

Under Cover

NCOA: Protecting those who protect the public

Issue 15 / Autumn 2021

TAKING THE PLUNGE FOR EPIC CHANNEL CHARITY SWIM



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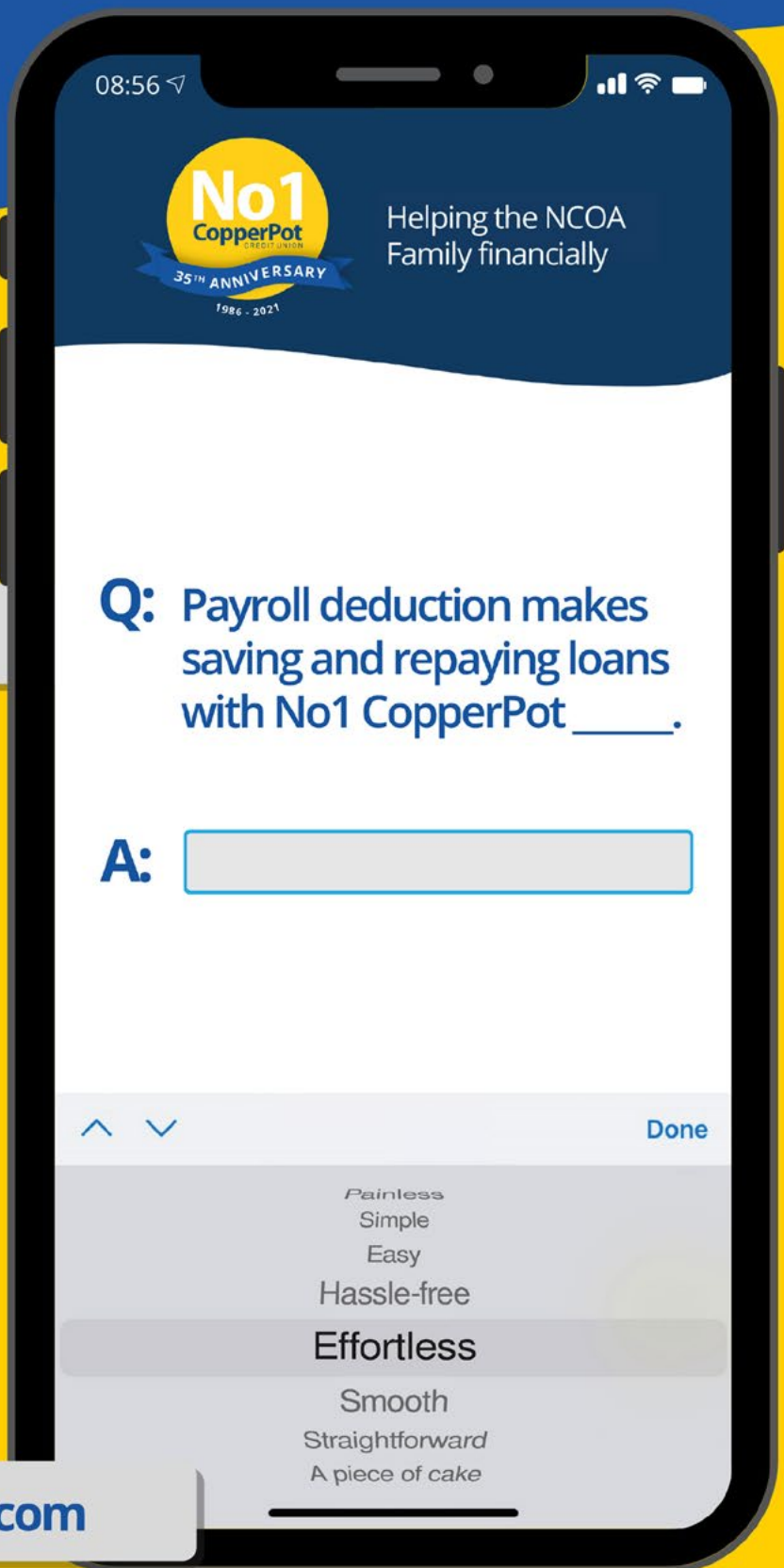
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So much to say – so little time

During a law enforcement-related career of over 40 years, I've learned never to be surprised by things; but sometimes I just stand back with pride and joy when I hear of the personal and professional achievements of colleagues, and such is the case in this edition.

I was delighted to read the accounts of Glenn Carr and Joel Andrews of their arrest of an armed man, and their subsequent Queen's Commendation for Bravery.

The Herculean efforts of NCOA member Simon Elwell and his fellow 'Mutts' will rewrite the record books, when they complete their cross-Channel swim to raise money for the spinal cord injury charity, Aspire. Simon is 56, and his swimming colleague Paula Craig is paralysed from the waist down.

Not quite the same distance swam but still impressive is our very own National Officer Steve Bond who reports on a fitting end to his coaching of the GB Junior Men's water polo team with a fine display in Slovenia. Meanwhile, NCOA rep Mark Unsworth reveals his own personal quest during lockdown to lose weight and regain fitness.



Away from the impressive feats of our members is the serious matter of NCA pay – in particular, the Government-appointed NCARRB and its role in determining remuneration for our members. The NCOA has, for some time, seriously questioned the independence of this review body; now that the

2021 NCARRB report admits they have the same doubts, **Under Cover** suggests it may be the right time to start exploring some real alternatives to secure the best pay deal for our members.

This subject is likely to be centre stage at this year's Annual Delegates Conference in October. Your reps are currently busy preparing the issues that they know most affect you in the workplace and these will be reported directly back to you at the conclusion.

Enjoy the read, and please ask any questions about its contents or raise awareness of an issue which you think is important by emailing membership@ncoa.org.uk



Simon Bashford

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Sad to report...

Regretfully, Under Cover reports the passing of loving husband and great Dad, George Welch, who died during the early hours of 2 August, 2021. George had been in hospital for a short while, battling COVID-19.

Having joined the National Crime Agency in 2014, George served diligently across several roles in the Intelligence Directorate where he was well respected by his team. He most recently served in the Sensitive Intelligence Unit based in the North-West Hub, where he had worked for the last four years.

George had previously worked in Birmingham, and prior to joining the Agency, he worked in telecommunications in the private sector. A keen traveller to foreign climes, George visited many countries in his life. He had a love of 90s music and especially Indie Pop. He was also a keen follower of F1 motor racing.



George leaves behind his wife Rachel and two young children,

Oscar and Sophia, to whom we send our deepest condolences.

Dispute resolution in England and Wales: Call for Evidence

The Ministry of Justice (MoJ) is seeking evidence on dispute resolution from all interested parties, including the judiciary, legal professional, mediators, the advice sector, courts and other dispute resolvers.

The MoJ is particularly interested in collecting evidence from individuals or organisations with data to share on the relevant questions; or those who had the experience of dispute resolution within and/or outside of the court system to support the development of a more effective dispute resolution mechanism.

The responses will shape the future reforms to civil and

administrative justice, with Ministers determined to help more people resolve issues without the stress and costs of a court case.

