident)

Accidental Loss of Use

Total Loss of sight in one or both eyes

Total Loss of one or more limbs

Total Loss of hearing in both ears

Total Loss of hearing in one ear

Total Loss of speech

Permanent Partial Disablement

(dependent upon severity) % Scale

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Accident/illness/emergency admission

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Half Pay up to 26 weeks

No Pay up to 26 weeks

Worldwide Travel Policy

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CALENDAR MONTHLY SUBSCRIPTION

£100,000

20% of sum insured

£12,500

£2,500

£3,000

£100,000

£50,000

£50,000

£50,000

£12,500

£50,000

Up to £50,000

£50 per night

Up to £500

20% Scale Pay

50% Scale Pay

Family

Member & Partner

£33.35

Spouse or Cohabiting Partner to age 70 of Member

Life Insurance

Terminal Prognosis Advance on Life

Insurance Critical Illness

CALENDAR MONTHLY SUBSCRIPTION

£50,000

20% of sum insured

£7,500

£10.95



Under Cover Magazine Editor – Simon Bashford

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Farewell summer – and Simon...

As the summer gives way to tell-tale signs of darker commutes, it's interesting to reflect that, the last time Labour governed this country, it would still be another three years before the National Crime Agency would start its work.

Following Labour's victory, the new Government immediately scrapped the Rwanda asylum plan, and Home Secretary Yvette Cooper launched the Border Security Command, which is already impacting on NCA operations.

Away from the borders, *Under Cover* reports on Labour's 'New
Deal'. Traditionally a party of workers
and trade unions, the Government
plans sweeping changes for
employees' rights in the UK; but how
much will change for the NCA?

Repealing current strike legislation and improving the protection for workers from day one of employment may have little impact on the lives of our members; separately, the right to switch off may present more fundamental concerns in a 24/7 law enforcement organisation like the NCA.

We also report on how the NCOA is leading the way in developing a



cadre of trained reps with greater understanding of sexual abuse and assault as well as any associated disciplinary processes, and the impact of society and workplace on the victim.

General Secretary and founding member Simon Boon will shortly step away from his role as head of

the NCOA. His rationale to prioritise family support is reported inside, but I want to take this opportunity to highlight his huge achievements in driving this union forward. Simon's unwavering dedication to support members and improve their pay and conditions is rightly recognised; I hope we can continue to make use of his vast experience, and that it is very much 'au revoir', not goodbye.

Once again members have taken on challenges that many of us would shy away from, and I am so pleased to share their achievements with you. As always, let us know what you think of *Under Cover* and contribute to the next edition by email to membership@ncoa.org.uk

Simon Bashford

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Rep Joe completes EMPOWER Programme

Joe Hodges, our NCOA workplace representative based at Bridgend, recently completed the Agency EMPOWER Talent Programme. EMPOWER was set up to support officers from ethnic minority backgrounds to develop their full potential through targeted interventions such as DD sponsorship and mentoring.



Joe joined the programme as he wanted to inspire others from an ethnic minority background to reach leadership roles. He is passionate about the need for role models who inspire others to be ambitious leaders and strongly believes that these role models should reflect the wider community and society. Joe reflected that he'd had a very positive experience, with his DD sponsor being incredibly supportive and that the project assigned to him was challenging and enabled him to develop his skills.

Joe recognises that there is still more to do and that there are few leadership positions in the Agency that are held by ethnic minorities and female officers. He also continues this passion for greater inclusion and representation through into his NCOA rep role, where he is committed to utilise his experience, skills and empathy to support our members through some of their most challenging moments.

New member Megan joins Team NCOA

We are pleased to welcome a new member to the NCOA team. Megan Earl's appointment to our ever-expanding union sees her take the lead in respect of rep and member engagement.

Megan, whose previous experience comes as a police staff fraud investigator,

joined the team in April this year. She has a busy schedule ahead of her as she gets to grips with co-



organising her first Annual Delegates Conference, member recruitment and rep engagement.

Megan told **Under** Cover: "This is an exciting opportunity for me, I am so glad I made the move to join such a great organisation, and I am proud to be part

of a very hard-working team in a fast-paced environment."

we told you about Part 1 of

NCOA responds

the Angiolini Inquiry that was commissioned in late 2021 by the then Home Secretary to establish a definitive account of the career and conduct of Wayne Couzens.

In **Under Cover** Spring 2024,

The Part 1 Report was published on 29 February 2024, and was an in-depth report focusing on how Couzens was able to use his powers to commit an horrific crime and whether there had been any opportunities for this to have been prevented. The findings were shocking and highlighted the failures by law enforcement that led to both Wayne Couzens and David Carrick being able to abuse their position of trust to such a heinous level.

Deeply uncomfortable

While a deeply uncomfortable read, it has led police forces and law enforcement agencies to bring about change to protect women. The National Police Chief's Council and College of Policing issued a report on 23 July 2024 that outlines the scale of violence against women and girls (VAWG), deeming it a "national emergency". The report found that 3,000 VAWG crimes are recorded each day, with at least one

The mid-term NEC

Recent NCA retirements from National Executive Committee (NEC) positions mean that the opportunity has arisen to really make a difference to members and the NCOA alike.

The NEC is the decision-making body of the NCOA and elections to identify new members will take place in October/November this year. Successful candidates will take up the post in either late 2024 or early 2025, and hold the position (subject to rules) until no later than 2026. NCOA representatives who meet

Ringing in the changes

With effect from 1 August, the dedicated telephone number to reach the NCOA has changed. The new number to be used in all communications is

0845 314 2070

Please note all other emergency numbers remain unchanged and are visible at www.ncoa.org.uk

to Angiolini report with trauma-trained reps

in 12 women becoming victims each year. Given that most victims don't report crimes to the police, the true number of crimes are estimated to be much higher.

