

Quick Reference Guide

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Contents

QUICK REFERENCE GUIDE	3
YOUR FEDERATION	4
SECTION 1: PAY AND ALLOWANCES	6
1.A PAY, COMPETENCE RELATED THRESHOLD PAYMENTS, LONDON WEIGHTING	6
1.B ALLOWANCES.....	9
1.C EXPENSES	14
1.D ACTING UP ALLOWANCE, TEMPORARY SALARY AND TEMPORARY PROMOTION.....	16
SECTION 2: WORKING TIMES AND PATTERNS	18
2.A OFFICERS SERVING ON PART-TIME ARRANGEMENTS.....	18
2.B DUTY TIME	20
2.C OVERTIME, REST DAY AND PUBLIC HOLIDAY WORKING	23
2.D ANNUAL LEAVE	30
2.E SICK LEAVE.....	34
2.F FAMILY LEAVE	36
2.G CAREER BREAK SCHEME	45
SECTION 3: STANDARDS.....	47
3.1 PROBATION	47
3.2 COMPLAINTS AND MISCONDUCT	49
3.3 STANDARDS OF PROFESSIONAL BEHAVIOUR AND THE CODE OF ETHICS.....	55
3.4 UNSATISFACTORY PERFORMANCE AND ATTENDANCE PROCEDURES (UPPs)	57
3.5 RESTRICTIONS ON THE PRIVATE LIFE OF A POLICE OFFICER	63
SECTION 4: LIMITED DUTIES	64
SECTION 5: PENSIONS.....	69
SECTION 6: EMPLOYMENT LAW	72
6.1 HEALTH AND SAFETY.....	72
6.2 EQUALITY AND DIVERSITY.....	73
USEFUL WEBSITE ADDRESSES	75

QUICK REFERENCE GUIDE

This Guide provides a basic summary of your main terms and conditions. It is not intended to be exhaustive, nor can it be considered a substitute for the various regulations and determinations which govern your terms and conditions of appointment.

This Guide has been produced and updated by the Research and Policy Support team at PFEW HQ in line with our current understanding of Police Regulations 2003 and determinations, Police (Conduct) Regulations 2012, Police (Complaints and Misconduct) Regulations 2012 and Police (Performance) Regulations 2012 as at August 2016 and is subject to change. Updates will be produced as and when relevant Regulations and Determinations are issued. The key author is Mariam Conway, (Tel 01372 352007).

The most recent version of the Quick Reference Guide can be found on the PFEW Hub. <http://thehub/departments/research/SitePages/PoliceRegs.aspx>

If you have specific questions regarding your conditions, please contact your local Branch Board on the first instance. If they cannot answer your query, they can raise it with the Research and Policy Support team. However, the Research and Policy Support team is unable to deal with queries from individual members.

YOUR FEDERATION

The structure of the PFEW is enshrined in the Police Federation Regulations 1969. At the time of writing, changes to Regulations are pending. This section is therefore likely to require updates in late 2016 – early 2017.

Your Joint Branch Board

Until 2016, Joint Branch Boards (JBB) have comprised three separate Branch Boards –covering separately Constables (CBB), Sergeants (SBB) and Inspectors and Chief Inspectors (IBB).

Your representative is elected by ballot from constituencies agreed with the chief officer and elections take place triennially.

Your National Federation

At the Police Federation Conference every three years members are elected to the three national rank committees: the Constables' Central Committee, the Sergeants' Central Committee and the Inspectors' Central Committee. The next triennial elections will take place in May 2017. However, it is anticipated that regulatory changes will remove the rank committees, and establish a new structure before then.

The national representatives, collectively the Joint Central Committee (JCC), comprises those elected to the Constables' Central Committee, the Sergeants' Central Committee and the Inspectors' Central Committee. Following the May 2014 PFEW Conference, and the decision to implement the Independent Review of the organisation, the rank committee structure for the JCC has been voluntarily put in abeyance, but the body as a whole still sits.

Also since the adoption of the Independent Review, the JCC has voluntarily adopted the title Interim National Board, while the JBB Chairs and Secretaries are collectively the Interim National Council. It is anticipated that regulatory change will establish these as the National Board and National Council.

All police cadets, constables, sergeants, inspectors and chief inspectors can choose to be members of the Police Federation of England and Wales under the Police Act 1996. Officers are offered this opportunity on joining, and must complete a form electing to join. This should be explained to new entrants by local JBBs.

Some members may choose to join, but not pay subscriptions. However, only those members of the Police Federation who contribute to the voluntary fund can access the wide range of services offered to contributing members. The importance and value of these services – including support during complaints, and access to legal advice – to members is reflected by the fact only around 2% of officers choose not to contribute.

SECTION 1: PAY AND ALLOWANCES

1.A PAY, COMPETENCE RELATED THRESHOLD PAYMENTS, LONDON WEIGHTING

PAY

Provisions relating to pay can be found in Regulation 24 and Annex F of Police Regulations 2003.

Uplift

Pay is usually updated annually from 1 September. The pay uplift for 2016/2017 (with effect from 1 September 2016) will be 1%.

Changes to Pay Scales

A new pay scale for new entrants was introduced on 1 April 2013. Details can be found in HOC 7/2013 and in Annex F of Police Regulations 2003. This means that there are currently two pay scales for constables.

Between April 2014 and April 2016 three pay points were removed from the constables' older pay scale as follows:

- 1 April 2014 – removal of pay point 6
- 1 April 2015 – removal of pay point 7
- 1 April 2016 – removal of pay point 9

Also, on 1 April 2014 pay point 0 was removed from the sergeants' pay scale.

PNB Circular 2013/14 (Revised), PNB Circular 2014/02, JBB Circular 08/2014 and Home Office Circular 6/2014 all contain further details about the changes to the constables' and sergeants' previous pay scales.

Performance development review (PDR)

With effect from 1 April 2015 for sergeants, inspectors and chief inspectors and with effect from 1 April 2016 for constables, incremental progression through the relevant pay scale is dependent upon a member receiving a grade of "achieved performance" (or the equivalent grade in a police force's own grading system, as determined by the Chief Constable) or above in their PDR or alternative performance assessment process relating to the preceding period of 12 months' of their service from the anniversary of a member's end of year assessment.

For these purposes "PDR or alternative process" means an annual performance assessment process which meets national performance standards of assessment set by the College of Policing, including an appeals process. In the absence of a PDR or alternative process which meets those standards, a member will be assumed to have received a grade of "achieved performance" (or equivalent).

Home Office Circular 006/2015 provides more detail about the introduction and operation of the PDR process.

Assessment and Recognition of Competence (ARC)

We are aware that the College of Policing are developing a threshold competency assessment requirement which would be applied as a national standard. This would mean that for a constable to progress to pay point 4 he or she would need to meet that required standard. We understand that this new requirement is likely to be introduced with effect from early 2017 but as at the date of publication we do not have all of the details and await the production of a determination under Police Regulations 2003 dealing with this matter.

HOLIDAY PAY

JBB Circular 39/2015 notes that an agreement was reached in December 2015 with regards to the calculation of holiday pay. It details that officers are entitled to holiday pay that includes their regular overtime pay and several other regular payments. The payment is effective from 1 January 2016, with provision made for a three month arrears' period.

For more information see JBB Circular 39/2015.

COMPETENCE RELATED THRESHOLD PAYMENTS (CRTP) FOR CONSTABLES, SERGEANTS, INSPECTORS AND CHIEF INSPECTORS

With effect from 1 April 2016 CRTPs are no longer payable.

LONDON WEIGHTING

London Weighting is payable to members of the City of London and Metropolitan Police Service only. It is a pensionable addition to pay. The current rate, with effect from 1 July 2015, is £2,349 pa but is due to increase to £2,373 pa with effect from 1 September 2016 in accordance with the recommendations of the Police Remuneration Review Body which have been accepted by the Home Secretary. London Weighting is calculated on a pro-rata basis for part-time members.

1.B ALLOWANCES

For full details and current rates see Regulation 34 and Annex U, of Police Regulations 2003 or contact your JBB.

Motor Vehicle Allowances

Motor vehicle allowances for members using their own vehicles for duty are currently payable at “Essential User” or “Casual User” rates according to the member’s designation. However, with effect from 1 September 2016 the rates payable to all users whether essential or casual will be the HMRC rates prevailing from time to time (current rates are 45p per mile for the first 10,000 miles and 25p per mile for mileage over 10,000 miles in any tax year). Details of the HMRC rates can be found on the HMRC website using this link:

<https://www.gov.uk/expenses-and-benefits-business-travel-mileage/rules-for-tax>

This change is in accordance with the recommendations of the Police Remuneration Review Body (PRRB) which have been accepted by the Home Secretary. The current structure and values for the lump sums payable to an essential user are to remain unaltered.

Dog Handlers’ Allowances

A dog handler’s allowance - designed to compensate for caring for a dog on rest days and public holidays - is payable where a police dog is kept and cared for at the member’s home. A further 25 per cent of the allowance is paid for each additional police dog kept at home.