The consultation will examine whether new technologies, as well as services such as mediation and conciliation, could provide a smarter and less adversarial route to finding resolutions.

The step looks to build on the success of recent reforms which have seen private law claims, for example, move online. The closing date for submissions to the MoJ is 30 September 2021.

Does your NCOA rep deserve recognition?

NCOA reps are all unpaid volunteers who often work quietly in their own time on your behalf.

Last year, the NCOA provided representation, support and advice to hundreds of our members in matters of grievance, misconduct, personal cases and management

negotiations. Often at times of high anxiety for NCOA Members, our Reps are there to help you and your colleagues.

If you would like to recommend that your NCOA rep deserves an acknowledgment for their effort(s) in the last 12 months, it will be

considered and, if successful, the nominee will receive recognition at this year's Annual Delegates Conference.

Please contact membership@ncoa.org.uk with a brief summary of why you believe they should be considered.

Under Cover is green for go

Efforts to reduce global warming and the impact of climate change are being made by individuals, communities and organisations around the world, and the NCOA wants to do everything we can to help in that fight.

One important step is the preservation of our natural resources of wood, and combating the negative effect of deforestation on our ecosystem.

Under Cover is proud to say that we chose a publisher and a printing group whose green credentials speak for themselves.

Our publishers, Chestnut Media, and our printers – Matrix Print & Design – are both based in Barnstaple, North Devon, and take their commitment to maintaining their environmental credentials very seriously; they also ensure that their suppliers need to have the same philosophy when dealing with them.

As you would expect, paper is the largest expenditure, but Matrix only purchase paper

that is accredited by either the Programme for the Endorsement of Forest Certification, or The Forest Stewardship Council.

All of the paper they use, and on which **Under Cover** is printed, is derived from sustainable managed forests. Matrix then ‘carbon capture’ all the CO2 produced in the manufacture and distribution of products, by calculating the amount of CO2 used and paying the Woodland Trust to plant enough trees to capture that CO2.

Many of the papers Matrix uses will have a recycled element to them (some are 100% recycled),

and all of the company’s wastepaper and cardboard is recycled, as are any chemicals we use on site. The company has solar panels on the roof of their offices to power their business, with any excess electricity sent back to the National Grid.

So not only are we able to ensure that NCOA members are kept up to date with all the news, views and important information relating to colleagues and the organisation through **Under Cover**, but we also endeavour to produce a magazine that has the least possible impact on the environment.

Civil servants working from home not at risk of pay cut

The announcement on 9 August 2021 from Business Secretary Kwasi Kwarteng that civil servants who continue to work from home are not at risk of having their pay cut will come as welcome news to many public servants, including those in the National Crime Agency, who have been invited to join in ‘return to workplace’ pilots.

When asked if working from home should continue, Kwarteng (pictured) told listeners of Radio 4’s Today programme that “flexible working is something that is here to stay” and that “civil servants who continue to



work from home are not at risk of having their pay cut”.

At the Downing Street lobby briefing on the same day, the Prime Minister’s spokesperson said that there were no plans to dock the pay of officials who continued to work from home, and that flexible working

was “rightly” being used throughout the Civil Service.

These recent announcements have been welcomed by the NCOA, and we also cautiously welcome the NCA ‘return to workplace’ pilot, which enables some officers to enter into an informal arrangement with their management to continue to work from home up to two days per week.

The NCOA has been clear with the Agency that it will not support any subsequent opportunistic plans to dock the pay or allowances of any NCA officers who enter into these informal arrangements.



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Government response to consultation on sexual harassment in the workplace

The Government Equalities Office has published its response to the consultation on sexual harassment in the workplace, which ran from 11 July to 2 October 2019.

Its proposals include imposing a positive duty on employers to prevent sexual harassment, providing explicit protections from third-party harassment, and extending the time limit for more Equality Act claims to six months.

The Government has said that it intends to introduce a duty requiring employers to take "all reasonable steps" to prevent sexual harassment, as it believes that this will encourage employers into taking positive proactive measures to make the workplace safer for everyone.

Additionally, in the interests of providing clarity, the Government will introduce explicit protections from third-party harassment.



Extending time limits

The Government also recognises the impact that extending time limits could have for those bringing sexual harassment cases, and that three months can be a short timeframe. Therefore, it will look

closely at extending the time limit for bringing Equality Act 2010 cases to an employment tribunal from three months to six months (the time limit for equal pay cases is already six months).

All of the commitments made as a result of the consultation will apply

to England, Wales and Scotland. Those which require legislative changes will be introduced "as soon as parliamentary time allows".

NCOA reps will receive appropriate training once the proposals are introduced.

ACAS publishes new advice on hybrid working

ACAS has published new advice to help employers consider whether hybrid working – where staff split their time between working remotely and in their employer's workplace – could be a suitable option for their organisation, and how to fairly introduce it.

ACAS Chief Executive, Susan Clews, said: "Many employers have had to quickly adapt to flexible ways of working due to the pandemic and it has caused a rethink in how organisations could work differently in the future.

"Hybrid working is an option that many employers are currently considering as the restrictions ease. Our new advice can help employers look at whether it can work for them with some practical tips on how to introduce it."

The advice includes tips for employers on how to:

- consult widely with staff to discuss practical considerations around introducing it
- consider whether it would work for certain roles and is suitable for their organisation
- create a hybrid working policy
- handle staff requests for hybrid working.

The new advice has been developed in consultation with ACAS Council and the Government Flexible Working Taskforce, a partnership across business, unions, government departments and other groups to share best practice.

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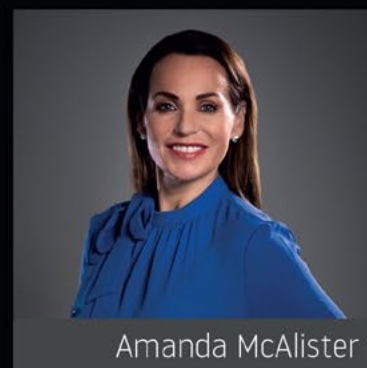
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Improved officer welfare equals a healthier workforce

In the Members' Stories section of this edition of **Under Cover**, Mark Unsworth reports on the effect that a cocktail of poor diet and unsociable hours can have on an officers' health.

In recognition of the long hours and poor food choices that NCA Officers are sometimes forced to make out of necessity, this year's pay engagement consultation process saw the NCOA challenge the Agency to follow the good practice adopted by other public sector organisations in awarding their officers one hour 'wellbeing' flexi-time each week.

Evidence provided to the Agency by the NCOA showed that in some organisations, officers chose to use this time to go for a regular short walk or swim, while others chose to accrue it and take as a four-hour block once a month and use the time to challenge themselves to a half day of more

intense physical activity.

The experience of the other public sector organisations was that by adopting such a positive step in promoting a healthy lifestyle, the impact was almost immediate with officers reporting feeling happier and more engaged resulting in overall sickness rates reducing.

Disappointingly the Agency declined to support this NCOA-led initiative, which would have seen NCA officers receive a substantive non-pay reward in a year of Government-directed pay pause.