As the leading trade union for the National Crime Agency, the NCOA needed to think about whether there was anything we could do to improve the protection of our members. We've been working with the Agency to provide them with the insight of some female members who have experienced misogyny and assault in the workplace, so that they are fully cognisant of the issues that still need to be addressed. We have also attended engagement meetings to discuss actions from both the HMICFRS review and the Angiolini report.

However, there is still more that the NCOA can do. We recognise that there are specific impacts that come from people experiencing assault and abuse. We also recognise how people can be re-traumatised when recalling accounts and visiting certain places and often they try and minimise their experience as they feel shame. Therefore, to provide support to a member who is the victim of assault or abuse, NCOA reps need to be *trauma aware*.

The NCOA has developed a cadre of reps who will have a greater understanding of sexual abuse and assault and who will be able to support members who may unfortunately experience this – as well as any associated disciplinary processes linked to such incidents.

Challenging perceptions

The training will cover challenging perceptions where reps will understand the impact of society on the victim, discussing trauma and different types of responses. Reps will also understand the theories behind 'victim blaming' as well as how to appropriately challenge. They will be provided with the skills to both understand and respond to impact and trauma. A focus will be on providing the tools and resources needed to explain and provide support to optional pathways.

We want to be clear: the NCOA is committed to ensuring that our female members are safe at work. While we will inevitably represent some members who are accused of sexual misconduct and ensure they experience a fair process, we will also represent victims. There is no conflict of interest here – just because an accused member

has a rep, does not mean that a victim cannot have a rep too. We manage cases sensitively and are experienced in managing potential conflicts of interest.

We have always been fully committed to supporting our members, and therefore any member who has cause to report such abuse can now have confidence that they will be represented by a trauma-trained NCOA rep.





elections will take place later this year

the rules of eligibility may stand for election to the NEC. All candidates must be prepared to undertake all training, as and when required, to remain upskilled.

Role requirements

The role of an NEC officer is to:

- deliver the NCOA objectives and decisions
- negotiate policies / terms and conditions
- communicate effectively with members

- negotiate on pay
- recruit members
- adhere to NEC governance
- represent the NCOA at informal / formal recognised management meetings
- undertake to complete motions passed at Annual Delegates Conference.

If you feel that you have the requisite qualities to deliver for the NCOA in an executive capacity, then you should complete the NEC candidate form (available from

NCOA HQ) together with the names of two nominees, who must be NCOA members. Your expression of interest must be received by Membership by close of play on 31 October 2024.

In the case that an election is required, then each candidate will be required to complete an election statement ahead of a vote in November. A full list of rules concerning these elections and eligibility to join the NEC can be found at www.ncoa.org.uk/policies

Protecting those who protect the public

In the Spring 2024 issue of *Under Cover*, we gave you an update on body armour. The NCOA had become aware at the start of 2023 that there were, again, significant issues. Our members faced lengthy delays in acquiring appropriate body armour; members were either unable to deploy, or deployed without body armour; and the Agency clearly did not have a grip on this.

This resulted in a motion being carried at last year's Annual Delegate Conference where the NEC committed to challenging the Agency and improving the situation for our members. While there was some movement, unfortunately, the Agency still had not made any significant progress. Months after being promised that there would be new improved processes and governance arrangements, none materialised.

Unacceptable position

The NCOA escalated the unacceptable position to the highest point of escalation (short of going into formal dispute with the Agency) – the Joint Negotiation and Consultation Committee (JNCC).

The JNCC was presented with the fact that there had been no revised terms for the Body Armour Working Group (BAWG), no revised Operating Procedure, no action plan on how to improve the situation, and no change to the commercial process that has been causing the Agency significant supply issues. The NCOA had also discovered that priority to body armour by its supplier, Cooneen, is given to police forces over the NCA.

The NCOA sought assurances from the Director General Capabilities who chaired the JNCC that we would receive new BAWG Terms of Reference, a refreshed Operating Procedure, an action plan and a BAWG meeting to be held within a month of the JNCC, and for a more suitable commercial process that meets the

needs of the Agency, by October 2024.
Having also been at this meeting
himself, the DG was made fully aware
of the concerns we have on behalf of
our members.

Making progress

We are pleased to announce that the Agency has completed all its short-term actions. The BAWG met on 3 July 2024 where your NEC representative was in attendance. We are reassured that the Agency has now started to make traction. There are new Terms

of Reference, and a refreshed draft Operating Procedure that will go out for consultation shortly, meaning at least, a degree of oversight

The topic of body armour is now 'owned' by Investigations HQ meaning they will be quickly notified if there are any issues, and annual inspections of body armour will be formally undertaken. Body armour records are to be re-introduced. The Agency will also have a rolling stock for body armour by the end of the financial year.

However, we still have concerns with the commercial process as the Agency is looking to renew its contract with the current provider. This new contract will include KPIs to ensure they meet the Agency's requests, but experience shows us that this provider has caused the Agency significant issues and therefore we are not confident that the Agency will progress to a level that is acceptable to us.

The influence of the NCOA resulting in the Agency now making some progress also means members can be assured that we will keep a close eye on progress, and challenge the Agency should we see that progress stalling. Your safety is of paramount importance to us.

Lack of action from the Agency on pensionable

It is extremely disappointing that having confirmed Weekend or Bank Holiday overtime on a nonrostered day would be partially pensionable from 1 July 2024, the Agency has still not published a process whereby our members can also retrospectively consider options to secure pensionable earnings linked to premium/duty pay prior to that date.

It has always been the view of the

NCOA that, having finally accepted it had not correctly applied an earlier finding of the Cabinet Office Pensions Scheme Administrator by implementing changes for current

NCOA successfully challenges unfair Excess Fares Policy for returning overseas officers

At the Joint Negotiation and Consultative Committee (JNCC) meeting between the NCA and Trade Unions on 13 June, the NCA accepted the challenge raised by the NCOA regarding entitlement to excess fare for returning International Liaison Officers (ILOs) and made changes to the Relocation and Excess Fares policy. As a result, time-limited placements will now be eligible to claim excess fares.