The allowance payable from 1 September 2015 is £2,196 per annum. This allowance is due to be increased to £2,217 per annum with effect from 1 September 2016 in

accordance with the recommendations of the PRRB which have been accepted by the Home Secretary.

London Allowance

London Allowance is payable to members of the City of London or Metropolitan Police Service (MPS) at a rate determined by the Commissioner of the relevant force with regard to location and retention needs, following consultation with the joint branch board or Joint Executive Committee, and not exceeding the maximum rates set out below.

The maximum higher rate (£4,338 pa since December 2004) is payable to officers appointed on or after 1 September 1994 and not receiving housing/transitional rent allowances; the maximum standard rate (£1,011 pa since December 2004) is payable to officers appointed before 1 September 1994 who will qualify for housing/transitional rent allowances. London allowance is paid at an hourly rate to qualifying part-time members.

London Transitional Supplement

This allowance is paid to a member of the City of London or MPS who joined before 1 September 1994 and who receives a half-rate housing allowance or a flat-rate transitional rent allowance. The allowance is paid at a rate determined by the Commissioner of the relevant force with regard to location and retention needs, following consultation with the Joint Branch Board or Joint Executive Committee, and not exceeding £1,000 pa. The allowance is paid at an hourly rate to a qualifying part-time member.

South East England Allowance

This allowance is paid to members of Essex, Hertfordshire, Kent, Surrey and Thames Valley forces appointed on or after 1 September 1994 and not receiving housing/transitional rent allowance. The allowance is paid at a rate determined by the Chief Constable of the relevant force with regard to location and retention needs, following consultation with the joint branch board, and not exceeding in these forces £2,000 pa. This maximum figure is due to increase to £3,000 pa with effect from 1

September 2016 in accordance with the recommendations of the PRRB which have been accepted by the Home Secretary.

The same Chief Constable discretion applies to members of Bedfordshire, Hampshire and Sussex forces. The maximum rate in these forces is currently £1,000 pa but is due to increase to £2,000 pa with effect from 1 September 2016 in accordance with the recommendations of the PRRB which have been accepted by the Home Secretary. This allowance is paid at an hourly rate to qualifying part-time members.

South East England Transitional Supplement

This is a supplementary allowance paid to members of Hertfordshire, Kent and Surrey forces who joined the police service before 1 September 1994 and whose half-rate housing allowance or flat rate transitional rent allowance is less than the rate of the South East England Allowance that the member would receive if not in receipt of a replacement allowance. The allowance is paid at the rate of the difference between that South East England Allowance and the member's half-rate housing/flat rate transitional rent allowance. The allowance is paid at an hourly rate to qualifying part-time members.

Bonus Payments

Bonus payments, of between £50 and £500, are payable where the chief officer judges a piece of work by a member to be of an outstandingly demanding, unpleasant or important nature.

Team recognition award

Chief officers may recognise whole teams with a team recognition award payment of £50 to £100 each for outstandingly demanding, unpleasant or important work, or outstanding work for the public. Since team recognition awards apply to both police officers and police staff provision is not made for it in determinations. The power to pay rewards for diligence under section 31 of the Police Act 1996 should be used to make these awards to police officers.

Unsocial Hours Allowance

This allowance is paid to a member of the federated ranks for every full hour worked by the member between 8pm and 6am. The allowance is paid at an hourly rate of 10% of the member's hourly rate of pay.

Away From Home Overnight Allowance

A member of the federated ranks is paid an allowance of £50 in respect of every night on which s/he is held in reserve. A member is held in reserve if s/he is serving away from his/her normal place of duty and is required to stay in a particular, specified place rather than being allowed to return home by reason of the need to be ready for immediate deployment. A member is not held in reserve if s/he is serving away from his/her normal place of duty because s/he is on a training course or carrying out routine enquiries.

For these purposes "routine enquiries" means activity which forms part of the member's role or normal duties where due to the nature of that role or duty, or due to the distance from the home station, the member is unable to return home. It is for the chief officer to determine a member's role or normal duties, including whether there is an expectation within that role or those duties that the member is to travel or to work away from home.

Where a member is held in reserve and is required to travel, other than during his/her normal daily period of duty or rostered shift, travelling to and from home is treated as duty time.

Hardship Allowance

A member of a police force is paid an allowance of £30 for every night when he or she is held in reserve, within the meaning of the Away from Home Overnight Allowance (see above), and is not provided with proper accommodation. Proper accommodation is defined as a room for the sole occupation of the member, with an ensuite bathroom.

On Call Allowance

Allowances Updated Aug 2016

A member of the federated ranks receives an allowance of £15 in respect of each day on which s/he spends any time on-call. A 'day' means a period of 24 hours starting at a time determined by the chief officer after consultation with the JBB. A chief officer may fix different times in relation to different groups of members.

On call is a voluntary activity.

Replacement Allowance

This is the term given to the various housing emoluments which currently exist.

A recommendation of the Winsor Review was that the amount of a member's replacement allowance should not increase with changes to personal circumstances, such as promotion. The Home Office has confirmed that with effect from November 2012 this amendment only applies where the change in personal circumstance would cause the allowance to increase i.e. on promotion. If however, as a result of a change in personal circumstances, the allowance should be restored having been suspended partially or fully then the amendment would not apply. Such circumstances include: returning to full-time service; returning from family leave; returning from a career break; or where two officers have been co-habiting and receiving a partially suspended replacement allowance - when one partner retires or if the co-habitation ends, the replacement allowance would be restored to the full amount due.

1.C EXPENSES

See Regulation 35 and Annex V of Police Regulations 2003 for full details. For further information contact your JBB.

Reimbursement of Medical Charges

Reimbursement is available for NHS medical or dental charges incurred because of an injury received in the execution of duty without default on the part of the member.

Removal Expenses

If a member is required to move house in the interests of efficiency, or if the move is due to the exigencies of duty, the police authority shall either reimburse the reasonable cost of removal or carry out the removal; reimburse expenses incurred in connection with the sale of the member's former home; and reimburse expenses (such as estate agent's fees, auctioneer's and solicitor's fees, stamp duty and expenses in connection with the redemption, transfer or taking out of a mortgage) incurred in connection with acquisition of the new home and incidental to the move.

To qualify for reimbursement, an item of expenditure must be necessary, reasonable and backed by a receipt.

These provisions do not generally apply to members initially joining a force. Special provisions apply to university scholars whose removal is the result of having finished their studies.

For further information contact your JBB, preferably in advance of a move.

Food and Accommodation Expenses

Members who are prevented in the course of a tour of duty or shift from obtaining a meal in their usual way will be reimbursed the difference between the meal obtained and the meal they would usually take in the course of that tour.

Members retained on duty beyond their normal daily period of duty or shift will be reimbursed the cost of any meal necessarily obtained.

Members will be reimbursed accommodation expenses necessarily incurred in connection with duty away from their usual place of duty or because of being retained on duty beyond their normal daily period of duty or shift.

In all cases receipts will need to be presented, and the expenditure must be reasonable.

Relevant Travelling Expenses

Members may be reimbursed relevant travelling expenses if required to perform the normal daily period of duty in more than one tour of duty, or if recalled to duty between two tours of duty. Expenses shall be reimbursed to the extent that they do not exceed such reasonable limit as the chief officer may fix. For more details contact your JBB.

1.D ACTING UP ALLOWANCE, TEMPORARY SALARY AND TEMPORARY PROMOTION

These provisions can be found in Regulation 34 (Annex UU) and Regulation 27 (Annexes I and J) of Police Regulations 2003.

Acting up Allowance – Annex UU

Acting up arrangements are designed to meet short term needs. The acting up allowance is paid when a member acts up in a higher rank instead of being placed on temporary promotion. There is a 10 day qualifying period (in any year; a year being a 12 month period beginning on 1 April) then, from day 11, the member receives the allowance at a daily rate (or hourly rate for part-time officers and those on VSAs). The allowance is only payable for a maximum of 46 days in respect of any one continuous period of acting up.

A constable or sergeant who is acting up in the rank of inspector or above is not entitled to overtime payments. If such a member is required to do duty on a rostered rest day or a public holiday he/she will not receive an acting up allowance on these days, but will instead be entitled to the appropriate public holiday or rest day rates for his/her substantive rank.

As with other allowances, the acting up allowance is not pensionable.

Temporary Salary – Annex I

After 46 days of receiving the acting up allowance, if a member is not qualified for promotion (under the Police Promotion Regulations 1996) or if the chief officer is required to respond to an overwhelming operational emergency which requires immediate application, s/he will receive temporary salary.

A constable or sergeant in receipt of temporary salary whilst performing the duties of inspector or above is not entitled to overtime payments. If such a member is required to do duty on a rostered rest day or a public holiday he/she will not receive temporary salary on these days, but will instead be entitled to the appropriate public holiday or rest day rates for his/her substantive rank.

Temporary salary is pensionable.

A period of temporary salary is not reckonable for pay increments in the higher rank but is reckonable as service in the substantive rank.

Temporary Promotion – Annex J

After 46 days of receiving the acting up allowance, if a member is qualified for promotion (under the Police Promotion Regulations 1996) and the chief officer is not required to respond to an overwhelming operational emergency which requires immediate application the member will be temporarily promoted.