Instead, the Agency has offered to work with the NCOA to "consider how they [NCA] ensure that officers have dedicated time, as part of their day job, to focus on wellbeing and development activities".

We will report in future editions of **Under Cover** whether the Agency delivers any tangible action on this commitment.



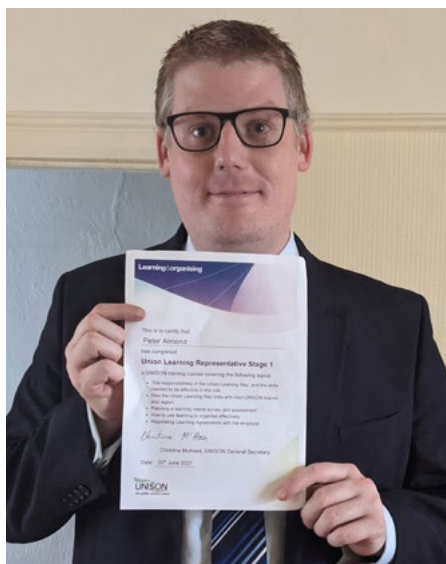
Pete and Andy qualify as accredited Union Learning Representatives

June 2021 saw NEC Members Pete Almond (left) and Andy Myers join colleagues from our sister union UNISON in attending a Union Learning Representative (ULR) course.

The intensive four-week course, covering a range of topics, has led to Pete and Andy becoming nationally accredited ULRs – a role which Pete will be fulfilling as part of his NCOA portfolio. The NCOA

has further funded Pete to enrol on the L4 Diploma in Learning and Development with the Open University.

Pete will be dedicating his time by acting as the lead for negotiations and consultations on Learning and Development issues, and management of all NCOA training needs.



‘The excellent **support network** gives me the confidence to carry out my duties with a good **work-life balance**’



*Being an NCOA rep is not for everyone, but it can be rewarding and enjoyable; Liz Yarrow tells **Under Cover** just why she took up the role*

I became an NCOA rep earlier this year after being in the National Crime Agency for a few years, and feeling that I wanted to gain a new set of skills and a better understanding of Agency policies to assist, support and represent members through stressful situations and to ensure they experience a fair and just process when facing any misconduct investigations or being involved in any grievance matters.

As a new rep I've had to undertake accredited training before I could represent members. To date I have undertaken training which enables me to give advice to members and deal with grievance cases.

During September, along with other new reps, I shall be attending a three-day course on how to represent members in discipline and misconduct matters.

I'm also looking forward to attending this year's Annual Delegates Conference & CPD event in October, giving me the chance to meet all my NCOA rep colleagues from around the country.

From Force Ops to NCA

I started working for West Yorkshire Police in 2006 as a 999 operator and was trained to work on the Force Operations desk, as a controller for the firearms, dog unit, helicopter and motorway officers. This was a very busy role and started my interest in large investigations.

I was then asked to set up the Regional Roads Policing Team as the radio operator for the traffic officers, and began training in the Intelligence Directorate to deploy officers on Intel-led mini operations across the Yorkshire and Humber Road network, identifying Level 2 cross-border criminality. This in turn led me into close working relationships with the NCA and I naturally moved across in 2016 when there were vacancies in Intelligence at the Calder office.

In 2017 I was seconded to Operation Stovewood and I have been here ever since. I am now a G4 Senior Intelligence Officer and really enjoy my role in this major investigation.

The right work-life balance

Out of work, I live with my partner, and I am a Mum to a nine-year-old daughter. I have two stepdaughters aged seven and four, so it is a very busy family home with lots of laughter and so far, not a lot of arguments.

We have a very active family lifestyle and love to be out and about on adventures. During Covid this was not so easy to do, so we invested in a caravan and went touring the UK safely in our own self-contained mobile home. The girls have embraced the camping life and we try to get away at least one weekend a month, visiting the seaside and making memories during this difficult time.

So far, I have really enjoyed the challenges of being an NCOA rep. The support network provided is excellent and gives me the confidence to carry out my duties while managing to also devote my time to a good work-life balance. I would encourage any NCOA member who is considering becoming a rep to go for it.

NCOA members first to receive Queen's Commendation for Bravery

Since 1994, the Queen's Commendation for Bravery, which is open to both civilians and service personnel, has been awarded for several distinguished acts of heroism but never to an NCA officer – until now that is.

Earlier this year, NCOA members Glenn Carr and Joel Andrews from the Agency's Armed Operations Unit received the call to say they were to be recognised following events which unfolded on 18 August, 2018.

Putting this prestigious award to one side, it's a day neither officer will forget. For Glenn it was the day his action resulted in a broken leg; for Joel, it was his first deployment as a firearms officer!

Now that things have finally sunk in, *Under Cover* caught up with Glenn and Joel to congratulate them on this fantastic achievement. Reflecting on when he received the call, Joel told us: "The day I received notification of the award I almost deleted the Cabinet Office email thinking it was another circular. I must admit that I nervously burst out laughing when I read the letter – I just couldn't believe it.

“It was only afterwards when the dust had settled, and I realised it had been a pistol in his hand, that it dawned on me how differently things could have gone.

"Back in 2018, I remember feeling my stomach lurch when I saw something dark in the subject's hand. My training kicked in, and although there was definitely a bit of a 'have I done the right thing here' moment, firing my Taser was the right thing to do which ended the pursuit.

"It was only afterwards when the dust had settled, and I realised it had been a pistol in his hand and we were running into a dead end, that it dawned on me how differently things could have gone.

"Once I knew I was to receive the award I researched it and other recipients. I remember feeling quite undeserving compared to some of the acts of bravery detailed in the citations, and still do today. My family however absolutely love it, and are very proud of me."

When faced with an armed suspect attempting to make his escape, motorcyclist Glenn was unable to draw his weapon: "I could see him run toward me followed by my colleagues all carrying MP5s, Glocks, Tasers and shouting at him to stop," explained Glenn. "I was astride the bike on the pathway, so while trying not to cause



him too much damage, I rode at him, kicking him in the thigh. He was floored immediately but soon after, so was I – with a broken leg for my troubles.

"Rather predictably, my team seized the opportunity to photograph me inhaling Pentrox to numb the pain before forwarding on to colleagues. I can see the funny side of it and at least they had recovered the gun from his waistband and detained him!

"It was rather surreal when I first became aware of this award, especially when you read the citations from others – I still don't feel I'm in their league if I'm honest. My family are very proud, as am I. I do wish my parents were still alive though, as they would have been overjoyed that their 'oik' of a son had been awarded such an accolade."

Glenn and Joel's responses typify the attitude of NCA officers who see nothing special about the work they carry out to protect others. Congratulations – you really do deserve it.

Flexible working requests: Proceed **with care!**



Kurt Emre of JFH Law outlines the recent case that employers might ignore at their peril

The case of *Thompson v Scancrown Ltd T/a Manors* hit the news recently, highlighting the issues that some women still face when returning to work after maternity leave.