This means officers leaving a Spring Gardens post on secondment out of the Agency, or an ILO posting, will be eligible to travel reimbursement once they return to a Spring Gardens /Endeavour Square post. This will be for a maximum period of three years, ending on the anniversary of Spring Gardens closure.

NCA policy states: "Any officer who has returned from a secondment, a temporary promotion/lateral transfer to a different site of less than 12 months, or ILO posting to Spring Gardens between 18 September 2023 and Spring 2025 will be eligible to reimbursement as per the Relocation and Excess Travel policy." Furthermore:

 Any officer who returns to the NCA following a secondment after the move to Endeavour Square will be eligible for reimbursement as per the Relocation and Excess Travel policy if their post prior to secondment was Spring Gardens based.



ture © metamor

- Any officer who returns to Endeavour Square following a temporary promotion/lateral transfer of less than 12 months that required them to be based at an alternative site, will be eligible for reimbursement as per the Relocation and Excess Travel policy if their substantive post was Spring Gardens based.
- Any officer posted to Endeavour Square after an ILO posting will be eligible for reimbursement as per the Relocation and Excess Travel policy if their post prior to secondment was Spring Gardens based.
- If an officer returns directly to Endeavour Square and is eligible as per the above, they will be eligible for the period up until

three years from the official move from Spring Gardens to Endeavour Square. The NCOA will be provided with a formal cut-off date for 2028, once the official departure from Spring Gardens has been established.

This significant success for the NCOA helps ensure that the Agency can continue to attract the right officers to ILO posts, knowing they will not be disadvantaged as a result of their posting upon their return.

Additionally, it is supportive of those who are currently on secondment, those seconding out prior to our move, and those who leave on secondment directly from Endeavour Square, as they will also be eligible up to a maximum of three years on the same terms.

overtime payments is extremely disappointing

officers, the NCA should now move swiftly and offer options on retrospective payments.

Such action would ensure our members are no longer being disadvantaged. The NCOA will continue to push the Agency on this matter, especially as we are aware that having informed the Pensions Internal Dispute Resolution Team (on the advice of the Cabinet Office Scheme Manager), there was no doubt that the specific overtime in question **was** pensionable, and should have been included as pensionable earnings from an effective date of 8 October 2013.

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Simon says farewell - but not goodbye!

General Secretary Simon Boon explains why he is stepping down from the post – and his aim to continue playing a role for the NCOA

After 11 years of assorted briefings, member bulletins, pay submissions and *Under Cover* articles, it is this particular piece which has had me staring at a blank Word document (for quite some time!).

Why? Because I can't quite believe that after seven years at the helm, the time has come for me to step down from a job I love and one which has allowed me to make (I hope) a positive impact on the working lives of NCA officers across the UK and beyond.

When I started this journey in 2013 with Simon Bashford, Andy Myers and other founding members long since retired or moved on, little did I know the trials and tribulations of building a fledgling trade union from scratch (what were we thinking!) and how that would lead me to a new and highly fulfilling career without a warrant card in my back pocket.

Ensuring the best outcomes

Along the way, and quite incredibly, the NCOA membership has seen constant growth, at a time when many more traditional trade unions have struggled to remain attractive to new joiners, given an often-heavy political focus or alliance and a combative approach on all issues.

While the NCOA may not have got it right on every occasion, as General Secretary I can say with my hand on my heart that I have done everything I could to ensure that in its engagement with your employer (and beyond) your trade union acts conscientiously, innovatively, pragmatically (where necessary), passionately and fiercely protectively – to ensure the best outcomes are achieved for our wider membership.

Given my own background, and the other National Officers and National Executive, we do so with an intrinsic



awareness and lived understanding of the law enforcement world in which you all operate. The NCOA operates without any political bent or persuasion that could hinder our work as a bespoke trade union, in a niche business world which seems to sit rather awkwardly with a boot in the police camp and an Oxford broque in the Civil Service camp.

Given my own former career within policing and the NCA, it will come as no great surprise to you that my wife also works within law enforcement. Having recently secured an overseas post, while delighted to see her with an opportunity to develop her career, I knew immediately that remaining General Secretary would not be in the NCOA's best interests.

Despite the recent experience of Covid-19 resetting the way we work, I know from my own experience that you need a trade union leader with their finger on the pulse, but more importantly, availability which is not constricted by time zones. For that reason, it really is the right time for me to step down as soon as a new General Secretary is identified and allow them to take over leading your union as it approaches a critical engagement period – through pay and contract reform and Concordis in particular.

While my replacement has yet to be identified, I'm confident that we have a strong candidate in Steve Bond who has acted as your National Officer for five years. In that time Steve has represented you and proven his worth in terms of knowledge, passion, commitment and output, and gained significant experience in many areas of the business, which are firm foundations for positive and confident leadership as General Secretary.

Continuous growth

As I step down (with just a hint of sadness), I can reflect on saved careers, continuous growth, membership across every grade, a voice at the Remuneration Committee, NCA access to Flint House, and recognition through public service medals previously only available to policing and military peers.

I am also pleased to have introduced hardship support when it is needed most. It's still difficult to fully comprehend the necessity for this in such a professional and skilled law enforcement workforce – but nevertheless I am pleased that we can deliver help when others can't.

Although my future at the NCOA will no longer be as your General Secretary, I have my fingers crossed that I can continue to contribute in some way to our union.

While desperately trying not to sound like a departing MP with their tail between their legs, it really has been an honour to lead the NCOA on your behalf. I wish you well in your critical work at the pinnacle of UK law enforcement and hope you realise that protecting those who protect the public is multi-faceted and at the heart of everything we do.

