

N.A.R.P.O

Medway and District Branch

Spring 2022

Secretary/Treasurer: Bruce Goldfarb
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You are cordially invited to attend the AGM and half yearly Meetings of the Branch to be held at, The Appleyard, Avenue of Remembrance, Sittingbourne, at 7.30 pm on Tuesday 22nd March 2022.

AGENDA

1. Apologies
 2. Obituaries
 3. Minutes of Winter Meeting
 4. Matters Arising
 5. Chairman's Report
 6. Secretary's Report
 7. Treasurer's Report
 8. Election of Officers and Committee
 9. Honorary Chairman and Secretary
 10. Any Other Business
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SECRETARY'S REPORT

The Covid situation seems to be improving with restrictions being lifted and it remains to be seen if this decision by the Government was well thought out. There no longer appears to be daily figures on this pandemic although it is stated that 1 in 20 people have the virus which is still a high number. The situation for pensioners and low paid workers is going to be drier with the inflation estimated to reach 7% by April and already running at over 5% together with increase in fuel costs for gas and electric and petrol and diesel prices at an all time high. National Insurance costs are set to rise putting in even more pressure on household budgets. Council tax will rise in April, and many will have to make a choice between heating and eating. Thus far the Governments response is totally inadequate and cancelling the triple lock for pensioners this year will cause many real hardships with only a 3.1% increase in state pensions which with all other price rises will mean pensioners will be far worse off. It is fortunate that we have Police pensions, although it will still mean we will be worse off.

It remains to be seen if the Downing Street situation with parties will reach an outcome soon and what if any action will be taken against those involved!

All widows were either personally delivered or if out of area sent the £50 Christmas Gift from the Branch and all have expressed their thanks. It is hoped that at the next Meeting all will agree that this should continue for Christmas 2023.

The Election of Officers and the Committee will be held at this Meeting and all those in place wish to continue. Should any member wish to stand they should notify the Secretary prior to the Meeting. We will also need to find a member willing to undertake the role of welfare officer for the Branch along with myself. Any member interested should notify the Secretary.

CHAIRMAN'S REPORT

Following the recent Lockdown things have started to open and move slowly, in respect of activity and meetings within NARPO. There have been only two Kent Branch Meetings, one in October last year, which was held at the new Ebbs Fleet Police Station and on the 7th February this year back at the Kent Police College (Training School) Maidstone. Neither of which I was unable to attend due to health and mobility problems. The last meeting on the 7th of February was focussed on Victim Support where they were asking for volunteers. At the next Meeting on the 9th May a representative from Kent Victim Support will attend to give an input as to what is required.

At our Winter meeting last November 2020 at the Appleyard Complex in the Avenue of Remembrance I mentioned about looking in to organising a couple of trips for members between May and September this year. It was suggested about a trip to the Arboretum Memorial in Staffordshire, another being a day out to the RAF Duxford Museum and the third was a trip out on the Tenterden Light Railway, which goes down to Bodiam Castle in East Sussex, with either a Fish and Chip Lunch, alternatively a Cream Tea or similar on the train. It was thought that the trip to the Arboretum Memorial in Staffordshire was a bit optimistic, as it was felt that it would probably need to be an overnight stay in a hotel to make the trip worthwhile and with a coach for two days, the cost would be too expensive. I believe it would be better to look at the two alternative suggestions, which would make it more affordable and hopefully it would attract more members, together with a subsidy from Medway & District Branch for those members and wives/partners that would be interested in going. To be discussed further at our Spring Meeting on Tuesday 22nd March 2022 at the Appleyard Complex in Sittingbourne.

Again, if any member attending the Spring Meeting is interested in having a meal in the Bar/Restaurant area, which would be from 6.00pm before our meeting commences at 7.30 pm, then could they let either Bruce Goldfarb our Secretary or myself know in order to book the required number of meals. There is a varied menu which costs around £9 to £10 per head.

Last but not least the No 5, Southeast Region annual Meeting of NARPO takes place at Federation House at Leatherhead on Saturday 26th March 2022, where hopefully myself and Bruce Goldfarb will attend.