However, temporary promotion should be used from the outset when a need has been identified which is likely to be for a lengthy period e.g. maternity leave, ill health cover or a new project.

A member who has been temporarily promoted to a higher rank will be paid on the point s/he would have been entitled to if permanently promoted. Additional pay on temporary promotion is pensionable.

Service in the higher rank on temporary promotion is reckonable for salary increases in both the substantive and the higher rank. Service in the higher rank counts if the member is temporarily promoted again at a later date. In 2012 PNB reached agreement on a five year limitation for service on temporary promotion counting in the higher rank. This was ratified by Home Office Circular 18/2013.

SECTION 2: WORKING TIMES AND PATTERNS

2.A OFFICERS SERVING ON PART-TIME ARRANGEMENTS

An expanded version of this section is currently being prepared in respect of part-time officers. This will take into account PNB-agreed changes in respect of part-time working arrangements, as detailed in PNB Circular 2014/9. These changes will require ratification by Home Office Circular and amendments to Police Regulations and Determinations 2003. The changes will cover the following:

- Part-time appointments
- Probationary service in the rank of constable
- Duty
- Duty on a free day
- Overtime
- Public holidays and rest days
- Annual leave

In the meantime, for up-to-date information on part-time provisions, contact your JBB.

Members in any rank may be appointed to perform part-time service.

Part-time members may not be appointed to full-time duty without their consent, nor vice-versa, but a part-time member who has previously been full-time may opt to return to full-time service. Regulation 5 of Police Regulations 2003 provides details.

Part-time constables, sergeants, inspectors and chief inspectors are paid at plain time for all determined and additional hours up to 40 hours in a relevant week unless they choose to take time off in lieu of payment. See Police Regulations 2003, Annex F, Part 11 and PNB Circular 2014/6 which details the relevant payments and allowances that forces should include when calculating the pay of part-time officers who work additional hours. Also, all additional hours worked by part-time constables, sergeants, inspectors and chief inspectors over their determined hours up to 40 hours in a week, which are paid, are automatically pensionable. For further details see Home Office Circulars 22/2007 and 19/2012.

For further details of part-time arrangements see:

- the *Part-time Officers* leaflet published by the Police Federation, available from your JBB office or from the Members' Area of the Police Federation website at <https://www.polfed.org/login.aspx?ReturnUrl=/members/283.aspx>; and
- the College of Policing guidance on *Flexible Working in the Police Service*, available at: <http://www.college.police.uk/en/20090.htm>

The Part-time (Prevention of Less Favourable Treatment) Regulations 2000 and the Equality Act 2010 apply to police officers. Complaints under these pieces of legislation fall under the jurisdiction of the Employment Tribunals. If a member wishes to make an application to an Employment Tribunal for a complaint under these provisions, the application must be commenced within three months less one day of the act complained of. More information is included in Section O – Equality and Diversity. Contact your JBB for further information.

2.B DUTY TIME

The duty time provisions are found in Regulation 22 and Annex E of Police Regulations 2003.

Different provisions apply for members working full-time, on part-time arrangements, and/or on variable shifts. The following is a summary of duty time provisions for officers working full-time and on regulation eight hour or Variable Shift Arrangements (VSAs).

In respect of part-time arrangements, an expanded Section G for this booklet is currently being prepared. In the meantime, for further information on part-time provisions, contact your JBB.

CONSTABLES AND SERGEANTS

Duty Rosters

Duty rosters must set out members' rest days, free days, public holidays on which they are required to work and specific start and finish times of scheduled periods of duty for at least three months from when it comes into effect and must be published at least one month before they commence.

The roster should only be changed due to exigencies of duty. In terms of good practice, PNB Circular 10/1 states at paragraph 20 that "Subject to exigencies of duty any changes should be notified to officers one month in advance."

Normal Period of Duty

The normal daily period of duty (including an interval for refreshment of 45 minutes) is eight hours which, as far as exigencies of duty permit, will be performed in one tour.

Where a normal duty period is performed in more than one tour and the member does not travel to and from home between tours, the refreshment break should normally be included at the beginning or end of one of those tours. The refreshment break is not allowed when a member takes a half-day's annual leave.

Variable Shift Arrangements

Variable shift arrangements (VSAs) must provide for hours of duty equivalent to those of a member with a normal daily period of duty of eight hours and who receives a day's leave on each public holiday and two rest days per week.

A chief officer may announce that s/he intends to bring into operation variable shift arrangements for all, or a group of, constables and sergeants.

Before making the announcement the chief officer must consult the JBB and the members affected, allowing them at least 30 days to make representations and must take into account the likely effects of the new arrangements on their personal circumstances. The chief officer may only bring the arrangements into operation at least 30 days **after** his/her announcement.

INSPECTORS AND CHIEF INSPECTORS

Duty Time

The regulations do not require rosters to be published for full-time members of the rank of inspector and chief inspector. Inspectors and chief inspectors are not entitled to overtime allowances or public holiday/rest day working allowances.

Where an inspector or chief inspector has been prevented from taking a day's leave on a public holiday, or from taking two rest days in any week, within the next twelve months, subject to exigencies of duty, s/he should be granted a day's leave in lieu of any public holiday or rest day not taken.

ALL FEDERATED RANKS

Travelling Time Treated as Duty

Travelling time between the member's home and his/her usual place of duty is generally not treated as duty time.

Where a member is required to perform the normal daily period of duty, or rostered shift, in more than one tour and travels home between tours, subject to any reasonable limit imposed by the chief officer the time occupied in travelling to and from home is treated as duty time.

When a member is recalled to duty between two tours of duty, or two rostered shifts, travelling time to and from home (as a consequence of the recall) also counts as duty time, subject to any reasonable limit.

Where a member is held in reserve¹ and is required to travel, other than during his/her normal daily period of duty or rostered shift, travelling to and from home is treated as duty time.

WORKING TIME REGULATIONS

The Working Time Regulations 1998 implement the Working Time Directive (a European Health and Safety provision) into domestic law. They are expressly stated to apply to police officers.

The main rights under the Working Time Regulations are:

- a limit of an average of 48 hours a week over a reference period which a worker can be required to work (unless otherwise agreed with the individual);
- a limit on night workers' normal hours of work of an average of 8 hours work in 24 (and no more than 8 hours in any 24 during which night work is performed if subject to special hazards or strain);
- 11 consecutive hours' rest per day or compensatory rest if in exceptional circumstances rest periods are not provided;
- a day off each week (24 hours per week or 48 hours per fortnight);
- an in-work rest break of at least 20 minutes if the working day is longer than 6 hours;
- 28 days (including public holidays) paid leave per year;
- free health assessments for night workers.

There are various circumstances in which the rights do not apply. These are quite complicated, but in essence are likely to relate to variations agreed with the JBB or unforeseen emergencies.

Generally, Police Regulations 2003 provide better rights than the Working Time Regulations 1998. However, there can be occasions where the organisation of working time may breach the Working Time Regulations. Certain aspects of the Working Time Regulations can be varied by local agreement between the JBB and the Chief Officer. For more information about the position in your force, contact your JBB office.

Some breaches can comprise criminal offences. The enforcing agency is the Health and Safety Executive. There are other rights available before an Employment Tribunal. The time limit for any such tribunal claim is generally three months less a day from the relevant breach. Contact your JBB for further information.

¹ A member is held in reserve if he or she is serving away from his or her normal place of duty and is required to stay in a particular, specified place rather than being allowed to return home. A member is not held in reserve if serving away from his or her normal place of duty only by reason of being on a training course or carrying out routine enquiries.

2.C OVERTIME, REST DAY AND PUBLIC HOLIDAY WORKING

The overtime provisions are found in Regulation 25 and Annex G of Police Regulations 2003.

Overtime for constables and sergeants is potentially payable (or time off in lieu may be taken) when:

- they remain on duty after their tour of duty or rostered shift ends;
- they are recalled between two tours of duty or rostered shifts; or
- they are required to begin earlier than the rostered time without due notice and on a day when they have already completed their normal daily period of duty or rostered shift.

Planned Overtime

Where members are informed at or before the commencement of their tour or shift that they will be required to remain on duty after the tour or shift ends, and they work less than 15 minutes' overtime, they will not be eligible for any allowance.

If they work between 15 and 29 minutes' overtime, they will be paid for the first 15 minutes only.

If they work 30 or more minutes, they will be eligible for overtime for each completed 15 minute period.

Casual Overtime

This term applies where members are not informed at the commencement of their tour of duty or rostered shift that they will be required to remain on duty after the tour or shift ends. On each of the first four occasions in any week when they work casual

overtime, not having been informed at the commencement of the tour or shift that this would be required, the first 30 minutes of such overtime worked is disregarded in calculating the overtime allowance due. This disregard applies also to equivalent time off, should they choose time off in lieu of paid overtime.

Also, if a member is not informed at the commencement of his/her tour of duty or rostered shift that s/he will be required to remain on duty after their tour or shift ends, and the overtime worked is less than 30 minutes, no allowance is payable.