Don't let others tell you that you

NCOA lawyers at JFH tell us why Employment Tribunal deadlines are crucial to a

Recent Agency advice that submissions of a claim to an Employment Tribunal (ET) can be delayed until the conclusion of an internal grievance investigation were strenuously challenged by the NCOA as inaccurate and dangerous to members seeking a resolution with their employer at court.

In its 'livestream' advice, the Agency promoted the Advisory, Conciliation and Arbitration Service (ACAS) to resolve employment issues through internal grievance processes before officers seek redress at a tribunal. But the NCA also conceded it was "aware that in some instances grievance cases have taken several months to conclude, which we understand can be frustrating for everyone involved".

While it is true that a claim to ACAS where the employer engages meaningfully sees the ET clock paused while the ACAS conciliation procedure takes place, the livestream advice failed to mention that the cases where mediation with the employer are, in our experience, almost non-existent! Therefore, following the original Agency advice would in fact leave members vulnerable to being out of time!

Time limits at ETs are very strict. In most cases, filing a claim out of time means that the claim will fall outside the jurisdiction of the ET; in those cases the ET will simply refuse to hear the claim, with members losing the opportunity to bring a claim.

Bespoke NCOA employment lawyers at JFH gave the following response to the Agency advice: "Most 'employment' claims must be brought before an ET. Examples of these claims include unfair dismissal, constructive dismissal, discrimination, and unlawful deduction from wages.



"The law requires those kinds of claims to be heard by an ET, so an ordinary County Court will refuse to hear them. If a member is making an employment law claim at an ET, it is extremely important to make sure their claim is brought within the legal time limits."

Why is it so important to file a claim within time limits?

The ET does have discretion to extend time limits and hear a claim after the usual time limit has expired, however, it uses that power very rarely, and only for specific reasons. It is much safer and easier to make sure your member files the claim in time.

have plenty of time

successful claim



What is the time limit?

For most types of claims, the ET time limit is three calendar months (less one day) from the date of the 'relevant event'. This applies to the most common kinds of employment claims such as dismissal and discrimination. Just two types of claims – redundancy and equal pay – have a different time limit of six months (less one day).

Time limits at ETs are very strict. In most cases, filing a claim out of time means that the claim will fall outside the jurisdiction of the ET; in those cases the ET will simply refuse to hear the claim, with members losing the opportunity to bring a claim.

What is a 'relevant event'?

The date of the 'relevant event' is the date the clock starts running for the purposes of calculating an ET time limit. It is therefore very important to know what the relevant event is.

An example of a relevant event would be:

- Unfair dismissal: the date of the relevant event is the day the member is dismissed; and
- Discrimination: the date of the relevant event is the day the act of discrimination occurred.

For example, if Officer A is dismissed by the NCA on 21 January, adding three calendar months takes Officer A to 21 April; subtracting one day gives Officer A his ET time limit for an unfair dismissal claim of 20 April.

Should the member wait for the outcome of a grievance or appeal to file a claim?

No, the member should not wait for the outcome of internal procedures to file the claim. The deadline does not change because the member files a grievance or an appeal.

The ET deadline for unfair dismissal is the date of dismissal, not the date any appeal against dismissal is finalised. If the member has raised a grievance because of an incident in the workplace, such as being passed over for promotion, and they believe

this is connected to their race or sex, the relevant date is the date they were passed over for promotion, not the date they are notified that their grievance has been rejected.

How do I file a claim?

Importantly, members should engage with their NCOA union rep as soon as possible. It is a requirement of any ET claim to first contact ACAS to begin the Early Conciliation process, and they will assist the member in this process.

To contact ACAS, a member can submit a claim via the ACAS website. The process usually takes between one and two months. If the conciliation process is not successful, ACAS will issue a certificate to the member, who can then issue the claim at the ET.

ACAS is a requirement – it is not optional. If the member issues an ET claim without an ACAS certificate, the claim will automatically be rejected.

The NCOA has numerous workplace reps trained to provide you with all the advice you need when considering any action against your employer. Similarly, we can offer the help you will need in providing lawyers with merits and proportionality assessments together with representation at the Employment Tribunal, where getting things right is the difference between success and failure.

Latest NCARRB report is highly opportunities to bring about NCA

In its 10th report, the NCA Remuneration Review Body (NCARRB) made clear its frustration that the Agency still does not have a reformed pay system.

In its introduction, the NCARRB reported: "In our previous reports, we highlighted that the NCA needs a comprehensive plan for how it intends to build its capabilities and recruit, develop, retain and reward the workforce of the future that supports its mission given its ambition to be the UK's premier organised crime-fighting organisation.

"We urged the NCA to provide substantive plans for pay reform in its evidence for the 2024/25 pay round to enable implementation of pay reform to commence during 2024. However, we continue to be concerned that based on the evidence we have received in recent years regarding the organisational constraints the NCA has faced in attempting to reform pay, it will not be possible for the Agency as currently constituted to undertake the pay reform it needs."

Absence of pay progression

The NCARRB then went to report: "The biggest theme was the absence of pay progression and its unintended consequences, such as officers stuck for too long at the same salary seeking promotion prematurely as the only way to increase their pay. It was felt that simply removing spot rates and restoring pay progression in the NCA could radically improve morale.

"The current pay system had many perverse effects: in the absence of a system of pay progression, new recruits expecting to progress up the pay range found they were stuck on the starting rate.

"Unlike internal candidates who were placed on the bottom of the pay range on promotion, external candidates were able to negotiate a higher starting salary. This meant that as external candidates had the opportunity to negotiate their starting salary they tended to start on a higher level in the pay range, while existing colleagues, often with more knowledge, skills and experience, received lower pay."

attention to our analysis which showed that the median gender pay gap was higher in March 2022 than in 2017."

The NCARRB then went onto to reference and endorse evidence provided to them by the NCOA: "We were particularly struck by the NCOA's observations that: of the 3,251 officers on the standard pay range, 2,088 were at grade minimum; some would have been at that point for a decade; and that some would have been leapfrogged

We were particularly struck by the NCOA's observations that: of the 3,251 officers on the standard pay range, 2,088 were at grade minimum; some would have been at that point for a decade; and that some would have been leapfrogged by more recent joiners."