TREASURER'S REPORT

The 2021 audit of the Branch was completed and signed by Chairman and Secretary and was submitted and agreed by NARPO HQ. The financial state of the Branch is good and as of 1/1/22 there was £8504.56p in the account. This meant the account was in profit in the sum of £470.17 for the year 2021. All outstanding monies have been paid.

Once again in 2021 all widows of the Branch received a £50 Christmas Gift which was either delivered by the Secretary or sent by post to those out of area. All recipients have expressed there thanks to the Branch for these gifts, and it is hoped that the Branch at this Meeting will agree to continue this in 2022. At the present time the Branch has 28 widows which is a cost of £1400 per annum.

OBITUARIES

** Denotes Branch Member*

<i>Former PC11984 Jonathan Pollock</i>	<i>Died 16/10/21</i>	<i>Last served Sittingbourne</i>
<i>Former PC7028 Rosemary Dyce</i>	<i>Died 27/10/21</i>	<i>Last served Maidstone</i>
<i>Former DCI3285 Malcolm Underdown</i>	<i>Died 6/11/21</i>	<i>Last served Maidstone</i>
<i>Former PSE Chief Off Harry Pounds</i>	<i>Died 25/10/21</i>	<i>Last served FHQ</i>
<i>*Former PC8725 Susan Emptage</i>	<i>Died 18/11/21</i>	<i>Last served Swale</i>
<i>Former PC5820 Geoffrey Russell</i>	<i>Died 2/12/21</i>	<i>Last served Dover</i>
<i>Former PC6664 John Nottingham</i>	<i>Died 13/12/21</i>	<i>Last served Longport</i>
<i>Former PC3551 Gordon Cant</i>	<i>Died 19/12/21</i>	<i>Last served Ashford</i>
<i>Former PC4702 Colin Holman</i>	<i>Died 20/12/21</i>	<i>Last served FHQ</i>
<i>Former PC5967 Norman Liggins</i>	<i>Died 21/12/21</i>	<i>Last served Dover Rural</i>
<i>Former PC4837 Trevor Sibley</i>	<i>Died 18/12/21</i>	<i>Last served Margate</i>
<i>Former PC3084 Peter Catlow</i>	<i>Died 25/12/21</i>	<i>Last served Swanley</i>
<i>Former PS3671 Kenneth Johnston</i>	<i>Died 22/12/21</i>	<i>Last served Maidstone</i>
<i>Former Insp2457 Raymond Pilbeam</i>	<i>Died 31/12/21</i>	<i>Last served FHQ</i>
<i>Former DC8597 Jackie McGonigle</i>	<i>Died 15/1/22</i>	<i>Last served Coquelles</i>
<i>Former Insp4623 Bernard Hovenden</i>	<i>Died 25/1/22</i>	<i>Last served Maidstone</i>
<i>Former DCC7530 Desmond O'Brien</i>	<i>Died 4/2/22</i>	<i>Last served FHQ</i>
<i>Former PC3117 Barry Keefe</i>	<i>Died 2/2/22</i>	<i>Last served Tonbridge</i>
<i>Former PS2530 John Grantham</i>	<i>Died 13/2/22</i>	<i>Last served Deal</i>
<i>Former PC2928 Reginald Todd</i>	<i>Died 30/1/22</i>	<i>Last served Traffic Rochester</i>
<i>Former PC6482 Ian Biggs</i>	<i>Died 18/2/22</i>	<i>Last served Margate</i>
<i>Former Supt2922 Redvers Laverick</i>	<i>Died 5/2/22</i>	<i>Last served Canterbury</i>
<i>*Former DI5094 William Robson</i>	<i>Died 23/2/22</i>	<i>Last served FHQ</i>
<i>Former PS6827 Charles Thompson</i>	<i>Died 19/2/22</i>	<i>Last served Lydd</i>

NEW CEO APPOINTED

Following a recruitment and selection process the NEC has appointed Alan Lees the Deputy CEO as the new CEO. This of course requires a new Deputy CEO to be appointed.