Alice Thompson, a sales manager at a small London lettings agency, took maternity leave from October 2018 to October 2019. On returning to work, she requested flexible working. She asked to work a four-day week and finish work an hour early, to allow her to collect her baby from nursery before it closed at 6pm.

Her request was refused on the basis that it would cost the company too much money and her absence would be detrimental to the company's ability to meet customer demands. Further, the existing staff wouldn't be able to carry her workload, and recruiting additional staff was not a viable option.

The Employment Rights Act sets out the law on flexible working requests. While there is no duty for an employer to grant a flexible working request, the request must be taken seriously and dealt with in a structured way.

Insufficient consideration

Although the tribunal sympathised with the needs of a small company to remain competitive, it found that the company had given insufficient consideration as to why the claimant's new proposed terms would cause any of these things to happen.

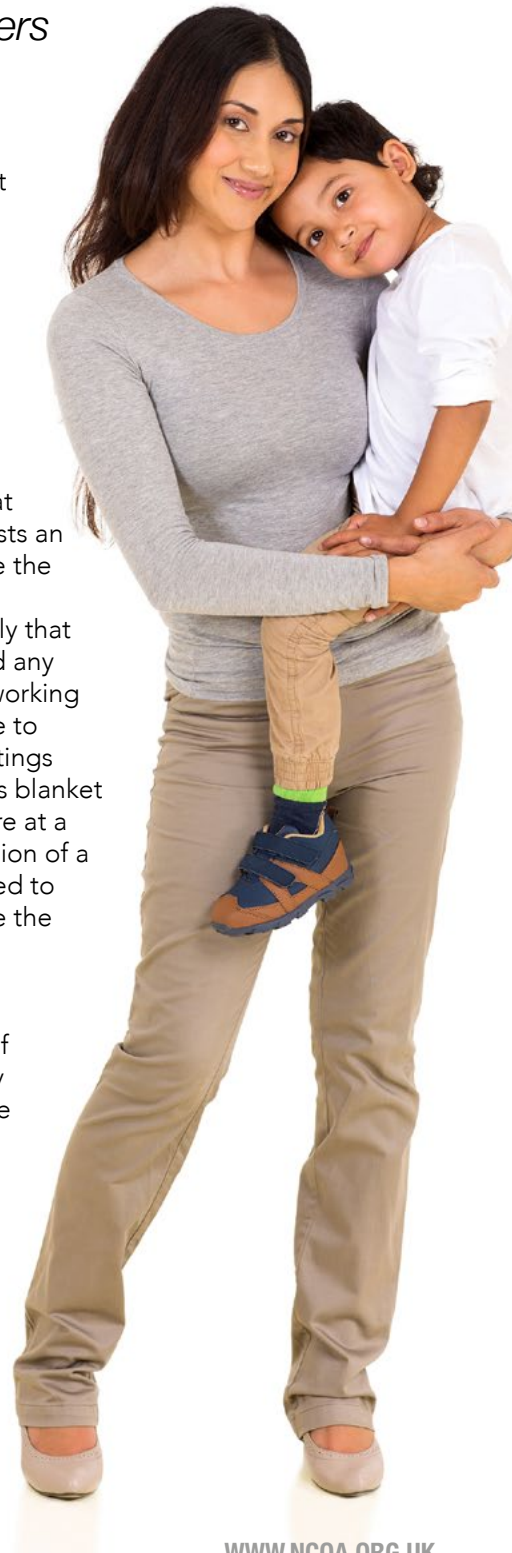
As a result of the company's refusal to allow the flexible working request, the claimant accused the respondent of indirect sex discrimination. Indirect discrimination can occur where a policy, practice or procedure is put in place that appears to treat everyone equally but, in practice, is less fair to those with a certain protected characteristic under the Equality Act 2010 (including sex, race and age).

To demonstrate that the refusal to allow Mrs Thompson's request for flexible working amounted to indirect sex discrimination, she relied on a 2018 survey carried out on behalf of Direct Line Insurance. With a sample size of 2,011 individuals, the survey concluded that 64% of mothers are considered to be the primary caregiver to their children. The tribunal agreed that this demonstrated that there exists an expectation that women will face the brunt of childcare duties.

The tribunal found that it is likely that the company would have treated any employee's request for flexible working the same, no matter the sex, due to the high demands on a small lettings agency. However, because of this blanket refusal, women with children were at a disadvantage. Proper consideration of a flexible working request is needed to fully justify the refusal to approve the employee's request.

The tribunal found that the allegation of indirect sex discrimination, on the grounds of the company's failure to properly consider Mrs Thompson's flexible working request, to be proved. She was awarded a sizeable sum in compensation.

Employers must be careful to follow the appropriate procedures when considering a flexible working request. Be careful to undertake a meaningful assessment as to the needs of both the employee and the needs of the business.



When parents separate what rights do I have as a grandparent?

Caroline Bilous, Partner at McAlister Family Law, explains a grandparent's entitlements following a family separation



When parents separate, disputes in relation to children can not only include estrangement from a parent but may extend to wider family, particularly grandparents, who can be stuck between arguing parents or forced to take sides. Many simply wish to continue spending time with their grandchildren.

Legally there are no grandparents' rights, as grandparents do not usually have parental responsibility in the same way as a parent does, although they may acquire it if a parent is unable to care.

All mothers and most fathers have parental responsibility, which refers to the legal rights and responsibilities of a parent in respect of a child, the most important of which are to provide a home and protect and look after a child.

However, the Family Court recognises that it's in a child's best interests to maintain good relationships with close family

members, particularly grandparents, even if the parent of the child cannot; a Child Arrangements Order may be obtained to protect such relationships.

Do grandparents' rights include the right to see a grandchild?

Grandparents do not have an automatic right to see a grandchild and above all, whatever the relationship between estranged parents, it is important to step back and try to avoid becoming involved in any disagreement. It's a hard thing to do when it is your own child involved, but maintaining good relationships with the other parent goes a long way in avoiding difficulties further down the line.

Can a grandparent apply to the Family Court to see a grandchild?

Yes, although grandparents do not have an automatic right to apply to court to see a grandchild in the same way as a parent does. However, the Family Court would rarely refuse permission (or leave) for a grandparent to make an application, providing there is no good welfare reason why it should not, as long as they can show a close and

enduring relationship exists. Also, as a family member, permission is not required if a child has lived with a grandparent for a period of one year prior to the application being made.

How can I apply to see my grandchild if I'm being prevented from doing so?

It is important to seek early advice from an experienced child and family lawyer. Time can be of the essence, and leaving matters too long can ingrain difficult circumstances. Unless there are urgent circumstances, getting an initial court hearing will take a minimum of four weeks or more, and as a first step you will be required to attend a Mediation Information and Assessment Meeting (MIAM) to see if it possible to resolve matters with the assistance of a mediator.

What orders can the Family Court make?

The court could make a Child Arrangement Order for a grandchild to spend time with a grandparent, in the same way as it could for a parent. Each family is different though and no two cases are the same. Just because you may have heard that one grandparent has obtained a certain order, it doesn't necessarily mean you will.

