

April - May 2009

Front Line

Avon and Somerset Police Federation Constables Newsletter



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**OFFICER SUBSTANCE
TESTING POLICY**

www.avsomfed.org

Please forward your questions via your federation rep. or direct by email to pbudd@avsomfed.org

It has been a difficult time for the police service. The G20 policing operation came in for a lot of criticism, but it was, from a policing point of view clearly successful. It seemed that this was a 'handle' that the media could take hold of to decry and undermine the very people who maintain the democracy of this country. As Michael Winner wrote in a recent newspaper article 'stop knocking the police - you might need them one day'. Let's face it, these same people are fickle, we arrest an offender one week for a criminal offence only to find them on the phone the following week as a 'victim'. As professional officers we know and trust our instincts every day and they serve us well. Don't let a narrow minded media undermine the trust that the majority of the public still have in our way of policing. We are after all the only police service in the world that is not routinely armed as a matter of course.

As frustrating as this media circus can get it is also a time to realise that despite what was a relentless 'criticism' of the service our colleagues all over the country just got on with the 'job' in hand. One such colleague barely got a mention during this period and he was 37 year old PC Gary Toms who lost his life after suffering critical injuries whilst dealing with an armed robbery. Gary was a serving Metropolitan officer and his death is a stark reminder of the true nature of the job that we are relied upon to do.

At the time of writing this it is the time for politicians to face the wrath of the media - the backlash of their expenses greed. I have no doubt that this story is set to run for a while, followed by criminal investigations. It may result in many politicians not being returned at the next election. This will have a bearing on the future of policing in this country. A batch of new independent MP's may leave policing to the police, a welcome change.

Paul Budd
Editor

*Cover picture by: Paul Budd
Glastonbury 2008, a fine weathered festival last year. In a few weeks will we see whether the same can be said for 2009.*

Difficult Times For Policing p2

For quite some time after G20 policing was the hot topic - now the turn of MP's.

More Money p3

Officers who are eligible for CRTP are not claiming what is pensionable pay.

Knife Crime Response p3

Nationally the federation responds to the select committee report.

Constables Board Contact Details p3

Details of the current Constables Board.

Federation Additional Services p4

The police federation offers other services, confusion about those is demystified.

Alcohol & Substance Abuse Testing p5

Officers are now subject to this sort of testing as part of their role.

Your Letters p7

Hepatitis jabs, preparing wills as well as overtime claims being wrongly returned.

Last months edition downloaded 1,398 times

FEDERATION WEB SITE TOP SEARCH PHRASES

1. Insurance - Visit the services/insurance area for details.
2. Pay - The pay scales are on each of the 'rank' pages.
3. Travel - Visit the services/insurance for the certificate.
4. Leave - Annual leave entitlement is in the forums area.
5. Complaints - Visit the forum area for some 'FAQ' details.

Join the forums to keep updated with regular news:
<http://forums.avsomfed.org/ucp.php?mode=register>

THE VIEWS EXPRESSED IN THIS PUBLICATION ARE THE VIEWS OF THE ARTICLE AUTHORS AND THEY ARE NOT NECESSARILY THE SAME VIEWS AS THE AVON AND SOMERSET POLICE FEDERATION.

More Money

A quick reminder that you can claim tax relief on all Federation subscriptions since April 1994 using the website form. I am aware that some officers haven't filled the form in and are therefore handing their hard earned cash to Her Majesty's Revenue. If you haven't sent in a form since the last increase, you need to do it again.

In a similar vein, quite a lot of officers eligible to receive competency related threshold payment haven't applied. You need to have reached the top of your pay scale plus a year and complete the other attached form. This is a one off application and then you will receive an extra £1,152 per annum at today's prices. It goes up in September in line with the 3 year pay deal. Unless you are proved incompetent you never have to fill the form in again. Above all this payment is pensionable so not claiming it affects you even after you retire. Every little helps.