NARPO RESPONSE TO CONSULTATION ON PUBLIC SERVICE PENSIONS: POLICE PENSIONS (AMENDMENT) REGULATIONS 2022 McCloud / Sargeant remedy: phase one (prospective)

Introduction

The National Association of Retired Police Officers [NARPO] is a member organisation that represents over 93,000 retired police officers of all ranks and their survivors, from all forces across England and Wales. Formed in 1919, NARPO has 106 Branches with its headquarters in Wakefield.

One of our main objectives is to: Safeguard the rights of our members particularly in relation to their pension.

Whilst we make this submission with emphasis on issues that are important to our members and those who have already left the Police Service, we fully support our serving colleagues and their respective Staff Associations and are fully supportive of their responses to this consultation process.

We also have a place on the Scheme Advisory Board [SAB]

We also note the position by the Police Staff Associations regarding Section 23 of the Public Service Pensions Act 2013 and consultation and that by NARPO making this the response to the consultation should not be seen as implicit consent.

Rectification Cases

The Government's decision to implement the Deferred Choice Underpin option means that retired members of Police Pension Schemes will be given the same choice as those still serving. However, retired officers will not be able to make that choice until Legislation is introduced and that choice will be delayed up to October 2023.

Consequently, retired members will have to wait nearly two years and live on a pension that is lower than it would have been.

The Government intends to give those who retire prior to October 2023 the option of which scheme to take their benefits from, yet those already retired will not be given that opportunity, which is unfair and will cause further unfavourable treatment on the grounds of age.

The Government intended to resolve Immediate Detriment cases through its now withdrawn guidance, but do not intend to deal with those suffering an ongoing Detriment until a much later point in time.

The Government have decided on the remedy, and there is no reason why retired officers should continue to be discriminated against by delaying the implementation of that remedy.

We are very disappointed at this aspect of the proposed solution particularly as the initial consultation indicated that those already retired would be prioritised within the remedy. By delaying implementing the remedy for retired officers this also creates a further potential problem for those who in the meantime unfortunately die or divorce before the implementation date in 2023, and it also means that those who retired on an ill health pension in the reformed scheme should by default not have their ill health pension reviewed until such time as they can make their choice of legacy or reformed scheme benefits.

Those who have retired on an ill health pension are being treated less favourably than those who retire in the meantime and in our view, this could amount to less favourable treatment because of their disability.

The original judgement from the Courts on this matter found that there had been age-based discrimination, and to continue to deny retired members the pension they have earned is contrary to that judgement. Most of those already retired are elderly and rely on their pension as their sole source of income. That's why NARPO has called on the Treasury to urgently look at this issue and stop this continued discrimination against older public sector workers.

The Executive Summary of the previous consultation document included:

Under either approach, those who have already retired and/or received a pension award will be asked to make their choice as soon as practicable after the changes are implemented. The position they choose would be applied retrospectively back to the date the award was made.

The Government response document includes in the executive Summary:

In the meantime, members will be deemed to have accrued benefits in their legacy schemes, rather than reformed schemes, for the remedy period, until they make that choice.

However, does this apply to all scheme members including retired members? If not, then why not? If it does apply to them, then all retired officers should be given the choice immediately and not at some future point in 2023.

The response also includes:

2.99 The majority of members in scope of this consultation will not retire until after the DCU is implemented and will be given their choice at the point of retirement, as detailed above. However, the government recognises that significant numbers of members have

already retired and received pension benefits in respect of relevant periods service or will do so between now and the introduction of the DCU by October 2023.

2.100 As set out in the consultation, the government accepts that members who moved to the reformed pension schemes on or after 1 April 2015 and have subsequently retired, already have an entitlement to be treated as a member of their legacy scheme for the remedy period if they wish. In recognition of this, the government will work with schemes to develop processes to give effect to this entitlement for those who retire before the introduction of the DCU. Where possible, schemes will also seek to offer reformed scheme members in this position who retire before October 2023 a choice of legacy or reformed scheme benefits for the relevant period at retirement. Once the complex issues described in paragraphs A.8 to A.12 have been resolved, schemes will also seek to revisit cases of reformed scheme members who have already retired ahead of the introduction of the DCU, where, and to the extent, this is possible. This process will be administratively complex and individual schemes will set out their plans for beginning to process such cases in due course.