Recall to Duty

Members who are recalled to duty between two tours of duty or rostered shifts may be entitled to overtime. Members will be entitled to have their travelling time treated as duty, up to any reasonable limit set by the chief constable.

Members have to work a minimum of a completed period of 15 minutes when recalled to duty (to include relevant travelling time) before they are entitled to claim an overtime for the recall and will only be paid for completed periods of 15 minutes thereafter.

Answering the telephone does not necessarily constitute a recall to duty. If a member receives a call which requires necessary action or duty to be performed, this may be a recall to duty, and the member may be eligible for appropriate compensation.

The 30 minute disregards and requirement to work for 30 minutes before any casual overtime is taken into account is to be ignored for the purposes of any recall to duty – see JBB Circular 8/2016.

Advancing the Start of Duty from the Rostered Time

When the commencement time of a rostered duty or shift is brought forward without due notice so that the duty straddles the start of the force day, and the tour or shift is begun on a day on which the member has already completed a normal rostered tour or shift, the time worked before the rostered commencement time is reckonable as overtime, and is also taken into account as part of that tour of duty or rostered shift.

Example:

Assume the Force Day commences at 06.00. The rostered tour of duty on day two is 06.00 – 14.00. The member had already completed a full tour on day one and is told at 02.00 (on day one) to attend for duty at 04.00 and work until 14.00 hours on day two. The member will be entitled to an overtime allowance at time and one third for the period 04.00 - 06.00, plain time for the period 06.00 - 12.00, and time and one third for the period 12.00 - 14.00.

Due notice for these purposes is defined in Regulation 25 of Police Regulations 2003 as “notice given at least 8 hours before the revised starting time of the rostered tour of duty in question”.

Members should be given as much notice of the duty change as possible and every effort should be made to ensure that notice is given before the end of the tour or shift prior to the one that is to be changed.

Rate of Payment

The overtime allowance, where payable, is time and one third, or equivalent time off in lieu can be taken. It is the member’s choice whether to take the allowance or time off in lieu.

REST DAY AND PUBLIC HOLIDAY WORKING

The rest day and public holiday provisions are found in Regulation 26 and Annex H of Police Regulations 2003.

Compensation for Duty on a Rostered Rest Day

Where constables and sergeants are required to do duty, or are recalled to duty, on a rostered rest day they are entitled to:

- where less than fifteen days' notice is received - time and one half;
- in any other case - another rest day which should be notified to the member within four days of notification of the requirement to work.

If the period of duty carried out on the rest day is less than four hours, the appropriate allowance will be paid for a minimum of four hours.

The only exception to this is where the member is retained on duty from a rostered duty or rostered shift into a rest day and the period worked on the rest day is not more than one hour of duty. In these circumstances the minimum four-hour payment does not apply and the rest day time to be reimbursed counts as the number of 15 minute periods actually completed (there is no half hour disregard for casual overtime).

A re-rostered rest day is subject to rest day compensation in the same way as a normal rest day if there is a requirement to work on that day.

When calculating the number of days' notice given, both the day on which the requirement was notified and the day on which the member is required to do duty are not counted.

Compensation for Duty on Rostered Rest Days and Free Days within a Period of Annual Leave

PNB Circular 2014/8 details a Police Negotiating Board (PNB) agreement which provides that where an officer, including a member of the inspecting ranks, is required to work on a rest day or a free day within a period of annual leave, that day shall be compensated as if it were a day of annual leave or a day taken off in lieu of

overtime. See Section H of this booklet for details of compensation for working on a day of annual leave or a day taken off in lieu of overtime.

In these circumstances a period of annual leave is defined as a period of absence from duty of five days or more where at least one of those days is a day of annual leave and the other days are rostered rest days, days taken in lieu of overtime, public holidays or free days (or days taken in lieu thereof).

Forces should make every effort to avoid recalling members to duty during their rest days, particularly when they fall within a period of annual leave. Changes to published rosters should be kept to a minimum and only made due to exigencies of duty or at the request of members. Any changes to rosters should only be made after full consideration of operational, welfare and practical circumstances.

This agreement is with effect from 1 May 2014. As at August 2016 we still await this provision being put into Police Regulations 2003 and determinations.

Compensation for Duty on a Public Holiday

When required to do duty on a public holiday constables and sergeants are entitled to:

- where less than eight days' notice is received – payment of double time plus another day off in lieu, to be treated as a public holiday;
- in any other case - payment at double time.
- If the period of duty carried out on the public holiday is less than four hours, the appropriate allowance will be paid for a minimum of four hours.

A requirement to work on a public holiday with less than fifteen days' notice must be authorised by an officer of least assistant chief constable rank.

Public Holiday Substitution

Constables and sergeants may, with the approval of their chief officer, substitute a day which is not a public holiday for any day which is a public holiday (as defined in Regulation 3(1) of Police Regulations 2003), with the exception of Christmas Day.

Further information on this provision can be found in Annex E, paragraphs 4a (iii)-(vii) of Police Regulations 2003 and JBB Circular 33/2012.

Work in Excess of a Tour or Rostered Shift on a Rest Day or Public Holiday

There is no entitlement to overtime on a rest day or a public holiday. All hours worked attract the same level of rest day or public holiday working compensation.

Time off in Lieu – Rest Day or Public Holiday

Members may choose to take time off in lieu of any time worked on a rest day or public holiday. The amount of time off varies in accordance with the allowance payable (e.g. if the allowance is double time, the time off is double).

Volunteering to work on a Rest Day or Public Holiday

If a member requests to work on a rostered rest day or public holiday the day shall be treated as a normal duty day and the member will be granted another day off in lieu, which shall be treated as a rest day or public holiday (as appropriate).

However, Home Office Circular 39/1985 states that responding to a management request for volunteers should not be treated as a request by the officer concerned to perform duty on the day in question. Therefore, in these circumstances the normal compensation arrangements for rest day or public holiday working will apply.

Reinstatement of Cancelled Rest Days and Public Holidays

PNB Circulars 85/9 and 86/2 record PNB agreements relating to cancelled rest days or public holidays in anticipation of an operational need, for which in the event the constable or sergeant is not required to attend for duty.

Where more than seven days' notice is received that the member will not be required to work on the rest day/public holiday, the rest day/public holiday will be taken, with no compensation.

Where seven days' notice or less is received of the cancelled duty requirement, the member may either choose to take the rest day/public holiday or work and claim compensation in accordance with Police Regulations 2003. Legal advice suggests there is no entitlement to work a full tour of duty or rostered shift on such days.

Telephone Calls Received Whilst at Home

Answering the telephone does not necessarily constitute a recall to duty and therefore may not attract the minimum four hours' rest day or public holiday compensation provided in regulations.

If a constable or sergeant receives a call which requires necessary action or duty to be performed, this may be a recall to duty, and the member may be eligible for appropriate compensation.

Travelling Time Treated as Duty

Subject to any reasonable limit imposed by the chief officer, travelling time to and from duty on a rest day or public holiday may also count as duty for constables and sergeants. It will not count from the point at which travelling time and the period of duty exceeds six hours.

2.D ANNUAL LEAVE

The annual leave entitlements (expressed in 8 hour days²) for the federated ranks are found in Regulation 33 and Annex O of Police Regulations 2003:

<u>Years of relevant service</u>	<u>Days of Annual Leave</u>
Less than 2	22
2 or more	25
5 or more	25
10 or more	27
15 or more	28
20 or more	30

Working on a Day of Annual Leave or a Day in Lieu of Overtime

The following scale of compensation applies where an officer is recalled to duty from a period of absence from duty of three or more days (of which at least one day is annual leave). It also applies to the cancellation of pre-booked, scheduled annual leave where the same criteria are met i.e. absence from duty of three or more days of which at least one day is annual leave:

No. of Annual Leave Days Worked	Compensation in additional days (or annual leave plus pay)
1	2 days (or 1 day's annual leave plus 1 day's pay at double time)
2	4 days (or 2 days' annual leave plus 2 days' pay at double time)
Thereafter	1.5 days (or 1 day's annual leave plus 0.5 day's pay at double time) for each further annual leave day worked

² As mentioned in Section G of this booklet, PNB Circular 2014/9 notes that annual leave for full and part-time members should be calculated and available in hours.

Annex O details that if the period of absence includes free days, rostered rest days, days in lieu of overtime or public holidays, compensation for working on those days (or time off in lieu) would be as per the relevant regulation i.e. Regulation 26, Annex H for public holidays.

However, PNB Circular 2014/8 details a PNB agreement which provides that where an officer is required to work on a rest day or a free day within a period of annual leave that day shall be compensated as if it were a day of annual leave or a day taken off in lieu of overtime. In these circumstances annual leave is defined as a period of absence from duty of five days or more where at least one of those days is a day of annual leave and the other days are rostered rest days, days taken in lieu of overtime, public holidays or free days (or days taken in lieu thereof). See Section F of this booklet for further information.

Carry-over of Annual Leave

At the discretion of the chief officer and subject to exigencies of duty members can carry over to the next leave year no more than five additional days of annual leave outstanding from the current year (in exceptional circumstances the chief officer can allow a member to carry over more); or bring forward to the last month of a leave year no more than five days' leave from the following leave year.