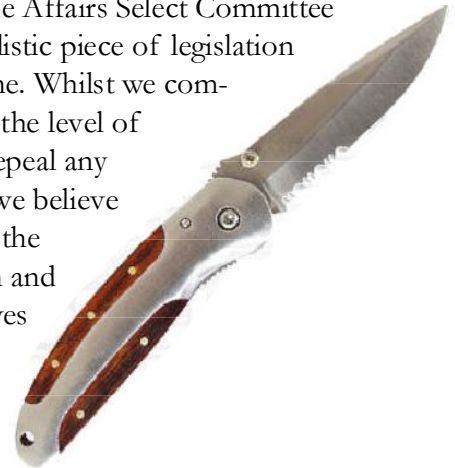
Mark Harvey, Constables Branch Board Secretary

Knife Crime Response

Federation response to Home Affairs Select Committee report on knife crime

Simon Reed, Vice Chairman, Police Federation of England and Wales said;

“It is disappointing that the Home Affairs Select Committee has not recommended a single holistic piece of legislation to tackle the menace of knife crime. Whilst we completely understand and appreciate the level of resources needed to change and repeal any appropriate pieces of legislation, we believe this is needed in order to simplify the variety of definitions of a weapon and any restrictions on the use of knives and bring clarity to issues surrounding the advertising, selling and supplying of knives. “



CONSTABLES REPRESENTATIVES

Police Federation Additional Services

Following some recent events it has come to our attention that some officers are wrongly assuming they are covered for some federation services when they are not.

One such service is the Group Life scheme. This appears on the payslips as 'ASGIS', and is currently £23.52 per month. A slightly higher figure around £29 will be shown for those officers whose partner or spouse is also insured for slightly reduced benefits on the same policy.

Police Federation subscriptions which predominantly cover legal expense incurred during misconduct matters, medical examinations for pension purposes, pension appeals and numerous other legal services shows on the payslip as 'Police Federation'. The monthly subscription rate currently comes out at £17.55.

The convalescent home at Flint House where donating members can go to receive first class treat-

ment and support following injury costs £4.60 a month. This is a charitable donation to the centre and shows on the pay slip as 'ASPA Convalescent Home'. Newly joining student officers initially sign up to some of these schemes and all but the federation subs have free periods, and reduced payment periods. Student officers that sign up will be members of the schemes but the additional services will not show on the pay slip until the free period has concluded. There is no such free period for officers other than newly appointed students.

When student officers are introduced to the organisation these three services are the main ones considered to be most important. The total cost of these will be £45.67 a month at the end of any free incentive periods.

In the examples that have made us realise that we need to make people more aware of these services we have found it is longer in

service officers that are not members.

Clearly when they joined there was a decision to not take out the services, and over years this gets put to the back of the mind until required and then they find out coverage is not there at the very time they need it.

This is especially true of the group life insurance cover which provides a sum of money when officers are signed off sick, critical illness cover of £20,000, death benefit of £100,000 and last but not least free travel insurance as and when needed.

Full details of all these services, and more can be found on the web site at <http://www.avsofmed.org>. In addition in the Winter 2009 10-9 magazine, also on the website we wrote a more comprehensive article describing each of the schemes. Check your membership and join now to make sure you do not find out you are not covered when you need it most.

National Federation-Three Year Pay Deal

Dear Colleagues

You will be aware of the recent press speculation in respect of a public sector pay freeze, which could include police pay.

I forward for your information, the comments made on the 6th April by Vernon Coaker, the Police Minister, in response to a statement by George Osborne on the Today programme:



"The multi-year police pay agreement is one of the fairest pay deals in the public sector – both to the police and the tax payers – and, although we do have the flexibility to do so, the Home Secretary and I have no intention of reopening negotiations. This Government has the highest regard for the police and the tireless work they do to protect and serve the public. That is why we will stand by this deal, which we negotiated during uncertain eco-

nomic times and with value for public money at the forefront of our mind. Let's not forget that the Tories want to slash police numbers. David Cameron would get rid of three and a half thousand police officers nationwide, that's Tory 'support' for the men and women who keep our streets safe."

Regards

Ian Rennie

General Secretary
Police Federation of E&W



The Police (Amendment) Regulations 2005 which came into force on the 7th November 2005 outlines the legislation to conduct substance testing. The Home Office Circular 45/2005 provides further advice.