This proposal in our view treats those retiring as from today more favourably than those already retired, and gives them the choice of higher pension payments, whilst those already retired will have their choice delayed until some future date possibly as far as October 2023 and beyond.

We do not accept that the calculations required for those already retired are significantly more complex than those required for those retiring from today.

With regards to immediate detriment cases (i.e., those cases where the member is about to retire and receive their pension) and does not cover where a pension is already in payment, the recent removal of Immediate Detriment Guidance has created more uncertainty for those officers, and subsequently our members as they approach retirement.

The focus of activity has been on remedying those with several years left to serve. Our concern is for those officers retiring now who cannot and obtain accurate pension forecast, nor know if they are on the correct pension.

2. Ill Health Retirement

There is in our view insufficient detail to provide more conclusive comments.

These cases should be dealt with at the earliest opportunity to give some clarity to those who have already been placed on Ill Health Retirement (IHR). Those who have already been placed on IHR on a reformed Police scheme should be informed as soon as practicable that any review of their IHR will be put on hold until the remedy period is completed.

In our view these cases just need their ill health pension recalculating under the terms of their legacy scheme, and they will need to be informed of the differences between the Regulations and conditions of their IHR under both schemes. This will avoid any unnecessary distress to those who have already gone through what can be a difficult and traumatic process.

There are several challenges related to ill-health provisions, but there is no solution or regulations on which to provide comment.

Alan Lees Acting Chief Executive

BACK DATING OF INJURY ON DUTY AWARDS

We have had notification from Kent Police Federation in respect of back dating of Injury on duty awards and the judgement is shown below.

17 February 2022

BB CIRCULAR – 002-2022

To: All Branch Board Chairs & Secretaries

Cc: National Board, National Board Info and Branch Council Admin

Dear Colleague,

Back-dating of Injury on Duty awards I am writing to confirm the legal position on claims for the back-dating of Injury on Duty awards following the Court of Appeal's judgment in the case of R (Chief Constable of South Yorkshire Police) v Kelly and another [2021] EWCA CIV 1699. PFEW funded Mr Kelly's successful legal claim.

In 2005, Mr Kelly was ill-health retired by his force, but he was not aware until 2016 that the circumstances of his disablement entitled him to apply for an Injury on Duty award. He then applied for an award. When the award was granted in 2017, his force only back-dated it to the date of his application in 2016.

The basic position is found in Regulation 11(1) of the Police (Injury Benefit) Regulations 2006 ('PIBR 2006'), which says that an Injury on Duty award is payable where a person:

"ceases or has ceased to be a member of a police force and is permanently disabled as a result of an injury received without his own default in the execution of his duty..."

and Regulation 43(1) PIBR 2006 which confirms that the award:

"...shall be payable in respect of each year as from the date of [the person's] retirement."

This is subject to the rules in Regulation 11(2) PIBR 2006 and Regulation 7(7) PIBR 2006 which apply to a situation where the officer becomes disabled after retirement or where the date of disablement cannot be ascertained. This was not relevant in Mr Kelly's situation because he had already been assessed as permanently disabled at the time of his retirement, but nevertheless, his force took the view that he was only entitled to payment of the Injury on Duty award from the date he applied for it in 2016.

Mr Kelly appealed to the Crown Court in line with Regulation 34 PIBR 2006. He contended that as he was already permanently disabled at the time of his retirement in 2005, he was entitled to have his Injury on Duty award back-dated to the date that he had retired, and that the force's refusal to pay him any award for the period from 2005 to 2016 was in breach of his rights under PIBR 2006. The Crown Court found in favour of Mr Kelly, ordering that his Injury on Duty award be back-dated to his retirement in 2005 and that the force should also pay interest on the back-dated payment that was owed to him.