However, the Police Negotiating Board (PNB) is keen to ensure that the carry over provision is further applied to enable officers to carry over their four weeks' (pro-rata for part-time officers) Working Time Directive leave entitlement into the next year where a member has been unable to take that leave:

- i) where the member has been absent on long-term sick leave but resumed duty late in the leave year and so had not had the opportunity to take all of their annual leave before the end of the leave year; and
- ii) because of long-term absence on sick leave which continues into a new leave year.

If a member returns to duty from sick leave within the same leave year, they will be entitled to receive the leave entitlement from that year, minus any leave they have already taken. Where a member returns to duty late in the leave year and so does not have the opportunity to take all their annual leave before the end of the leave year, or where a member returns to duty in a new leave year, he or she will be entitled to carry over four weeks' annual leave (less any annual leave and bank holidays already taken) into the new leave year. However, any annual leave carried over must be taken within 15 months of the end of the leave year in which it accrued.

Further details can be found in PNB Circular 2014/23. This circular also covers the carry-over of annual leave when an officer has been on maternity leave. Section J of this booklet contains more information.

Is a Member who is on Annual Leave who becomes sick entitled to go on Sick Leave (and Reclaim the Annual Leave)?

Police Regulations 2003 do not explicitly deal with the interaction of annual leave and sick leave. We consider that a day cannot simultaneously be regarded as both a day of sick leave and a day of annual leave.

As the Regulations are silent as to the manner of notification and rearrangement of annual leave we consider that a member who has booked a holiday but who is then injured or becomes ill and unable to take the holiday should be able to cancel the annual leave and take it at a later date.

With regard to the position of a member who becomes ill on holiday, we recommend notification of the position to the force as soon as possible so as to maximise the prospect of being able to reclaim annual leave.

PNB Circular 2014/23 states that where an officer is sick during a pre-booked period of leave they should be allowed to take that period of leave at another time, subject to providing evidence they were sick e.g. a medical certificate.

Compensation for Annual Leave not taken on Leaving the Service

If, on termination of service, the proportion of annual leave taken by a member in the last year of service is less than the proportion of the leave year which has passed, s/he is entitled to payment in lieu of the untaken days.

Conversely if, on termination of service, the proportion of annual leave taken by the member exceeds that proportion of the leave year which has expired, the police authority are entitled to compensation, whether by payment, additional service, or otherwise.

For further details of the calculations involved please see PNB Circular 01/2, Home Office Circular 21/2002 and Regulation 33, Annex O of Police Regulations 2003.

2.E SICK LEAVE

Details of the self-certification procedures applicable within forces are available from Human Resources and your JBB Office.

Regulation 28 and Annex K of Police Regulations 2003 provide that a member of a police force who is absent on sick leave shall be entitled to full pay for six months in any one year period. Thereafter, the member becomes entitled to half pay for six months in any one year period.

Entitlement to pay and the level of pay is calculated by deducting from your entitlement on the first day of a sick leave period the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

The chief officer has the discretion to resume or maintain the period of entitlement to, as appropriate, full-pay or half-pay. PNB Circular 05/1 provides agreed guidance to chief officers on the exercise of this discretion.

For further details please contact your JBB.

Court Appearances – Whilst Sick

If a member is certified unfit for duty by a doctor, and due to give evidence in Court, unless the reason for the certification prevents him/her from giving evidence, the member is obliged to attend Court and give evidence. Where the member does so as part of his/her duty as a police officer, this will be duty in the normal way.

Injury sustained on duty

As at August 2016, the Home Office is drafting regulations for a new injury benefits scheme, which could lead to changes in entitlements which may be significant in some cases and may affect the position summarised below. For the up to date position contact your JBB office or visit www.polfed.org

Any injury suffered whilst on duty (e.g. assault, a road traffic accident, falling over loose equipment, disease, stress etc.) should be reported by the member in writing to his/her supervising officer and/or in whatever form the force requires. This may assist in getting an injury award, should further aggravation or deterioration result, even at a much later date.

Sick pay may be abated by statutory benefits if the member is on full sick pay.

An injury received at any sport or game will not be regarded as an injury on duty unless the sporting activity is part of a training programme or otherwise carried out in duty time under a specific order (e.g. PSU training).

In respect of any injury suffered by a member (whether or not incurred on duty) s/he should notify the JBB Secretary with a view to obtaining advice as to the possibility of a civil claim and/or a claim under the Criminal Injuries Compensation Scheme.

2.F FAMILY LEAVE

Details of the provisions can be found in Police Regulations 2003 as follows:

Leave for ante natal care – Regulation 33, Annex Q

Police maternity scheme – Regulation 29, Annex L and Regulation 33, Annex R

Police adoption scheme – Regulation 33, Annex R

Keeping in touch days – Regulation 33, Annex R

Ordinary maternity support leave, ordinary adoption support leave, additional maternity support leave, additional adoption support leave and parental leave – Regulation 33, Annex S

Time off for dependants – Regulation 33, Annex T

Guidance is also contained in the Police Federation's *Guide to Family Leave and Flexible Working* handbook and the *Maternity Guide for Women Police Officers* which are available from your JBB office or on the members' area of the Police Federation website at:

<https://www.polfed.org/login.aspx?ReturnUrl=/members/283.aspx>

Further guidance on managing maternity and related issues is contained in PNB Circular 10/05.

Leave for Ante-natal Care

All female members have the right to paid time off to attend appointments for ante-natal care, subject to production of relevant documentation if requested.

Maternity Leave

The maximum period of maternity leave is 15 months, which can be taken in one or more periods. The period during which maternity leave can be taken commences six months before the expected week of childbirth and ends no later than 12 months afterwards. The ability to take maternity leave in more than one period allows the member to return to work for e.g. a court appearance or training course, and then resume maternity leave. It can also be used to take annual leave during a break in maternity leave; otherwise any accrued but unused annual leave should be carried over to the next leave year. (However, any impact on pay should be considered).

PNB Circular 2014/23 says that a woman who takes maternity leave has two rights to leave: one to maternity leave and another to annual leave as provided by Police Regulations and determinations and/or the Working Time Regulations for the annual leave year in question. She must be able to take both types of leave. Usually this should not be an issue as the annual leave can be accommodated within the leave year(s) in question.

However, if a woman is unable to take all of her annual leave in the leave year due to being on maternity leave, then she should be allowed to carry it over into the appropriate leave year when she returns to work. Where a woman is able to take her annual leave before she starts her leave year (for instance because her maternity leave starts close to the beginning of the annual leave year, or because the baby has been born prematurely) exceptions should be made to carry over policies to allow women to carry the remaining period of leave into the appropriate leave year e.g. a woman will be able to carry over leave that she was unable to take into the leave year in which she returns to work. However, if there is insufficient time within that leave year to take the leave, she should be able to carry over the remainder into the next leave year.

The scheme allows members to choose when they will commence any period of maternity leave provided that it commences no later than the expected date of childbirth.

A period of up to 52 weeks shall be reckonable for pay increments and leave purposes for all officers on maternity leave.

Paid Maternity Leave

Eighteen weeks' paid maternity leave is available to a female member who:

(a) at the beginning of the 11th week before the expected date of birth, has served continuously for a period of not less than one year, and

(b) at 15 weeks before the expected week of childbirth remains pregnant or has given birth prematurely and at that date the baby remains alive.

Members entitled to paid maternity leave will be paid for the first 18 weeks of their leave. Part-time members will be paid for the first 18 weeks at the rate calculated by reference to their appropriate factor.

Members may, with the agreement of their chief officer, elect to extend their final five weeks' pay to 10 weeks at half rate.

Statutory Maternity Pay

Members who have at least 26 weeks' service by the end of the 15th week before the expected date of birth are entitled to Statutory Maternity Pay (SMP) for 39 weeks. Please refer to the Federation's *Maternity Guide for Women Police Officers* for details.

The police maternity pay to which a member is entitled will be reduced, in respect of any week in which she receives SMP, by an amount equal to the SMP that she receives for that week. Where a member elects to extend her final five weeks of police maternity pay to 10 weeks at half pay, the pay to which the member is entitled will be reduced by half of the amount of SMP that she receives for that week.

Adoption Leave

The maximum period of adoption leave is 52 weeks. All paid adoption leave is reckonable for incremental pay and leave purposes. A member must commence adoption leave within a period of 14 days ending with the date on which the child is expected to be placed with the member.

Paid Adoption Leave

A member who is a child's adoptive parent is entitled to one week's adoption leave on full pay, at or around the time of the adoption, irrespective of their length of service.

Members who have served continuously for at least one year at the end of the week in which s/he is matched with a child for adoption are entitled to full pay for the first 18 weeks' adoption leave followed by up to 21 weeks at Statutory Adoption Pay (SAP) then up to 13 weeks of unpaid adoption leave. Part-time members will be paid for the first 18 weeks at the rate calculated by reference to their appropriate factor.

Members may, with the agreement of their chief officer, elect to extend their final five weeks' pay to 10 weeks at half rate.