NCARRB 10th report

As well as highlighting how long the Agency has accepted the need for pay reform without actually delivering on it, the NCARRB also reminded the Agency of the inbuilt inequalities in its current systems: "Last year we once again highlighted that we had been making observations on pay reform since 2016. We said that fundamental change was still needed.

"We set out the key challenges the Agency faced in terms of the length of pay scales, the lack of progression and the growing gap between the pay of the Agency and its comparators. We explained that we remained very concerned about the implications of the current pay structure for equality. We drew by more recent joiners.

"The NCOA emphasised that this was fundamentally unfair, was unacceptable and it needed to be addressed immediately. It added that even officers in roles designated as eligible for spot rates were unable to progress to the maximum of the pay range. During our visit to the NCA in March 2024 we heard from a number of officers who were in this position, and they described to us in detail the personal and financial implications of the current arrangements."

The NCARRB also recognised that NCA officers' pay continues to fall behind that of equivalent police officers: "We have noted the point made by the NCA and NCOA that by receiving pay awards

critical of the decade of failed Pay Reform



Picture © Fred Duval / Shutterstoc

of equivalent percentage, the NCA is losing pace in monetary terms with the police service due to its higher salaries.

Widespread review of pay

"We have also reflected carefully on the proposals of the trade unions, especially the NCOA, and the case it set out for swiftly aligning the NCA pay scales with those of the police. However, we note that this would have implications for the pay of non-delegated grades. The NCOA's proposals should be considered in the context of the Agency's long-term plans for pay reform."

The NCARRB's solution to the current inequalities in the Agency's pay mechanism was not only reform, but also a widespread review of the pay of officers with the specific

recommendation to conduct a "redesign of the Agency's job architecture and an evaluation of all roles to consider which grades and posts are comparable to police officers and which are comparable to the civil service, police staff or the private sector".

the central premise of these recommendations, namely reform of the existing pay structure within the NCA, measures are already underway to develop a set of comprehensive proposals which the Government will seek to implement in a timely fashion."

Whilst I am supportive of the central premise of these recommendations ... measures are already underway to develop a set of comprehensive proposals which the Government will seek to implement in a timely fashion."

Home Secretary Yvette Cooper

However, Home Secretary Yvette Cooper only partially accepted this recommendation, commenting: "Whilst I am supportive of The onus therefore remains very much on the Agency to deliver a pay reform package which will be acceptable to NCOA members.



It's Labour's time – but how many of their sweeping employment changes affect the NCA?

Labour's proposed deal for workers represents a new dawn for employment laws in the UK. If implemented as proposed, it introduces considerably improved employee rights and protections with consequences for how employers approach everything from administering statutory entitlements to dismissals and relationships with trade unions.

We are still in the very early days of the new Labour Government, and it remains to be seen if and when all of the proposals they've discussed will become law.

So, what are Labour's plans to overturn more than a decade of Conservative push backs against trade unions and their members?

Protection from 'Day one' of employment:

One of the most significant changes is for unfair dismissal protection to be a day-one right for all employees. Currently there is a requirement for employees to have, in most cases, at least two years' continuous service in order to qualify for unfair dismissal protection and to bring unfair dismissal claims.

We await the specific details of Labour's proposals, but a genuine, 'day-one' right not to be unfairly dismissed would effectively require employers to approach the dismissal of all employees from the first day of their employment – in the same way they currently approach dismissals of employees with over two years' service (ie by having one of the potentially fair reasons for dismissal and adopting a fair process).

However, the NCA has a probationary period which, if still allowed to operate, will see dismissal as legal – so long as it is fair and transparent.

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ficant development is proposal to restrict sore-and-rehire' practices, more formally known as I and re-engagement. I and re-engagement terminating existing s of employment and tely offering a new nent contract, usually favourable terms and ns around pay and

rpose behind dismissal ngagement is usually to reed changes to terms ditions where employees sing to accept changes existing contracts. For , legacy contractual such as pensions and the terms may have too expensive for an ir to administer, or an

employer may be in financial distress and need to take measures to reduce its staff costs by cutting pay. Removing these terms is likely to be very unpopular with the employees entitled to them and they would be unlikely to accept the change. Terminating the existing contracts with these terms and offering re-engagement on a new contract is a potential solution in these circumstances to transition staff onto new terms, although often at the expense of good employee relations.

The NCA has yet to share its plans on contract and pay reform; however, it would clearly seek an agreement to these changes as opposed to an arbitrary enforced change. It is clear that the NCOA and its voting members would have a significant influence into any future proposals.

Employment status – worker vs employee

In the UK, staff are generally categorised as employees, workers or self-employed for employment law purposes. An individual's employment status has important implications for the types of rights and entitlements they have; for example, only employees can bring claims for unfair dismissal, whereas both employees and workers are entitled to holiday pay. Genuinely self-employed contractors have very few employment rights by comparison.

There are different legal tests to determine whether an individual is an employee, worker or genuinely self-employed. Over the last decade, there have been many cases in the courts looking closely at these tests. Labour plans to move towards a single status of 'worker', ending the distinction



between 'employee' and 'worker'. This would then leave a simpler distinction between the two.

The NCA contracts a great number of staff (NCOA members) to assist with its operation to combat crime; however, although simplification is the aim, a single status of employee and worker would be a radical overhaul of employment status and unlikely to happen imminently. Labour plans to consult in more detail on these proposals and thought will need to go into the tax implications of such a change. It is anticipated that the NCOA will once again be involved in national consultation linked to any changes.

Discrimination and harassment

Labour plans to strengthen protections against harassment, including by third parties. The 'New Deal' also suggests a tougher stance on dealing with sexual harassment. It's not clear at this stage whether this will create additional obligations on employers beyond those already due to take effect in October 2024 under the new duty to take reasonable steps to prevent sexual harassment.

