

PAYMENT OF SUPERINTENDENTS' LEGAL PROTECTION INSURANCE**Joint Report of the Chief Constable, Clerk and Treasurer**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to invite the Authority to consider the funding of legal protection insurance premiums for superintendents.

2. BACKGROUND

- 2.1 Home Office Circular 4/1998 provides guidance to Police Authorities on the provision of legal representation for police officers at risk of legal proceedings. This is a discretionary power and Authorities are not in a position to provide an unconditional guarantee that legal assistance will be provided in all cases.
- 2.2 In addition, there is statutory authority within Section 88 of the Police Act 1996 for payments to be made to meet expenditure incurred by police officers in defending civil proceedings. The Authority also has discretion to meet expenditure incurred by officers for all kinds of legal proceedings where the officers have acted in good faith in pursuance of their duties, or the interests of the Force.
- 2.3 In recognition of this background the Police Superintendents' Association of England and Wales has for some years negotiated legal protection insurance for its members. The current insurer, Abbey Legal Protection, currently provides cover for both serving and retired officers. Insurance cover is normally maintained for up to six years after retirement - the normal period during which civil proceedings in respect of any incident should have been commenced. The premium for retired officers is currently set at half the rate for serving officers.
- 2.4 The premium is paid on an individual basis and for 2002 / 2003 amounts to £405. Retired officers are required to pay the full premium rate until the end of the financial year in which they retire and are then entitled to pay half the normal premium rate.
- 2.5 The premium is renegotiated annually based on claims experience and any identified need for extended or enhanced cover. The current insurance protection covers legal costs in respect of civil litigation and includes the insurance industrial standard exclusion and limitation clauses. The policy has a limit of £200,000. There is no excess.
- 2.6 As front line commanders of incidents relating to firearms, public order, major crime, missing persons and other major incidents, the decisions taken by superintendents will often be subject to scrutiny and on occasions legal action.

2.7 Advice has been sought from the APA who have indicated that, whilst they support proposals for Police Authorities to fund the payment of insurance premiums, it is nevertheless considered to be a matter for individual authorisation. Thirty seven Police Authorities currently fund the insurance premiums for superintendents.

3. PROPOSAL

3.1 It is proposed that the Police Authority considers funding the legal protection insurance premiums of serving superintendents.

3.2 It is further proposed that it considers funding the legal protection insurance premiums of retiring superintendents for a period of six years following their retirement. The proposal in relation to retiring superintendents would only apply to those retiring after the date of acceptance by the authority, and would not apply retrospectively to those superintendents already retired.

4. FINANCIAL IMPLICATIONS

4.1 The full years cost, at current rates, of funding the legal protection insurance premiums of all serving Northumbria Police superintendents is £17,820.

4.2 The cost of funding the legal protection insurance premiums of those officers who retire is clearly related to the number of retirements. Based on six retirements per year the initial annual cost would be £1,215, rising to a maxima of £7,290 after six years.

4.3 The Treasurer confirms that the estimated cost of £19,035 can be met from within the overall 2002/2003 revenue budget, and that, if agreed, necessary provision will need to be made in future years' revenue budgets for the annual recurring costs.

5. RECOMMENDATIONS

5.1 The Authority is invited to consider:

- (i) Funding the legal protection insurance premiums of all superintendents within Northumbria Police.
- (ii) Funding legal protection insurance premiums of retiring superintendents for a period of six years following their retirement.