If you are affected by any of the issues raised here, it is vital you get the advice of an experienced family lawyer. Please do call us today, we're here to help: www.mcalisterfamilylaw.co.uk

Simon takes icy plunge for

After 35 arduous years in front-line law enforcement, thoughts of retirement for NCOA member and former Armed Operations manager Simon Elwell must have conjured up images of a slower pace of life, idyllic walks in the country, foreign travel, and of course spending quality time with the family.

While this may have been part of the plan when Simon left the Agency in 2018, the reality could not be further from the self-imposed truth.

Amazingly, at the ripe old age of 56, Simon will be part of a relay team of six individuals taking on the gruelling challenge of swimming the English Channel – without wetsuits.

Even more remarkable is that one of the team, former police officer Paula Craig, is paralysed from the waist down.

In May 2001 Paula, an elite marathon runner training for the GB national triathlon team, was knocked off her bike while training. She has subsequently competed in the London Marathon in a wheelchair (making her the only person to have run and pushed the London Marathon), and as a wheelchair triathlete at international level, while continuing to work as a DI in the Met.



The challenge for Simon, Paula and the rest of the team cannot be underestimated, and if successful they will rewrite the history books.

Simon told **Under Cover**: "I've always been a swimmer and play competitive water polo for a local club. My open water swimming career started six years ago, after a chance conversation with Met Police

colleague Emma White, while on a surveillance operation.

"Emma was a keen open water swimmer and invited me along to a lake swimming session at Heron Lake near Heathrow. She introduced me to her long-time swimming buddy Paula, who highlighted the Aspire charity which had given her so much support following the accident. I became hooked on open water swimming, and over the next few years we trained and entered a number of swims."

Founded in 1983, Aspire is a national charity providing practical help to people who have been paralysed by spinal cord injury. This type of injury can happen to anyone at any time, and no one is prepared for how it will change their life.

Aspire exists because there is currently no cure for such injuries, and shockingly someone will be paralysed by a spinal cord injury every four hours.



epic charity Channel swim



All pictures courtesy of
Craig Addison
www.craigaddisonphotography.com

When asked why he felt moved to take part in the swim, Simon said: "Paula had mentioned the Aspire channel relay a few times, but then out of the blue last year, she casually told us that we were doing it with her in 2021! If Paula was willing to tackle it, how could we say no?"

For this mammoth challenge, the team of six (affectionately known as the 'Aspire Mutts') must swim in strict rotation for an hour each time. Anyone failing to complete their hour, or touching the support boat or another swimmer, results in instant disqualification for the whole team.

Significantly, this swim will be the first time anyone with a full spinal injury has ever attempted the Channel without a wetsuit, and the tough training schedule has seen the Mutts swim in some of the coldest UK waters.

Several training weekends were organised in a chilly and wet Dover harbour, including a qualification

swim of two and a half hours in water below 16 degrees. When asked about this experience Simon added: "Our first weekend was two 30 minute swims in 10 degrees! At this temperature and with no wetsuit on, the cold literally burns your skin when you get in, slowly reducing to a numbing cold before feeling very slightly warm again. This by then is actually the onset of hypothermia!"

"Time to get out, all three of us in a car, heaters on full blast for an hour before the horror of getting back in again for another 30 minutes."

"The qualification swim was 15 degrees and was one of the hardest things any of us had done. One and half hours in, 90 minutes out, before an hour back in. Seeing the determination Paula showed that day was truly awe inspiring. She was clearly suffering from 20 minutes in, but completed both the swims and is one tough cookie!"

Despite the challenges she has faced since her accident, Paula has managed to continue and build on her successes as an elite athlete and this year represented an appropriate time to drag NCOA member Simon and the rest of the team into the icy Dover waters.

"Each year, I get the opportunity to speak to the Aspire Relay Channel Swimmers and actually think they're slightly mad. Each year I'm asked when I'm going to take part and each year I say 'I'm not!'" said Paula.

"However, this year, to mark the anniversary of the accident and celebrate the achievements of the past 20 years, I will be taking on the waves, the cold water and the jellyfish to raise much needed funds so that Aspire can continue its vital work helping those affected by spinal cord injury."

The Aspire Relay Channel Swim was due to take place around 16 August, but poor weather has seen the attempt delayed, and at the time of going to print, no date had been announced. But we wish Simon, Paula, and the rest of the team the very best of luck in this incredible challenge and would encourage you to donate – even a small amount can help this great cause.

Please head to the Aspire Website (www.aspire.org.uk) to get the latest update and make a direct donation, or simply head to justgiving.com/fundraising/paulacraig and help make a difference.



Retiring in the next two years?

While for many, the thought of retirement is a dim and distant one, the comfort of a pension can help you plan your future, and how you will manage during your post-employment years. Despite the introduction of compulsory pension schemes for smaller employers several years ago, the public sector has the responsibility for managing several longstanding schemes.

Despite what you might think, by and large these schemes have long been the envy of those in the private sector. However, there is also a fair deal of exaggeration on what these schemes deliver, and how much people are expected to contribute and for how long.

As previously reported, adjustments to the various public sector schemes in 2015 saw scheme members either fully insulated from change, tapered onto new and less beneficial schemes, or moved instantly and without choice to new schemes.

Within our own NCA workforce, those affected were switched over either to the Career Average Revalued Earnings (CARE) Police Pension Scheme (PPS), or the Civil Service Alpha scheme (MyCSP), depending on pension provisions already in place at that time. For many, this has already taken place, which has caused some difficulties when the enforced pension changes were subsequently 'unpicked' in the High Court under what is now widely known as the McCloud judgment.

Potential headaches

In order to correct some unintended age discrimination successfully highlighted in this case, everyone who is or was a member of any public sector pension scheme between April 2015 and March 2022 will now be entitled to choose, at the point of retirement, whether or not to revert contributions for this period back into their original pension schemes.

For those who retire after the implementation period (currently set for October 2023) this will be a relatively straightforward comparison, with detailed calculations provided in order that you can make a like-for-like comparison at the point of retirement – an approach known as the deferred choice underpin (DCU).