Statutory Adoption Leave and Pay

Members who have completed 26 weeks' service by the end of the week in which they are notified of being matched with a child for adoption will be entitled to take up to 52 weeks' Statutory Adoption Leave – the first 39 weeks with Statutory Adoption Pay (SAP), followed by 13 weeks of unpaid Additional Adoption Leave, around the time of placement of the child. The one week adoption leave referred to above will be included within this entitlement, at the full rate of pay.

The police adoption pay to which a member is entitled will be reduced, in respect of any week in which s/he receives SAP, by an amount equal to the SAP that s/he receives for that week. Where a member elects to extend his/her final five weeks of

police adoption pay to 10 weeks at half pay, the pay to which the member is entitled will be reduced by half of the amount of SAP that s/he receives for that week.

Children and Families Act 2014

Home Office Circular 011/2015 was published on 27 March 2015. It confirms the Secretary of State's decision to extend the principles of the Children and Families Act 2014 to police officers in England and Wales, to reflect the relevant statutory provisions available to other workers as follows:

1. Prospective fathers/partners and/or intended parents in a surrogacy situation may be granted unpaid time off to attend up to two antenatal appointments with a pregnant woman.
2. From 5 April 2015, mothers, fathers and adopters may choose to share parental leave around their child's birth or placement.
3. From 5 April 2015 unpaid parental leave will be extended to cover children up to age 18 from the current five years of age.
4. Shared parental leave and pay will also be available to adopters, prospective parents in the 'fostering for adoption' system, and intended parents in a surrogacy arrangement.
5. From 5 April 2015 statutory adoption leave and pay will reflect entitlements available to birth parents.
6. From 5 April 2015, intended parents in surrogacy and 'foster to adopt' arrangements will be entitled to adoption leave and pay and paternity leave and pay.

The circular notes that these provisions will require amendments to Police Regulations 2003, however, police forces are advised to note the Home Office's intention to change legislation as specified above and are encouraged to apply these provisions on an interim basis where possible.

For more detailed information see HOC 011/2015.

Keeping in Touch Days

A member on maternity leave or adoption leave can return to work on a voluntary basis, subject to the agreement of his/her chief officer, for up to ten days without

bringing their maternity or adoption leave to an end. These are known as Keeping in Touch (KIT) days.

A member will be paid at an hourly rate for duty carried out on a KIT day plus overtime if appropriate. If the member is entitled to SMP or SAP for any week in which a KIT day falls, neither the member's SMP or SAP nor the pay for the KIT day will be reduced on account of the other.

It is important to note the impact of a KIT day on the buy-back of unpaid leave for pension purposes. Please see the paragraph on 'Family Leave and Pensions' at the end of this section.

Ordinary Maternity Support Leave and Ordinary Adoption Support Leave

These provisions are found in Regulation 33 and Annex S of Police Regulations 2003.

A member who is the child's father or the partner or nominated carer of an expectant mother, or an adopter's spouse or partner is entitled to two weeks' ordinary maternity support leave, at or around the time of birth or two weeks' ordinary adoption leave at or around the time of adoption. The first week of ordinary maternity support leave or ordinary adoption support leave will be on full pay. This will be offset by an amount equal to the statutory paternity pay rate for that week. Part-time members will be paid at a rate calculated by reference to their appropriate factor.

Members who have 26 weeks' continuous service at the 15th week before the expected week of confinement, or the week in which the adopter is matched with a child for adoption, will be entitled to be paid for the second week at statutory paternity pay rate.

Additional Maternity Support Leave and Additional Adoption Support Leave

Members who have served continuously for a period of not less than 26 weeks and are the father or partner of a woman who has a baby or the second person in a couple who have adopted a child and have or expect to have responsibility for the child's upbringing, may take between two and 26 weeks' Additional Maternity Support Leave or Additional Adoption Support Leave to care for the child. Members must give their chief officer at least eight weeks' notice of their intention to take such leave.

Additional maternity or adoption support leave may be taken at any time within a period which begins 20 weeks after the date on which the child is born or placed for adoption and must end 52 weeks after the child is born or placed for adoption.

Members who take additional maternity support leave or additional adoption support leave may qualify for Additional Statutory Paternity Pay (ASSP). A member will only receive ASSP if their partner would have been receiving SMP or SAP had they not returned to work.

Parental leave

Members who have served continuously for a period of not less than a year; and have, or expect to have, legal parental responsibility for a child are entitled to 18 weeks' unpaid parental leave in respect of each individual child for the purpose of caring for that child. Different conditions apply according to the age of the child, or whether the child is born to the member or placed with him/her for adoption.

The period during which the leave may be taken is specified in Regulation 33, Annex S of Police Regulations 2003. Generally the leave must be taken before the child's fifth birthday or the fifth anniversary of the placement or, for a child entitled to a disability living allowance, before the child's 18th birthday. The arrangements for taking parental leave need to be agreed with the chief officer. For further details contact your JBB.

Time off for Dependants

These provisions are found in Regulation 33 and Annex T of Police Regulations 2003.

A member is entitled to take reasonable paid time off during normal duty periods in order to take action which is necessary:

- a) When a dependant falls ill, gives birth or is injured or assaulted;
- b) To arrange for care for an ill or injured dependant;
- c) Where a dependent dies;
- d) Where care arrangements for a dependent are disrupted;
- e) To deal with an unexpected incident involving an officer's child at school or nursery.

Each circumstance is distinct and separate from each other therefore, it should be made clear which circumstance the request is made within rather than a generalised request for time off.

Dependant means a spouse, child, parent, someone who lives in the same house as the member (but not a lodger etc.) or, in relation to (a) (b) and (d) any person who reasonably relies on the member for their care or provision or their care i.e. an elderly neighbour.

The member must tell the chief officer the reason for the absence as soon as reasonably practicable, and, if possible, state how long s/he expects to be absent.

Family Leave and Pensions

Paid family leave is automatically pensionable, meaning that members pay pension contributions on the salary they receive and in return it counts as pensionable service.

Unpaid leave, other than the first 26 weeks of maternity leave, can only count as pensionable service if pension payments are made in respect of it. It is currently only possible to do this in the Police Pension Scheme (PPS) 1987 and the New Police Pension Scheme (NPPS) 2006 for periods of unpaid maternity leave and unpaid parental leave and time limits apply. However, we expect this to be extended to all forms of unpaid family leave in the PPS 1987 and NPPS 2006. Members of the Police Pension Scheme (PPS) 2015 are already able to buy-back periods of unpaid family leave for pension purposes, subject to time limits. Members should contact their pensions' administrator for further information.

Assuming a member had not opted out of the pension scheme, any period of unpaid maternity leave after the first 26 weeks can be bought back. The rate of buy-back is calculated at the appropriate pension contribution rate (e.g. 14.25% for PPS 1987 members. 11% or 12.05% for NPPS 2006 members and 12.44% or 13.44% in the PPS 2015) of the last pay the woman received immediately before she went onto unpaid leave. In most cases this will be SMP at the lower rate.

However, it is important to note that a Keeping in Touch (KIT) day taken during the unpaid period will mean that the remaining period of unpaid leave will have to be bought back at the appropriate pension contribution rate of full pay.

2.G CAREER BREAK SCHEME

The Police Negotiating Board (PNB) agreed a career break scheme in 2000 – PNB Circular 2000/16 (Advisory) and Home Office Circular 4/2001 refer. The provisions can now be found in Regulation 33 and Annex OO of Police Regulations 2003.

A career break of up to five years is available, subject to increases in exceptional circumstances. The scheme is available to any member who has completed the probationary period, subject to the agreement of a human resources' professional, with the right of appeal to the Chief Constable. Members on career breaks under this scheme remain a member of the force, so there is no break in service. They will not be paid during career breaks and the time out will not count for entitlement to pay increments and paid annual leave. The officer's rank and pay point, and eligibility for replacement allowance will be protected.

A member living in accommodation provided by the force should discuss his/her future in the property with the chief constable before applying for a career break.

Career Breaks and Pensions

Officers remain members of the force whilst on the career break scheme and therefore they also remain members of a police pension scheme. However, this would not be the case if an officer were to resign and rejoin.

For a member entitled to full transitional protection, as long as s/he is on the career break scheme, the career break will have no impact on the full transitional protection i.e. the member will return to his/her current pension scheme when s/he returns from the career break.

However, no adjustment will be made for members on tapered protection who take career breaks under the regulatory scheme. This means that if a member was

entitled under tapered protection to remain in the Police Pension Scheme (PPS) 1987 or the New Police Pension Scheme (NPPS) 2006 for two years from 1 April 2015, his/her protection would end on 31 March 2017, even if the career break was taken for some or all of the 1 April 2015 – 31 March 2017 period.

Officers remain subject to their pension schemes' death benefits and enhanced ill-health pension provisions whilst on a career break. All officers continue to be covered by the injury benefit provisions where applicable.

The time spent on a career break does not count as pensionable service and cannot be bought-pack for pension purposes - see Home Office Circular 33/2003.