The force unsuccessfully appealed to the High Court and then to the Court of Appeal. The force's arguments were that:

- a) Mr Kelly only had the right to back-payment of the Injury on Duty award to the date that he had applied for it;
- b) the Crown Court did not have the right to hear appeals regarding the back-dating of Injury on Duty awards because this situation did not fall under Regulation 34 PIBR 2006; and
- c) the Crown Court did not have any power to order that interest must be added to the back-payment of the award.

The Court of Appeal judgment rejected all the force's arguments and confirmed the law to be:

- If a former police officer has been assessed to be permanently disabled from the ordinary duties of a member of the force under the Police Pensions Regulations 1987, 2006, or 2015, and subsequently successfully applies for an Injury on Duty award regarding that permanent disablement, they will be entitled to have payment of the award back-dated to the date of their permanent disablement assessment.
- If the permanent disablement assessment occurred before the date on which their police service ended (whether through retirement, resignation, or otherwise), their entitlement is to have the award back-dated to the date their police service ended.
- The Crown Court is the appropriate court to hear disputes about back-dating of an Injury on Duty award.

- The Crown Court has the power, if it considers it appropriate, to order that a force pay interest on a back-payment of an Injury on Duty award.

LETTER TO CHANCELLOR FROM PSPC

Rt Hon Rishi Sunak MP
Chancellor of the Exchequer
11 Downing Street
London SW1A 1AA
Sent by email
17 December 2021

Dear Chancellor

IMPACT OF RISING INFLATION ON PENSIONERS` WINTER FUEL ALLOWANCE AND CHRISTMAS PAYMENT

I write on behalf of the Public Service Pensioners` Council (PSPC), which represents organisations with over one million retired public service members, about the impact of rising inflation, especially energy costs, on pensioners and the need to index-link the Winter Fuel Allowance and the Christmas payment to pensioners.

The Office of National Statistics announced on 16 December that inflation as measured by the Consumer Prices Index had risen by 5.1% over the past 12 months and was expected to stay above 5% for some months into next year. Yet the basic and new State Pension will only rise by 3.1% from next April, as will all Public Service pensions, just at the time that a further huge rise in the energy price cap is expected following the next Ofgem review period.

The Winter Fuel Allowance, first introduced in 1997, was intended to help pensioners with their winter fuel bills and was set at £200 over 20 years ago in 2000/01. That rate of allowance has not increased over the past two decades, apart from the additional £100 increase to £300 for pensioners aged 80 or over from 2003/04.

The energy price cap set by Ofgem has risen by £235 (22%) over the past 9 months with the April and October increases, thereby wiping out the Winter Fuel Allowance for most pensioners aged 66-79. The default tariff price cap now stands at £1,277, so the Winter Fuel Allowance represents a small proportion of those average capped energy costs, and it is clear from current wholesale energy prices that the next review period will lead to a further huge increase in energy prices from next April, just as the value of the State Pension falls behind the rising price inflation, and average earnings due to the suspension of the triple-lock.

Millions of pensioners, including many retired public servants, rely on the State Pension and Winter Fuel Allowance in retirement, despite having an occupational pension. The recent National Audit Office report on the cost of public service pensions highlighted that the average pension paid across the four main public service pension schemes was £10,000 a year. In the Civil Service the average annual pension is only £8,104, and for women it is only £5,874. It is in that context that the value of the State Pension and the Winter Fuel Allowance is so important to so many pensioners to have a basic standard of living in retirement.

Had the Winter Fuel Allowance risen in line with inflation since 2001 when it was set at £200 it would now be at £347 (based on ONS measures of inflation). With rising inflation expected to continue well into next year, and State Pensions falling behind both earnings

and inflation, there is a convincing case to uprate the Winter Fuel Payment and index-link it to at least inflation for subsequent years.

The Christmas Payment to pensioners was introduced by Ted Heath`s Government in 1972 and set at £10 payable in December. Had that payment been index linked to inflation it would by now be worth £138 (based on ONS measures of inflation), which would make a meaningful difference to many pensioners at Christmas time.