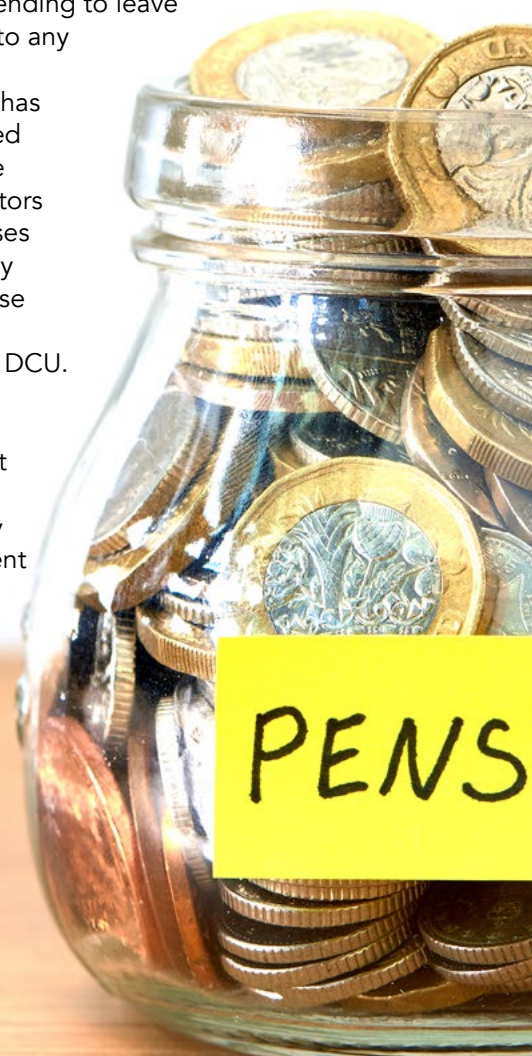
For those who are set to retire prior to the implementation of the DCU this creates an immediate detriment and causes some potential headaches. As a worst-case scenario, those who are able and looking to retire prior to the existence of the DCU will have to do so only with the information which they have available to them at that time.

This will of course not include any comparison showing what would have happened if 2015-2022 contributions had been placed within original schemes. But in this scenario, individuals will subsequently be contacted following the introduction of the DCU and provided with all the new information to enable retrospectively applicable pension options.

Immediate detriment

However, the Government has already recognised this immediate detriment problem where, following the ruling, individuals already have an entitlement to be treated as a member of their legacy scheme for the remedy period – if they wish. Within the Civil Service alone it is estimated that there will be over 100,000 affected individuals who have either died, left the schemes or are intending to leave the schemes prior to any DCU option.

The Government has therefore committed to working with the scheme administrators to develop processes to give effect to any entitlement for those retiring before the introduction of the DCU. In July we reached out to the Agency to understand what its position was with regards to any immediate detriment



Pensions update

cases within its mixed workforce of both PPS and MyCSP scheme contributors.

Internally, the matter remains within a period of consultation between the Agency and the NCOA, and having raised a number of key questions we await the Agency's position, in line with advice from its own legal department. We are also committed to taking part in further discussions with the Cabinet Office on the issue this month (September). This will ensure that we are able to actively represent any affected members who may sit within either the PPS or MyCSP pension groups.

Pushing for consistency

These different pension administrations may result in a slightly different response to any immediate detriment cases, but we will do our best to promote both groups and push for consistency where achievable.

We recognise the complexity and volume impact on MyCSP in particular, which has over 1.5 million members. Almost a third of those are likely to be directly affected by the McCloud judgement. When looking at the 'active' workforce, almost 50% of the wider Civil Service are likely to be affected. Surprisingly, those suffering immediate detriment within the NCA are actually fairly balanced between the MyCSP and PPS membership groups.

Although we are unable to provide any kind of pensions advice, as a Trade Union representing both affected groups within the NCA we know that there a number of pensions questions whizzing round the offices currently. Some of those can be found on this page. For more information and additional pension information which is updated regularly, head to www.civilservicepensionscheme.org.uk



Your pensions Q&A – key questions answered

Q: Will any of these pension changes result in tax changes for members?

A: The vast majority of members will see no changes to their tax position or will receive a refund as a result of the remedy. In some cases, individuals may pay higher Annual Allowance charges, but typically only where their projected pension at retirement has increased. Similarly, some members that are already in receipt of their pension may need to pay additional Lifetime Allowance charges when the total value of their pension has increased.

Some members may also face changes in their contribution rates, which may also affect their income tax liabilities. Where a member's tax liability does increase, this will not exceed what they would have paid had they always been a member of the scheme they are moving into or receiving equivalent benefits.

Q: What will the arrangements be for 'in-scope' Alpha members who bought 'added pension' (AP) after 1 April 2015, or are buying during the 2021/22 financial year?

A: For members who have purchased AP in Alpha, a cash equivalent will be calculated and moved over into their legacy scheme – eg Classic, Classic plus, Premium, Nuvo – and both values will be shown on member benefit statements every year.

Q: I am due to move into Alpha under tapered enrolment, will I still move into Alpha?

A: Yes. Until the changes to the pension schemes are agreed, members who have a future Alpha enrolment date will continue to be enrolled into Alpha.

Q: Will members who had 'tapered' protection also be asked to choose between legacy and reformed scheme benefits?

A: In the case of civil service pension scheme members the legacy schemes are Classic, Classic plus, Premium and Nuvo and the reformed scheme is Alpha. Members who received tapered protection in 2015 or would have received such protection but for the provision that unlawfully excluded younger members from transitional protection, will be offered a choice of whether to receive legacy or reformed scheme benefits in relation to any continuous service between 1 April 2015 and 31 March 2022.

NCARRB finally questions

Following the announcement in 2020 by Chancellor Rishi Sunak (pictured right) that there would be a “pay pause” for most public sector workers, there was an inevitability that the National Crime Agency Remuneration Review Body (NCARRB) would make no recommendations for NCA officers’ pay in 2021/22.

NCOA members accepted – with the stoic pragmatism of a workforce that has been accustomed to the disappointment of, at best, year-on-year below-inflation pay uplifts – the NCA’s decision to decline every recommendation presented by the NCOA, and reject non-pay rewards as an alternative in recognition of the hard work of officers during both the COVID-19 pandemic and BREXIT.

While some may wish to lay all the failings of the current pay system and the tardiness in the Agency pay reform momentum wholly at the feet of HM Government, two additional factors were laid bare.

Of significance there is now a growing acceptance by the NCARRB itself, that the reluctance of the NCA and Home Office to engage in a timely and independent way with the current pay processes is a contributing factor to the Agency’s inability to move at pace.

It stated: “Once again there was a delay in the submission of evidence to us from the Home Office and the NCA. This is the sixth consecutive



occurrence in which the process we follow has encountered delay and difficulty. We reiterate our concerns expressed in previous years that delays to the process can lead to questions from those who do respect the timetable set by the Government as to the value placed on the Review Body process by those who do not.

“We request that the next, and subsequent pay rounds, follow a more conventional, regular, predictable, and adhered to timetable.”

Time for an NCARRB review

Eight years on from the formation of the NCA, it is abundantly clear that it is now time to review the value and purpose of the NCARRB, which was established as: “An independent body which advises the Government on the pay and allowances of the National Crime Agency (NCA) officers designated with operational powers.”

Despite this very clear role in determining NCA pay, the NCARRB was very clear in supporting our own long-held belief, and reported: “This year our remit did not include making an overall pay award recommendation. We are disappointed that this has again affected the independence of the Review Body process, and our view is that we should be permitted to fully exercise our role in making recommendations on pay uplifts for the next pay round.”

“ We reiterate our concerns expressed in previous years that delays to the process can lead to questions from those who do respect the timetable set by the Government as to the value placed on the Review Body process by those who do not.

its own independence!