SECTION 3: STANDARDS

3.1 PROBATION

Probationary Service in the Rank of Constable

The probation period for a newly joining constable is the first two years unless the member transfers, having completed probation in another force. The chief officer has power to lengthen this period. The probation period for a part-time member is adjusted in relation to their determined hours and any period carried out on a full-time basis. However, this is due to change as a result of PNB Circular 2014/9 (see Section G for more details). If a constable with previous service does not join on a transfer, the chief officer can reduce the probationary period or, so long as the member had completed the probationary period during that previous service, dispense with probation.

Time spent during probation on leave for ante natal care, maternity support leave, adoption support leave, parental leave and time off for dependants is counted as probationary service.

The first 52 weeks of time spent during probation on maternity leave is counted as probationary service (irrespective of service). Any other period is not counted.

The first week of adoption leave is counted as probationary service for all adopting members irrespective of service. In addition, where the member has at least 26 weeks' service by the notification of matching for adoption, any period of adoption leave which falls in the 26 week period immediately after placement for adoption is counted as probationary service. Any other period is not counted.

See Regulation 12 and Annex C of Police Regulations 2003.

Discharge and Misconduct of a Probationer

Under Regulation 13 of Police Regulations 2003, a probationer's services may be dispensed with at any time (at a month's notice or with payment in lieu) if the chief officer considers that s/he is not fit, physically or mentally, to perform the duties of the Office of Constable or is not likely to become an efficient or well conducted Constable. The chief officer cannot delegate this decision.

Where misconduct is alleged in relation to a probationer, if the probationer does not admit to the misconduct in question then the misconduct procedures should generally be used. If the Regulation 13 procedure is used, the probationer should still be provided with any reports relied on in reaching a decision and given an opportunity to comment and present mitigation, as per the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures (Home Office Circular 21/2015 refers).

In any case where misconduct is alleged against a probationer or there is a suggestion that Regulation 13 may be invoked, the JBB should be contacted.

Member Rejoining a Police Force

If a member rejoins the service within 5 years having previously satisfied the probationary service in the rank of constable, s/he shall be appointed to the rank in which s/he last served and shall be on probation for a period of 6 months.

This provision can also apply to a member who rejoins the service after more than 5 years if the chief officer considers that there are exceptional circumstances.

3.2 COMPLAINTS AND MISCONDUCT

SECTION A – COMPLAINTS AND MISCONDUCT

The information in this section is based on the Police (Conduct) Regulations 2012 and Police (Conduct) (Amendment) Regulations 2014 and 2015, Police (Complaints and Misconduct) Regulations 2012 and Section 2 of the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures (see Home Office Circular 21/2015).

The regulations dealing with complaints and allegations of misconduct have been devised to ensure that these matters are dealt with in accordance with the principles of natural justice and fairness. The regulations should be implemented in that spirit in order to ensure confidence in the system.

As well as outlining the procedure that must be followed by those involved in conducting the misconduct proceedings, the regulations also set out the rights of the officer whose conduct is the subject of the proceedings. These include the right to be accompanied and represented by a “police friend” (see below) and, where appropriate, the right to legal representation.

Police (Complaints and Misconduct) Regulations 2012

The Police (Complaints and Misconduct) Regulations 2012 apply when the chief officer is made aware of a complaint about a person under his or her direction and control. A complaint is defined as an expression of dissatisfaction by a member of the public about the conduct of a person serving with the police.

The regulations set out which complaints and misconduct matters should be recorded and which should be referred to the Independent Police Complaints Commission (IPCC). In the case of a complaint, a recorded misconduct matter, or a Death or Serious Injury matter, the IPCC may manage the investigation itself or

supervise an investigation managed by an appropriate authority. Regulation 1(2) sets out who may be designated as the appropriate authority under these regulations. The regulations set out how supervision of proceedings by the IPPC will be conducted.

The regulations also set out how, when the complaint is not suitable for referral to the IPPC, local resolution of complaints should be dealt with.

Local Resolution

Complaints dealt with under local resolution will not result in disciplinary proceedings. Management action or formal action under the unsatisfactory performance procedure may, however, be taken as a result of the complaint.

The person appointed to deal with the complaint should give the complainant and the person complained about the opportunity to comment on the complaint. The appointed person should not resolve the complaint by offering an apology unless the person complained against agrees to this.

As soon as possible after the complaint has been dealt with, a record will be made of the outcome and sent to the complainant and the person complained about.

Police (Conduct) Regulations 2012

These regulations apply where allegations of misconduct or gross misconduct are brought to the attention of an appropriate authority. Regulation 3(1) sets out who may be designated as the appropriate authority under these regulations. The regulations set out the determinations that those conducting or chairing the various stages of the proceedings should make, and the procedures that they should follow.

Police Friend

The police officer who is the subject of the allegations, referred to in the regulations as the 'officer concerned,' may choose to be accompanied or represented in the proceedings by a police friend. Regulation 6 of the Police (Conduct) Regulations 2012 sets out who may act as a police friend and the role that the police friend may undertake.

Consent to Notice of Intention to Retire or Resign

Where an allegation comes to the attention of an appropriate authority of conduct of a police officer which, if proved, would amount to misconduct or gross misconduct, the police officer concerned may not give notice of an intention to resign or retire without obtaining the consent of the appropriate authority. Regulation 10A sets out the circumstances in which this consent may be given.

Assessment of Conduct

The purpose of the initial stages of the proceedings is to assess whether the alleged conduct, if proved, would amount to misconduct, gross misconduct or neither. The officer concerned should be informed in writing of the outcome of this assessment as soon as is practicable.

The Police (Conduct) Regulations 2012 do not apply where the outcome of the assessment is that the matter requires no action, management action or should be dealt with under Performance Regulations. The Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures and the Police (Performance) Regulations 2012 can be referred to in these circumstances.

If the outcome of the assessment is that the matter should be dealt with under the Conduct Regulations, the provisions of the Police (Conduct) Regulations 2012 will apply. That is, where the appropriate authority concludes that the conduct, if proved:

- would amount to misconduct and it is deemed necessary for the matter to be investigated,
- would amount to gross misconduct.

In these instances that matter will be investigated in line with the regulations.

Investigation of Allegations of Misconduct or Gross Misconduct

The officer concerned should be notified in writing of the details of the investigation unless to do so would prejudice the outcome of any other investigation (including a criminal one). In the same notice the officer concerned will be informed of his or her right to seek advice from a staff association or any other body, the rights to be accompanied and represented by a police friend, the right to any legal or other representation as appropriate, and all other rights appropriate at this stage of the process. The regulations set out the timescales within which the officer concerned can access these rights.

The appropriate authority may decide to suspend a member whilst the investigation of an allegation of misconduct or gross misconduct takes place. Regulation 10 of the The Police (Conduct) Regulations 2012 sets out the procedure that should be followed when an officer is suspended. If the member is suspended it should be at the rate of pay, including relevant allowances, to which s/he would be entitled if not suspended. A temporary move to a new location or role must always be considered first as an alternative to suspension.

Following the investigation, the appropriate authority may determine that there is a case to answer in respect of misconduct or gross misconduct. The case will then be referred to misconduct proceedings. Regulation 19 sets out when the next stage of proceedings should be a misconduct meeting and when it should be a misconduct hearing.

The appropriate authority may also determine that, where there is a case to answer in respect of misconduct, this will be dealt with by management action. Such management action is not covered by the Police (Conduct) Regulations 2012, however, examples of the measures that a manager may take to resolve

misconduct, such as establishing an improvement plan or addressing any underlying causes of misconduct, can be found in the Home Office Guidance.

Referral to Misconduct Proceedings

When referral is made to misconduct proceedings the officer concerned must be informed in writing of the referral and details relevant to that referral. This should include notification of the rights and responsibilities of the officer concerned and his/her representative.

Legal and Other Representation

The officer concerned may be represented at a misconduct hearing or special case hearing by a police friend and/or legally represented by a relevant lawyer of his/her choice. Except in a case where the officer concerned has a right to be legally represented and chooses to be so represented, s/he may only be represented in the formal proceedings by a police friend.

Misconduct Hearings in Public

Subject to exclusions that the person chairing or conducting the proceedings may impose under regulations 31 and 32, a misconduct hearing will be held in public.

Procedure at Misconduct Proceedings

The person conducting or chairing the misconduct proceedings will determine the procedure, in line with the requirements of the regulations. They will not proceed unless the officer concerned has been notified of his/her rights to legal or other representation. Regulation 33 sets out the role that the representative of the officer concerned may undertake in the proceedings.

Outcome of Misconduct Proceedings

Regulation 35 sets out the possible outcomes of misconduct proceedings. These are:

- A finding of misconduct recorded but no further action taken
- Imposition of disciplinary action in the form of management advice, a written warning or final written warning
- In the case of a misconduct hearing the outcome may also be dismissal with or without notice.

The person considering disciplinary action must give the officer concerned, his/her police friend or relevant lawyer, the opportunity to make written or oral representations before a determination is made.

Within 5 working days of the conclusion of the proceedings the officer concerned should be informed in writing of the outcome of those proceedings. At that time he/she should also be informed of their right to appeal.