The Agency has already taken cognisance of the Angiolini report and the HMICFRS findings of the 2022 review titled How effective is the National Crime Agency at dealing with corruption.

This report laid bare the lived

experience of NCOA members who have been ill-treated and suffered discrimination and harassment and resulted in the Agency changing many working practices in response to the 19 separate recommendations.

Parental leave and carer leave

Under current parental leave rules, the parent of a child can take a total of 18 weeks of unpaid leave up to the child's 18th birthday, with a maximum of four weeks' leave per year per child.

Currently, employees have the right to parental leave only where they have been continuously employed for at least one year, but Labour intends to align this with its overarching 'day-one'



for parents to take bereavement leave following the death of a child, although it's only available to employees. Employers tend to offer time off in other circumstances and to other categories of workers at their discretion, on compassionate grounds. It's not clear how wide the right would be under Labour's proposals (eg the types of relationships to which it would apply), or if it will be a paid right.

The previous government recently introduced a new unpaid time-off right for carers. Labour plans to review the

commitment to paid time off.

NCOA members already have a comprehensive range of policies dealing with Working Arrangements and Leave, Parenting and Caring for Dependants, and Shared Parental Leave. This ensures they are able to access their full entitlements. These, in addition to NCA policy and practice to allow special leave, hybrid working and career breaks, will see little additional benefit under the Government's New Deal proposals.

while broadly welcoming the changes outlined in Labour's New Deal that represents a new era for employment laws in the UK, improved employment rights, and protections - which will see consequences for how employers approach everything from administering statutory entitlements to dismissals and relationships with trade unions - it is unlikely that our members will notice much within their day-today role."

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*Evidence That Gendered Wording in Job Advertisements Exists and Sustains Gender Inequality, by Danielle Gaucher, Justin Friesen and Aaron C. Kay



Is a 'right to switch off' on the way?

It seems that the right to switch off is part of a suite of reforms to workers' rights being considered by the new Labour Government.

Already signalled by this Government are measures which include a ban on exploitative zerohour contracts; the rights to sick pay; and protection against unfair dismissal for workers who have passed probation (rather than waiting the current two years).

A 'right to switch off' policy would involve a code of practice that would need to be agreed by employers and employees alike, making it clear the expectations that both parties have of normal working hours and when workers can reasonably be expected to be contacted when not at work.

While the benefits of such a policy for our members are clear, it is unclear how the Agency can incorporate a requirement for added flexibility into its future pay and contract reform plans.

Exceptions required

Since being elected, the Government has signalled its keenness to mirror 'right to switch off' policies already in place in countries such as Belgium (where the policy applies to companies of more than 20 persons) and Ireland. There is also an acceptance that there will need to be exceptions.

As Ben Wilmott, head of public policy at the CIPD (the professional body for HR) said: "It's important that any new right to switch off is introduced with sufficient flexibility to enable employers to contact employees outside normal working hours – where unforeseen circumstances require this."

Our members' pay disputes with the Agency in 2022 and 2023 showed the NCA's over-reliance on members' goodwill to maintain operational effectiveness, rather than the clarity of formal on-call. This ambiguity often results in our members facing unfair moral dilemmas.

The NCOA has numerous examples where the Agency exploits the goodwill of our members by relying on vagueness within the current Managing Working Time operating procedures (HR02 OP01).

These state: "NCA officers are expected to be flexible and willing to meet urgent organisational need that demands a quick response."

They also note: "Officers are not considered to be, nor should claim to be, on-call when they have dealt with an ad-hoc issue outside of their normal working hours.

"Having officers on-call does not prevent others being called in to work should they be needed, which may generate an entitlement to claim overtime, but these would be requested on an ad-hoc basis and would not attract the on-call allowance."

Widespread and underhand

The predictability and frequency with which NCOA members are called back to work results in their free time being limited. The widespread and underhand use of 'availability lists' has resulted in NCOA members facing an obligation to return to work even though they are not formally on-call. The NCOA has been clear with the Agency that this is unacceptable.

The NCOA welcomes the Labour Government's intention to bring in a right to switch off, and in our engagement with the Agency we have been clear that we will always seek to improve rather than undermine our member's terms and conditions.

In any of our engagement on this specific issue, we will remind the Agency that, while there was reticence in some areas of the Agency to embed hybrid working, NCOA members have shown that it has been a positive step forward without impacting detrimentally on operational effectiveness.

At the time of writing, the Agency has not shared its future pay and contract reform plans with the NCOA.



What happens to my inherited

George Wilson, an Associate at McAlister Family Law, tells NCOA inherited assets in the event of a marriage break up

Divorce, and the subsequent division of assets and income, is confusing (and stressful) at the best of times. Often, spouses amid divorce proceedings will be worried about what happens to the family home, marital savings, the family car, expensive jewellery, or (in the case of NCA and police officers) any valuable pensions. But what happens to inheritance?

Whilst some assets, such as the family home, can easily be identified as 'matrimonial', in most cases inherited assets including cash and property are slightly more complex. Inherited assets are not automatically added to the matrimonial melting pot to be divided between the parties in the same way as the family home usually is. That said, and to add to the confusion, inherited assets are also not automatically excluded from the matrimonial pot either.

Using inherited cash as an example, several factors will need to be considered before concluding whether the cash is 'matrimonial' and available for division, including the following three issues.

The length of the marriage
Generally, the longer the marriage,
the less relevancy is placed on
how assets brought into the
marriage were acquired.
If a spouse were
to inherit cash
from a

family member before entering the marriage, and then enjoyed a long marriage of 20 years prior to separation, the cash they inherited prior to the marriage would very likely gradually come to be seen as matrimonial in nature.

That said, if cash inherited prior to the marriage is then held separate to the marital pot, and not used, moved, or touched, during the marriage, then a spouse could try to argue that the inherited cash was not mingled with the matrimonial pot and was, in any event, pre-acquired.