While most NCOA members understand the legal restrictions placed upon NCA Officers with powers, few will remember that when the Agency was established in 2013 as a Non-Ministerial Government Body, the aspiration at that time was for the majority of its officers to be designated with operational powers.

In 2014, 49% of the Agency workforce at that time did indeed hold powers. However, what we have all seen since but not fully understood is the creeping decline in the proportion of officers with powers. As of 31 August 2020, the NCA comprised 5,531 officers of whom 1,940 were officers designated with operational powers.

Following the evidence provided by the NCOA, the NCARRB also made the following comment on its own viability and evidence: "Our remit includes only those NCA officers with designated powers. The pay for the remainder of the NCA workforce is negotiated directly between the recognised trades unions and the NCA management.

"We have suggested in previous reports that the role of a Review Body process for an organisation of the NCA's size and type should be reviewed. The argument for such a review has been strengthened this year by a further reduction (to 35%) in the proportion of NCA officers who fall within our remit and by the delays to the process from the late Home Office and NCA evidence."

NCOA is part of the solution

So, can the current situation be resolved and the NCA pay reform be put back on track? As a bespoke trade union, we can focus solely on the needs of our members in the NCA. Due to our history and ingrained understanding of the NCA pay problem, we believe much of the



corporate knowledge, which goes back as far as 2006, now rests with us. For that reason, the NCOA sees itself very much as part of the solution.

The very personal and deep-rooted connection the NCOA has with the Agency through our members makes it very different from other representative bodies. We have carried the NCA wallet in our pockets, we have seen the erosion of pay over the years while the gap with Police counterparts remains – and on occasion widens. More importantly we have challenged robustly when the Agency has veered from its own plans and commitments to its staff.

In Issue 12 of [Under Cover](#) we reported on the value of collective bargaining in industrial relations. If we are to learn anything from working with the Agency during the pandemic, it is that if the NCA is going to reform its pay mechanisms against a backdrop of a fairly inevitable financial crisis, it should seek to secure a greater maturity in its engagement with its trade unions.

From our perspective we remain puzzled that it seems resistant to a more open and supportive relationship with the NCOA – 'the

trade union of the National Crime Agency'. We will of course continue to push for greater co-operation as the pay position becomes clear. At the outset, all parties should surely have a common interest, to seek to resolve the current pay problems by securing amicable solutions.

Has the NCARRB had its day?

It's clear that if the effectiveness of the current NCARRB process is being questioned – including from within – should we now be asking has the NCARRB had its day, and how can we improve delivery of NCA pay?

During the next 12 months, this is something on which the NCOA will be seeking the thoughts of its members and representatives.

While such reform may need some legal underpinning and changes to the regulations of the Crime and Courts Act 2013, in her recent covering letter to the NCARRB the Home Secretary seemed open to such a review, saying: "With regards to your suggestion of a review of the role of a Review Body, my officials will consider this with the NCA and HM Treasury."



NCOA

National Crime Officers Association
The Trade Union of the NCA

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Civil Service Watchdog reports **600% increase** in **exceptional appointments**

The National Crime Agency (NCA) has been named alongside the Cabinet Office, the Ministry of Defence and seven other government departments for making Civil Service appointments outside of the normal 'merit-based' rules.

The Civil Service recently published annual report for 2020-21 says that over 30,000 appointments were made under 'exception' rules – a 600% increase on the previous year – which are permitted by the Constitutional Reform & Governance Act 2010.

The Commission added that the number of civil service appointments had more than doubled to 91,000 in the previous 12 months, up nearly 45,000 from the year before. It said that while around 20,000 (45%) of those additional appointments had been made following a fair and open competition process, 25,000 (55%) had claimed 'exceptional necessity'.

'Robustly protected'

Commission Chief Executive Peter Lawrence, who is due to step down as Head of the Commission, acknowledged that the number of 'exceptional' requests from departments and agencies had been "significant". Lawrence said that the Commission "robustly protected" its independence and the integrity of the recruitment principles that it exists to uphold.

He reported that the number of pandemic-related exception requests that he had supported had been significant, which under the circumstances should be no surprise but, relative to the wider impacts of the pandemic on citizens and the economy, the scale of the ask for 'exception approvals' from across the Civil Service had been less significant.

The Commission said that part of its strategy for dealing with pandemic-related recruitment demands for exceptions to normal rules had been to issue bulk approvals that allowed departments to make a group appointment using exception clauses to the usually enforced recruitment principles (Public Health England being a prime example).

Elsewhere in the report the NCA was named as one of nine organisations rated as 'poor' as part of the Commission's compliance work in relation to recruitment during this period. Other departments singled out included the Cabinet Office, the Charity Commission, Department of International Trade, Department of Environment, the Ministry of Justice and the Ministry of Defence.

Commenting on the report to the NCOA, an Agency spokesperson said: "During 2020-21, the NCA launched two large-scale recruitment campaigns which involved processing close to 20,000 applications at one time. This resulted in over 3,000 successful applicants to process and manage through the candidate pool and/or offer process, and the recruitment of over 1,000 officers.

"Following the 2020-21 annual audit, undertaken by the Civil Service Commission, the NCA was informed in June 2021 it had fallen slightly short of the normal 'merit-based' rules for recruitment as a result of two isolated breaches. One was in relation to merit order posting and one related to record keeping. Referring to the breach of merit order, due to the fact the NCA contacted the CS Commission to report this breach this assessment



was expected. Robust processes have subsequently been put in place to ensure posting out of merit order does not happen in the future".

For a full summary on the NCA response go to www.ncoa.org.uk/news/

New sentencing guidelines for modern slavery offences



The UK Sentencing Council has published new guidelines for sentencing offenders convicted of modern slavery offences in England and Wales, following consultation.

The new guidelines will give judges and magistrates dedicated guidelines to follow when sentencing offenders guilty of offences under the Modern Slavery Act 2015, including slavery, servitude, forced or compulsory labour, and trafficking for the purposes of exploitation.

The guidelines apply to adult offenders and cover the following offences:

- Holding someone in slavery, servitude and forced labour (section 1), including physical restraint or imprisonment, threats or treatment which make escape from their position an impossibility.
- Human trafficking – transporting people for purposes of exploitation (section 2), which may involve recruiting, harbouring, receiving, or transferring people across borders.
- Committing an offence with the intention of committing a human trafficking offence (section 4).
- Breach of a slavery and trafficking prevention order or a slavery and trafficking risk order (section 30).

The new guidelines, which come into effect on 1 October 2021, aim to promote consistency of approach in this area of sentencing and help the courts pass appropriate sentences when dealing with modern slavery offences.

Projected **25%** will undermine

Prisoner numbers in England and Wales are projected to rise by one quarter (20,000) over the next five years. But there are no plans either to reduce overcrowding or close prisons that are clearly unfit for purpose.

Efforts by the prison service to recover from the impact of the global pandemic will be fatally undermined as a result, according to a new report published recently by the Prison Reform Trust.