Locally the legislation is translated into force policy, 52QP-1086-02, and is entitled Alcohol and Substance abuse. The purpose of the policy is to ensure that all staff know how to self declare an alcohol or substance misuse problem.

The important differentiation from the organisation seeks to deal with those staff who are prepared to deal with issues of this nature by declaring them, and those, who now subject to 'random testing' try to hide such an addiction. The important aspect of this policy is that any self referral must be made before a requirement has been made for a test. Disciplinary procedures which may be followed cannot be frustrated by a self referral after

the request for a test has been made. Members of staff can self refer direct to the Occupational Health Department, or through a supervisor. The role of the occupational health department will be to refer the individual for treatment within the National Health Service.

Members of staff self-declaring will be treated sympathetically by the organisation however there are implications around disclosure of addictions, and possibly witness credibility issues that may have to be disclosed to the CPS under the JOPI procedures and possibly even removal from the evidential chain.

It must be borne in mind that the possession of controlled drugs is a criminal offence and

although substance abuse will be initially viewed as a health problem persistent criminal conduct by staff will undermine public confidence and cannot be allowed to continue.

All members of staff have a duty to report wrongdoing that they reasonably suspect or are aware of. Any third party reporting such concerns will have steps taken to protect their identity. All such reports will be treated in the strictest of confidence and the matter will be reported to the professional standards department and must not be discussed with other persons. A false or mistaken allegation can severely damage the reputation of an individual and as such all reports must be treated in the strictest of confidence.

DRUG TESTING

Drug testing procedures will test for the use of the following substances;
Amphetamines (including ecstasy)

Cannabis
Cocaine
Opiates
Benzodiazepenes

Police officers that give cause to suspect that a controlled drug has been used will be required to provide a specimen of urine or saliva for analysis. The officer making the requirement will decide and it will be authorised by the head of the Professional Standards Department.

For 'cause' to be established then the test is of 'reasonable suspicion'. A single unsubstantiated allegation would not normally amount to cause.

The following groups of staff will be subject to testing for controlled drugs

- (i) Probationary Police Constables
- (ii) Police Officers in Safety Critical Posts
- (iii) Police Officers in Vulnerable Posts

Safety Critical Posts are determined by the Secretary of State as all police officers authorised to use firearms (or directly supervising such officers), drivers and motorcyclists who hold posts in which they may be called upon to use police exemptions under the Road Traffic Regulation Act 1984, police officers who are members or supervisors of Police Search Advisor (POLSA) teams and police divers.

Vulnerable Posts are those identified by the Chief Officer as being vulnerable because of a specific responsibility for dealing with drugs. Locally this has been identified as any police officer whose post requires them to take possession of a controlled drug (including all patrol officers).

Tests will be carried out without any advance notice and will be by way of laboratory analysis. Split samples shall be used in all cases. A member of staff shall have the right to have one sample tested independently to challenge the result of a test on the other sample. In the case of a challenge, the sealed "B" sample will be sent to an independent accredited laboratory of the donor's choice. The donor is required to meet the cost of the transfer and subsequent analysis, but these costs will be reimbursed in the event that the test on the "B" sample is negative.

Refusal - The refusal of a police officer to provide a sample when required to do so is a failure to obey a lawful order and disciplinary proceedings will be commenced. The penalty for refusal to take a test is no less than the penalty for providing a positive test. A positive test provided by a member of staff will be referred to the PSD for investigation.

The presence of a controlled drug in the body does not amount to a criminal offence, but will give rise to a presumption that the offence of "possession" must have been committed beforehand. This criminal allegation will be investigated as such by the Professional Standards Department. If no criminal proceedings arise, and in the absence of a verifiable rebuttal of this presumption (e.g. a medical administration) a positive test result will be treated as "General Conduct" falling below that expected under the Police Regulations Code of Conduct.

Alcohol - Self-declaration of a drink problem is a matter that should initially be managed through the Occupational Health Service, rather than being regarded as a disciplinary matter. There is a presumption that a person is unfit to work in a Safety Critical Post if they have more than **29 mg% in blood (39 mg% in urine, 13 micrograms% in breath)**.