Intermingling of inherited assets

Where inherited non-matrimonial assets are intermingled with matrimonial assets, especially over a long period of time, it becomes increasingly difficult to distinguish between the two pots (one being matrimonial, and other non-matrimonial). The longer the intermingling goes on for, the more likely the inherited non-matrimonial assets will be viewed as matrimonial.

An example of this would be if one spouse inherited cash prior to the marriage, and then during the marriage uses the cash to buy into an investment that pays dividends into savings account held in the couple's joint names.

The spouse who inherited the cash would likely argue that the cash, now in an investment, remains non-matrimonial as it was inherited. The other spouse, conversely, would likely argue that the inherited cash has been intermingled with the matrimonial pot by being paid into an investment that pays the couple jointly. As such, they would argue that the now invested inherited cash has been intermingled with the matrimonial pot.



assets after divorce?

members what to expect to happen to

In general, future inheritance is not taken into account when considering a financial settlement following divorce. However, much as set out above, the court can consider any substantial future inheritance prospects if by doing so it would meet the needs of the parties.

Often, one spouse may opt to avoid mingling of inherited cash with a view to 'protecting' it from any future division. This would be known as ringfencing the inherited cash.

While it is not guaranteed that ringfencing the cash would protect it from future division, the ringfenced cash is more likely to be protected from division than cash that has not been ringfenced.

Matrimonial home

If one party receives inherited cash prior to the marriage, and then uses the cash to purchase a property that later becomes the family home (ie is lived in by both parties and their family) then it is more than likely that the entirety of the equity contained within the family home will be seen as matrimonial and therefore available for division.

Matrimonial Causes Act 1973

Ultimately, the court, when considering various factors set out in s.25 Matrimonial Causes Act 1973, can invade non-matrimonial assets such as inheritance, if doing so could meet the needs of the parties.

The court has a wide discretion when deciding what division of assets would provide for a fair

and equitable outcome. Such an outcome is rarely a binary matter and there is no strict formula employed by the court in determining the same.

If matrimonial assets are insufficient to meet one spouse's needs, then non-matrimonial assets such as inheritance are more likely to be invaded. This is especially the case when there are minor children of the family involved, as their needs will be of paramount importance.

In general, future inheritance is not taken into account when considering a financial settlement following divorce. However, much as set out above, the court can consider any substantial future inheritance prospects if by doing so it would meet the needs of the parties.

It is important to remember that 'divorce' and 'financial remedy' are entirely separate, and even after a couple have finalised their divorce (ie they are no longer married), their respective financial claims against the other will remain open indefinitely until there is a financial order sealed by the court. Such a financial order could include a clean break clause, protecting any future inheritance that either person might receive and stopping their now ex-spouse seeking to make a claim against their future inheritance.

Divorce and financial remedy issues are extremely complex and difficult to navigate. As with any matter relating to divorce and the subsequent financial remedy issues, it is wise to seek



Retirement looming or simply fancy

Blue Light Leavers could be just what you are looking for

Founded by former police sergeant and friend of the NCOA Andy Labrum, Blue Light Leavers is dedicated to assisting police officers and law enforcement professionals in transitioning to new careers on 'the outside'.

Andy left policing in 2015 after 30 years to move into project management and business change. In 2018, he went freelance and moved into IT, working alongside companies such as Microsoft, Oracle, PWC, and EY. He became Platform Lead for Modern Workplace Technology for ASOS and is currently an IT Change and Engagement Consultant.

Leaving school with four 'U's, he graduated for the first time at the age of 53. He now delivers resettlement training for several UK-based police forces.

Blue Light Leavers offer comprehensive support and free resources tailored to the unique challenges faced by those in the policing and law enforcement community seeking new opportunities.

The company's services also encompass a range of essential tools, qualifications and entire career paths to help your transition, including CV and cover letter guidance, LinkedIn profile optimisation, interview preparation,

There is a lack of support or guidance in transitioning, including training, career counselling, or job placement services. This can make it difficult for us to navigate the job search process and find roles that suit our skills and experience.

career coaching and more, all aimed at enabling successful moves into a career beyond law enforcement.

Unique skillset

As law enforcement professionals, we often struggle to understand how our unique skillset and experience might be in demand in the private sector. Here are some reasons why this is the case:

Lack of awareness: Many of us are unaware of the range of 'transferable' skills we possess or how our soft skills, values, and behaviours can be applied in other industries.

Stereotypes and biases:

Unfortunately, there are stereotypes and biases towards police officers, which can create a perception that we lack the necessary skills for roles in the private sector.

Limited exposure: Our role is so unique that, unless it's through friends or relatives, we don't have the opportunity to interact with

professionals in other industries. This limits our understanding of different job functions and requirements in those sectors.

Additionally, there is a lack of support or guidance in transitioning, including training, career counselling, or job placement services. This can make it difficult for us to navigate the job search process and find roles that suit our skills and experience.

This guide explains these skills in a way we understand in law enforcement, and how they might be shown in a job description in the private sector or corporate world.

Language barriers: Understanding that the language and terminology used in the private sector can be different from that used in wider policing – including the NCA – makes it challenging for us to see how our skills can be applied. This can create a barrier to entry for those looking for a new job outside of law enforcement

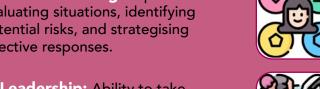


a change from the NCA?

Top 10 transferable skills



1: Critical thinking: Expertise in evaluating situations, identifying potential risks, and strategising effective responses.



6: Adaptability and resilience: Demonstrating flexibility and resilience in adapting to change and overcoming adversities.



2: Leadership: Ability to take control, lead teams, and offer guidance during challenging incidents, operations, and emergencies.



7: Collaboration and teamwork: Thriving within diverse teams, emphasising collaboration and cultural awareness.