The Public Service Pensioners` Council urge you to introduce measures in your Spring budget to increase the value of the Winter Fuel Payment from 2022 and link it to inflation or the State Pension triple-lock; and to similarly to uprate and index-link the Christmas Payment to pensioners.

We urge you to respond positively to these points and provide some relief to millions of pensioners facing hardship with rising energy bills this Winter and beyond.

I look forward to hearing from you.

Yours sincerely

David Luxton

KENT POLICE CHOIR

Message regarding Kent Police Choir who are trying to recruit members and any member interested should contact Mark Santer direct on below number.

Good afternoon, Mr Goldfarb

I have recently taken up a role within the choir executive committee to help with both publicity and recruitment, I wondered if you could help me.

I was given your name as honorary secretary of the Medway branch of NARPO, and I would be interested in how you think I could best promote the choir to your members, with a definite focus on recruitment.

The choir raises considerable funds for charity, encourages young musicians and provides support and fellowship for its members

I would be very keen to hear any suggestions you may have

kind regards

Mark Santer

07818 085569

VOLUNTEERS FOR VICTIM SUPPORT

At the next liaison Meeting at FHQ a representative of Victim Support will attend and give presentation to Branch Officers on the scheme. In the interim any member interested can contact the scheme direct.

Our volunteers are essential to the support we give victims of crime. We will train you to support victims from the very first introduction, working with them to help meet their needs until they feel strong enough to move forward on their own. For more information and to see the roles on offer in Kent, visit our website: www.victimsupport.org.uk/get-involved.

NATIONAL ARBORETUM

Message from CEO on above

ARBORETUM VIDEO

We have now obtained the link (below) which will allow you to download the full video of the Police Memorials at the National Arboretum which was shown at our Annual Conference, and which can also be viewed on You Tube.

Following advice from our Business Manager it was agreed that the video was a powerful promotional vehicle for NARPO and should be available to a wide audience.

We would be grateful, therefore, if you bring the video to the attention of all your members and arrange for it to be shown to as many others as possible, especially serving officers.

To Download the video, click on the down arrow at the side of "The National Police Memorials (Internal Version)". In the download file click on 'Save to Folder to keep and copy to portable memory devices, if desired. Note: This is a large document and may take time to download fully. <https://vimeo.com/595230012/4dbb5a6e20>

You may also wish to consider donating to the Police Memorial Trust <https://thepolicememorialtrust.org/> or to the Police Roll of Honour Trust <https://policememorial.org.uk/> to assist them in their efforts to maintain and extend their good work.

Yours sincerely,

Alan Lees

COMMITTEE MEMBERS

Chairman Mr Terry Lynch

Vice Chairman Mr Stephen Bull

Secretary/Treasurer Mr Bruce Goldfarb

Committee Members

*Mr Christopher Mayes Mr Derek Gallagher Mr Maurice Baggot Mr Robert Morris
Mr Peter Simmons*

MEMBER CHANGE OF DETAILS

All members are reminded that if any of their details change, they should notify the Secretary in order that records can be kept up to date.

BRANCH WEBSITE

Members are reminded to check the Branch website at www.medwaynarpo.org regularly for latest information. Any member without internet access can call the Secretary at any time to find out latest news.

WELFARE AND BENEVOLENT FUND

The Branch run a welfare section and any member that encounters problems should contact either the Chairman or Secretary for advice and assistance. All welfare matters are dealt with in the strictest confidence. Branch welfare officers are Mr Terry Lynch and Mr Bruce Goldfarb.

ANY OTHER BUSINESS

Should any member wish to raise any issue at this Meeting then please inform Secretary in order that the issue can be researched prior to the Meeting.

DATE OF NEXT MEETING

The Winter Meeting of the Branch will be held at The Appleyard, Avenue of Remembrance, Sittingbourne ME10 4DE on Tuesday 15th November 2022 commencing at 7.30pm.

Bruce Goldfarb Branch Secretary