Staff will not report for duty if they are under the influence of alcohol and as a result are unable to carry out their duties. Members of staff who arrive for work under the influence of alcohol will be required to take time off. Testing for alcohol shall be carried out without advance notice and using breath testing equipment capable of taking measurements at the 13 microgrammes percentage level. Staff should never be tested on apparatus held in a custody suite, unless the suite is cleared of all other users, or they are under arrest for a related criminal

offence (eg under the Road Traffic Act 1988).

Police officers working in Safety Critical Posts are liable, if suspected of being under the influence of alcohol whilst on duty, to be required to provide a specimen of breath. A breath test indicating that a police officer in a safety critical post has more than 29mg% in blood whilst on duty can be used as evidence in a disciplinary hearing that they were unfit for duty due to alcohol.

A self-referral is the best way to deal with issues of this nature, don't leave it until it's too late.



YOUR LETTERS...



I am concerned that our resource unit staff are not familiar with the situation relating to rostered R/Ds which fall on a bank holiday. Secondly, as far as I am aware, tutor unit staff are not supposed to be counted as part of 'team strength'. This has happened recently at the direction of the Bristol ACC and now as proposed by our resource unit. I do not object to working with the team, provided the learning opportunities for my student officer are not missed. If counted as part of the strength we are not in a position to turn jobs down and as such we are unable to focus on areas needing development. Your observations?

Name supplied.

Ed. I am surprised that the resources department is unaware that staff whose rest day falls on a bank holiday are entitled to a further day in lieu. I also understood that probationary officers and their tutors should not be counted as core staff. I am unaware of this being an issue on other Districts and note you have copied your local rep. into your original e-mail. I would suggest this may well be a matter he will want to raise with Bristol SLT.

I am part of the Group insurance scheme. Do I have to inform you re. when & where I am going on holiday? or am I (& family) covered whatever.

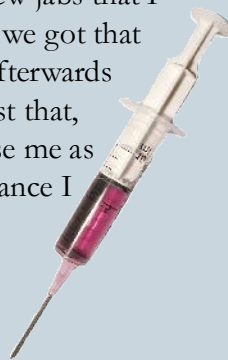
Thanks Simon

No, you do not need to notify the insurance company of when and where you are going on holiday. A copy of the insurance certificate can be downloaded from our website and the terms and conditions (policy document) outlines the level of cover. As always please ensure the cover is adequate for the purposes of your holiday.

I'm going away on holiday abroad. I went for a few jabs that I needed and they gave me Hep B. I didn't realise we got that one at work and paid £25. They then told me afterwards that I am entitled to claim it back. I've tried to do just that, but been told by occ. health that they wont reimburse me as I should have had it at work for free! Is there any chance I can get my dosh back??

Frank

Ed. The short answer is no, you won't be able to claim the cost back. The force can provide the jabs at a far lower cost to it than £25 I would expect and to you for free so they could not realistically be expected to reimburse in these circumstances. It is worth bearing in mind for all officers that these jabs should be taken advantage of so I would suggest a quick phone call to the occupational health unit to arrange this.



Sorry to trouble you, but are there any companies that through the federation I could arrange to have some wills completed?

Stu

Ed. One such company advertising in 10-9 magazine is 'Linder Myers'. Web site <http://www.lindermeyers.com>.

Questions can be directed by email to pbudd@avsomfed.org or via your local federation reps.

Our admin. department has returned a number of our overtime claims for working on a bank holiday claiming that they had been incorrectly completed. The circumstances are that myself and some of my colleagues worked in excess of the normal 8 hour bank holiday tour and as such claimed for all the time worked. The admin. department have sent back the forms claiming that the first half hour of overtime at the end of the tour has to be disregarded.

Duncan

Ed. The short answer is that the admin. department is wrong. If you think about bank holiday working it is all overtime, and in addition as it is planned in advance it is also 'pre-planned'. Only casual overtime results in the half hour disregard and as such the half hour cannot apply in these circumstances. Return the claims as they stand and point out the error.