3: Effective communication: Proficient verbal and written communication skills, crucial when engaging with a variety of individuals and handling complex scenarios.



8: Negotiating and influencing: Proficient in negotiating and influencing, fostering peaceful resolutions.



4: Conflict resolution: Skilled in alleviating tensions and maintaining tranquillity, prioritising public safety.



9: Emotional intelligence: Exercising empathy and selfawareness, valuing emotional intelligence in various interactions.



5: Innovative problem-solving: Employing creativity and innovation to deliver solution-oriented outcomes, integrating critical thinking with a proactive approach.



10: Decision-making: Exercising empathy and self-awareness, valuing emotional intelligence in various interactions.

If you visit Blue Light Leavers, you'll find a free download with the Top 25 Transferable Skills. Identifying your transferable skills is crucial when leaving law enforcement. To help you uncover these skills, ask yourself the following questions:

- Have I taken on any specialised roles or assignments within the NCA that required unique skills or expertise?
- What interpersonal and communication skills have I used to interact effectively with colleagues, supervisors, and the public?
- Can I identify specific instances



where I've shown problemsolving or leadership skills in my law enforcement career?

Are there any technical skills or certifications I've gained in the job that could be applied to other industries?

These questions will help you pinpoint the most relevant transferable skills you possess, making it easier to explore new job or career opportunities with confidence.



Jude reaches Peak fitness

When NCOA member Jude Ashmore signed up for the Peak District Ultra Challenge 2024 to raise money for her chosen charity, Ashgate Hospice in Chesterfield, she knew the challenge would be daunting but rewarding.

Jude explained: "Initially I thought walking for 33 miles didn't sound too difficult, until I decided I should do some sort of training and quickly realised it was further than I anticipated... by about 30 miles! I didn't account for the prolonged period it took me, with my poor fitness levels, lack of equipment, incorrect shoes/socks, hilly terrain and the weather!

"Despite this, I set off every weekend for four or five months to slowly build up some resilience. On the day the weather was cool with a couple of torrential downpours, however there were several more hills than I envisaged – which shouldn't have been a surprise; if I had viewed the maps that had been sent to me, I would have noticed the 1,400m course elevation!

"The route took me from Bakewell to Chatsworth, Baslow, Calver, Tideswell, Blackwell and back to Bakewell, starting at 9am and finishing at 9pm. I had no toenails left, and my knees were sore, but I can't really complain at all.

"I consider myself lucky to be able to take part in this challenge and to have met so many fantastic people on the way pushing me along. I managed to raise £2,000 for Ashgate Hospice and would like to thank everyone who sponsored me."



Ashgate Hospice provides palliative and end-of-life care for people with life-limiting illnesses. The Hospice also helps to improve quality of life soon after a terminal diagnosis, and supports families to ensure they receive the practical, emotional and bereavement support they need.

Jude's great efforts can be supported at https://www.justgiving.com/fundraising/Jude-Ashmore2

Exercise is investment

NCOA rep and 'running man'

On 1 July 2023 I set myself a personal challenge that would test my mental and physical stamina; to run a minimum of five kilometres every day for a year – 366 days (2024 is a leap year) with a distance totalling around 2,000 kilometres (around 1,250 miles).

I ran to raise money for the London Air Ambulance, who do a terrific job providing emergency medical assistance to those in need. They rely on charitable donations to survive and provide that service.

Where did the motivation come from to embark on such a challenge? I suppose it started nearly 45 years ago when, as a salaried 17-year-old Sussex Police Cadet, I spent a vast amount of my cadetship doing physical exercise. Under the leadership of a Police Inspector who had a reputation to compete and win at all costs, I represented Sussex Police in several different activities, such as the Ten Tors 55-mile hike across Dartmoor, the 125-mile Devizes to Westminster canoe race, and many other physical challenges.

Harsh and brutal

His methods would be considered harsh and sometimes brutal, which would certainly not be condoned these days. He instilled an element of fear and respect in equal measures so that you didn't commit anything less than 100%.

Once, after a 10k run along the South Downs, he asked how I felt; naively I said I was okay, and I didn't find it difficult. That response infuriated him enough to say: "If it was that easy to do, turn round and run it again." You didn't say no to

more than a **pastime**, it's an in your **future**

Paul Hastings reports on his Herculean effort lasting 366 days!



him! Many a time I suffered a yell in my ear or a kick up the backside (literally) to keep going, fighting the pain barrier, all in the name of winning; losing was not an option!

That 'conditioning' – however wrong it was – never left me, and in some ways created a level of respect for him in the way he got us to compete at our very best.

In my first few months with the NCA, a colleague who was himself a Commonwealth Games Silver Medallist (and who has since left the Agency) told me to think of exercise as an investment, not a pastime – an investment in your future to give

you the best chance of living a life in good health or at the very least, be physically strong to fight illness. That advice has remained with me.

Difficult times

A couple of years ago I ran for a period of 145 days until I suffered an injury that stopped me, and I always wanted to beat that figure, which was probably the seed for setting myself this year long challenge. This time I factored in a few longer runs to ensure that I got 'over the line' and reached the target.

I must admit, it hasn't been easy, and I've had some days more difficult than others. Difficult times have included running with a heavy cold or running in extreme temperatures, both hot and cold.

There have been many times when

I would have welcomed my Cadet Inspector yelling in my ear to keep going, instead having to rely on my own internal voice to provide encouragement and self-discipline.

The last day of the challenge was on 30 June. I was on holiday, in temperatures of around 35 degrees, so I rewarded myself with a cold Mythos beer and a relaxing footbath. People have asked me what I intend to do now I have completed the full year; I've yet to decide, so I'm open to suggestions.

If you want to join the NCOA in contributing to Paul's Just Giving page – https://www.justgiving.com/page/paul-hastings-1693559224521 – in recognition of his huge achievement, both he and the Air Ambulance would be extremely grateful.



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