Inflationary sentencing policies

The report, *Prison: the facts*, highlights Ministry of Justice prison population projections that predict a rise to 98,700 people from the current level of 77,912 (as of 4 June 2021) by 2026. This is due to the impact of inflationary sentencing policies, including proposals in the Police, Crime, Sentencing and Courts (PCSC) Bill currently before Parliament, the recruitment of 20,000 police officers, which is expected to increase charge volumes, and the recovery of the courts as COVID-19 restrictions subside.

The Government itself has admitted that its punitive policies are likely to have a negligible effect

on levels of offending. The impact assessment of the PCSC Bill acknowledges that there is “limited evidence that the combined set of measures will deter offenders’ long term or reduce overall crime”.

This predicted increase in prison numbers over a short period comes after one of the most challenging periods in the history of HM Prison Service. Over the last 18 months the public health restrictions imposed as a consequence of the COVID-19 pandemic have led to the majority of prisoners being locked up for at least 23 hours a day, with almost no training, work or education and very limited family contact.

No-one knows what the toll will be on mental and physical health caused by the prolonged periods many prisoners have spent in de facto solitary confinement.

Undermining progress

However, such conditions are likely to cause lasting damage to those currently held in prison, undermining their progress made towards a law-abiding future life, weakening family links and increasing the danger and volatility of prisons.

increase in prison numbers post-pandemic prison recovery



HMP Five Wells, under construction near Wellingborough, is part of the Government's plan to provide 18,000 new prison places

“With no target either for ending overcrowding or for closing prisons that are plainly unfit for purpose, the people at the sharp end will continue to live and work in a dangerous system, as vulnerable to the unexpected as it was in March of last year.”

In an overcrowded, under-resourced prison system, the risk of having to return to these inhumane measures will continue.

At a time when the Prison Service ought to be focused on recovery, instead its attention will be diverted by the need to accommodate the projected rise in prison numbers driven largely by the Government's

own criminal justice policies.

The Government expects to build a total of 18,000 new prison places, understood to comprise HMPs Five Wells and Glen Parva and an additional 10,000 places, with the remaining places to be met by the construction of four new prisons; the expansion of a further four prisons; and refurbishment of the

existing prison estate.

However, these plans need to be seen in the context of the struggles of previous governments to meet much more modest prison building targets. A programme to build 10,000 cells by 2020, announced by the Government in 2015, delivered just 206 spaces by its original deadline.

Peter Dawson, Director of the Prison Reform Trust, said: “These facts

and figures reveal the devastating impact the past 15 months have had on prisoners and their families. But instead of ensuring that such a calamity can never happen again, ministers are determined to put a rocket booster under prison numbers.

“The Government accepts that its punitive approach is unlikely to reduce crime, yet is willing to find £4bn to fund additional prison capacity. With no target either for ending overcrowding or for closing prisons that are plainly unfit for purpose, the people at the sharp end will continue to live and work in a dangerous system, as vulnerable to the unexpected as it was in March of last year.”

Picture © Kier

Steve is back **coaching poolside** for GB Juniors **water polo team**

Following the enforced break from international competition caused by the COVID-19 pandemic, NCOA National Officer Steve Bond returned to coaching the Great Britain Junior Men's water polo team in Slovenia at the end of June.

With all international competitions held under the strict COVID-19 sanitisation arrangements we are all aware of as a result of watching the Olympics, Steve and his young Under-17 squad were subject to regular COVID-19 testing and remained in a COVID-19 secure bubble during the competition.

Tough opposition

Against tough opposition including teams from Russia and Romania who had continued to train as elite athletes during the pandemic, GB came away with one victory from their four matches, but put on strong



The team prepares to depart for Slovenia and (right) Steve and the squad faced regular Covid testing



performances throughout their time in Maribor, Slovenia.

Steve described Great Britain's battle with Austria (pictured top) as "the highlight of the trip", as GB eased past their first opponents of day two of the competition with a 24-5 win.

While this competition brings

an end to Steve's tenure as a coach to the Under 17 Men's England and Great Britain squads, he remains part of the GB water polo talent management group and continues to coach water polo at his local club – Worthing – and the South East representative teams in his spare time.

'I'm not **half the man** I used to be'

Lennon & McCartney's great lyrics of *Yesterday* are a statement of truth for Warrington-based NCOA workplace rep Mark Unsworth, who has no shadow hanging over him – not since shedding an astounding 12 stone in weight.

Mark told **Under Cover** about his incredible journey that started in December 2019, when his son announced he was planning to marry in July 2021. "Something just clicked in my head that I should use it as a target date to shed a few pounds," explained Mark.

"Believe it or not, I have always gone to gyms, but used exercise to think I could eat what I wanted – how wrong! I now think back to my school days when I was always the biggest in my year, and that's where the journey started. I was comfortable with my size, it didn't stop me doing things, and it was also quite handy as I played rugby in the 'prop' position, and some said quite mobile for a big lad.

Long-term damage

"My police career started in 1983 and I began putting weight on. I blamed shift work initially, then many years 'surveillance abuse' for the increases. This will resonate with many colleagues reading this article, thinking I better grab something (usually rubbish) as I don't know when I will get chance to eat again.

"A poor diet combined with long, unsociable hours meant I was often chasing sugar and carbs to see me through to the next shift. The effect on my 57-year-old body was telling and I knew I had to do something or suffer long-term damage and possibly a premature death."

Not long after the start of this journey, on 1 January 2020, Mark began to read a book titled *Downsizing*, penned by former Labour MP Tom Watson.



He immediately connected with what the author was saying, and understood that his association with food had been a mental issue as much as physical one.

Encouraged by his wife Elaine, Mark began in earnest to redress the years of 'police toll' on his body. Everything began well until March 2020 when the first lockdown hit; Mark was forced to work from home with trips to the gym put on hold.

Makeshift weights

"We knew we would have to adapt, which is what we did," said Mark. "Alongside the change of diet and total banishment of carb-laden convenience food, we home cooked quality food with plenty of vegetables. We took to the garden to replace what we would have done at a gym. I built makeshift weights out of obscure things in the shed and together with my wife we exercised regularly.

"We walked 4km each morning in line with government guidelines and said we were going to come out of lockdown better than when we went



in. As the time went on, we bought a Peloton spin bike and I bought myself an electric bike under the Cycle to Work scheme."

By October 2020, Mark had already shed eight stone in weight and needed a new wardrobe; his exercise increased, joining a spin studio and continuing his daily walks, then longer weekend walks, spin sessions on the Peloton, and out on the bike.

Healthy relationship

Does Mark allow himself any treats? "I have a curry or a meal out with a couple of beers each week, which is all part of my 'healthy relationship' with food. I regularly have a cooked breakfast of poached eggs, mushrooms and tomatoes with my treat, sourdough bread.

"It's been a journey which has taken me to see the world through different eyes, and probably added a decade to my life. If I can do this anyone can; I made excuses not to lose weight for the fear of failure, but I honestly believe it is all in the mind – so give it a try."

Today, Mark is a shadow of his former self. He continues to astound his doctor and is no longer border line diabetic; his blood pressure medication has gone, as have the statins to control his cholesterol.

What an inspiration to others Mark, well done!

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