Appeal Following Misconduct Meetings

The regulations set out the right of appeal following a misconduct meeting. They state the only grounds for an appeal and the timescale within which the appeal may be made. They also outline the procedure for any appeal meeting that may take place and the possible outcomes of an appeal.

FastTrack Procedure for Special Case Hearings

Special case hearings take place when an investigation of an allegation identifies that special conditions are satisfied.

Special conditions are defined in Annex A of the Home Office Guidance on Police Office Misconduct, Unsatisfactory Performance and Attendance Management Procedures as, *'that there is sufficient evidence, in the form of written statements or other documents, without the need for further evidence, whether written or oral, to establish on the balance of probabilities, that the conduct of the police officer concerned constitutes gross misconduct; and it is in the public interest for the police officer concerned to cease to be a police officer, without delay.'* Part 5 of the Police (Conduct) Regulations 2012 sets out the procedure that will be followed when conducting these cases.

The regulations also set out how cases should be dealt with when the IPPC is managing or supervising the misconduct proceedings, and where there are special requirements that are subject to schedule 3 of the Police Reform Act 2002.

For further information on the services of a “police friend” and the right to legal representation, contact your JBB. It is important for a member who is the subject of an allegation of misconduct or gross misconduct to seek advice at the earliest possible stage, and certainly prior to making a formal statement at any stage in the proceedings.

3.3 STANDARDS OF PROFESSIONAL BEHAVIOUR AND THE CODE OF ETHICS

The Standards of Professional Behaviour are found in Schedule 2 of the Police (Conduct) Regulations 2012 and are also listed below. A more detailed explanation of the Standards is contained within the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures (Home Office Circular 21/2015 refers).

Honesty and Integrity

Police officers are honest, act with integrity and do not compromise or abuse their position.

Authority, Respect and Courtesy

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Police officers do not abuse their powers or authority and respect the rights of all individuals.

Equality and Diversity

Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Use of Force

Police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.

Orders and Instructions

Police officers only give and carry out lawful orders and instructions.

Police officers abide by police regulations, force policies and lawful orders.

Duties and Responsibilities

Police officers are diligent in the exercise of their duties and responsibilities.

Confidentiality

Police officers treat information with respect and access or disclose it only in the proper course of police duties.

Fitness for Duty

Police officers when on duty or presenting themselves for duty are fit to carry out their responsibilities.

Discreditable Conduct

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

Challenging and Reporting Improper Conduct

Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.

In addition to the Standards of Professional Behaviour is the College of Policing's Code of Ethics. This document sets out in detail the principles and expected behaviours that underpin the Standards of Professional Behaviour. The document is a Code of Practice meaning that chief officers must have due regard to it. As such, the Code may inform decisions on whether formal action will be taken under the Police Conduct Regulations 2012.

3.4 UNSATISFACTORY PERFORMANCE AND ATTENDANCE PROCEDURES (UPPs)

The information in this section is based on the Police (Performance) Regulations 2012 and Section 3 of the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures (see Home Office Circular 21/2015).

Concerns about performance and attendance in the police service should generally be dealt with informally by early intervention and management action. The formal Unsatisfactory Performance Procedure (UPP) should only be used if management action has failed or is considered inappropriate.

Unsatisfactory Performance or Attendance is defined in Regulation 4(2)(a) of the Police (Performance) Regulations 2012 as “an inability or failure of a police officer to perform the duties of the role or rank he is currently undertaking to a satisfactory standard or level.”

Gross Incompetence is defined in Regulation 4(1) of the Police (Performance) Regulations 2012 as “a serious inability or serious failure of a police officer to perform the duties of his rank or the role he is currently undertaking to a satisfactory standard or level, to the extent that dismissal would be justified, except that no account shall be taken of attendance of a police officer when considering whether he has been grossly incompetent.”

Management Action

It is the responsibility of an officer’s line manager to raise any shortcomings or concerns with the individual at the earliest opportunity. Management action procedures are not covered by the Police (Performance) Regulations 2012. There is, however, detailed information in the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures.

Where there is no sustained improvement following management action it may be appropriate to use the formal Unsatisfactory Performance Procedure (UPP) and the procedures set out in the Police (Performance) Regulations 2012.

Unsatisfactory Performance Procedure

The Unsatisfactory Performance Procedure (UPP) applies to police officers up to and including the rank of chief superintendent. It does not apply to student officers who are governed by locally determined procedures underpinned by Regulation 13, Police Regulations 2003.

There are potentially three stages to the UPP. A meeting is held at each stage. Progress will be made to the next stage in the event that performance issues are not resolved by the previous stage.

At each stage the meeting must consider unsatisfactory performance or attendance which is similar to or connected with the unsatisfactory performance or attendance referred to in any written improvement notice. Where failings relate to a different form of unsatisfactory performance or attendance it will be necessary to commence the UPPs at the first stage.

At each stage the relevant manager must notify the officer in writing that he or she is required to attend a meeting. At the time of notification the manager must provide the officer with details of the procedure, an explanation of the reason for the meeting and details of who will be in attendance. The officer must also be informed of the right to seek advice from a Police Federation representative and of the right to be accompanied by a “police friend”. Regulation 5 of the Police (Performance) Regulations 2012 sets out the role that the police friend may undertake in the proceedings. (For further information on the services of a police friend, contact your JBB).

A notification of a meeting must be accompanied by any papers supporting the view that the officer's performance or attendance is unsatisfactory. Any papers to be relied on by the officer at the meeting must be submitted to the relevant manager before the meeting.

At any stage, if the officer or his/her police friend is unavailable on the meeting date proposed by the relevant manager, the officer may propose an alternative date and time. This must be accepted provided it is reasonable and within five working days of the original date.

First Stage Meeting

This meeting will be conducted by the officer's line manager. At the meeting the officer concerned has the right to make representations in response to the line manager's assessment of his/her performance. The officer's police friend will also have the opportunity to address the meeting, as set out in regulation 8(3a). If the finding of the line manager is that the police officer's performance has been unsatisfactory, an improvement notice will be issued. The improvement notice will set out how the officer is required to improve on his/her performance and the period within which the improvement is required to be made.

Second Stage Meeting

Where at the end of the time scale specified at the first stage meeting, the police officer's performance is found not to have improved to an acceptable standard, the officer will be required to attend a second stage meeting. The meeting will be conducted by the second line manager. As in the first stage meeting, the officer concerned has the right to make representations in response to the assessment of his/her performance and the police friend will also have the opportunity to address the meeting. Where the second line manager finds that the officer's performance or attendance has not been satisfactory, a final written improvement notice will be issued.

In the case of an improvement notice and a final improvement notice, the period allowed for improvement will normally be three months and should not exceed twelve months. Satisfactory performance must be maintained for a twelve month period to

avoid the next stage of the process. These periods may be extended if the appropriate authority deems it appropriate to do so.

In any case in which an improvement notice is given, there should be an action plan which should help the member achieve and maintain the required improvement. This should be agreed by the member and line manager. It should identify the relevant weaknesses, describe the steps the member must take and specify a follow up date and a staged review date or dates.

Third Stage Meeting

Where at the end of the period specified in the final written improvement notice, an assessment is made that the police officer's performance has not improved to an acceptable level, the officer will be required to attend a third stage meeting, conducted by a three-person panel. The Chair of the meeting will either be a senior officer or senior HR professional. At least one panel member must be a police officer and one must be an HR professional. None of the panel members should be junior in rank to the police officer concerned. Under regulation 33 the officer concerned has two opportunities to object to the appointment of a panel member. If an objection is upheld the panel member will be replaced.

Where the panel conducting the stage three meeting deems that the officer's performance or attendance has continued to be unsatisfactory the possible outcomes are:

- Redeployment
- Reduction in rank (performance only)
- Dismissal with a minimum of 28 days' notice
- Extension of a final improvement notice (this will occur only in exceptional circumstances and the period cannot be extended more than once)

Gross Incompetence

When the appropriate *Unsatisfactory performance and attendance procedures Updated Aug 2016*

- considers that the performance of the police officer constitutes gross incompetence,

- accepts a recommendation under the Police Reform Act 2002 relating to the outcome of an investigation of a complaint, or
- has a duty under the 2002 Act to comply with a direction to that effect,

meetings at stage one and two will be omitted and the officer will be required to go straight to a third stage meeting

This stage will still be referred to as stage three. This is only for instances relating to performance matters and is not applicable for attendance issues, which must follow the full three stage process.

An appropriate authority's consideration of performance as gross incompetence is envisaged to be initiated by a single act. It is not envisaged that it would be in response to a series of acts over a period of time.

Where an officer is required to proceed straight to a stage three meeting, without the inclusion of stage one or two in the procedure, s/he has the right to legal representation. Whilst the officer has the right to seek legal advice at any time in the UPP, this is the only time that the Police (Performance) Regulations 2012 convey the right to legal representation. In all other circumstances under the regulations s/he may only be represented by a police friend.

Where the panel finds that the performance of the officer constitutes gross incompetence the possible outcomes are:

- Redeployment
- Reduction in rank with immediate effect
- Dismissal without notice
- Issue of a final improvement notice

Appeals

The officer concerned may appeal against the outcome of the first and second stage meetings. Regulations 18 and 25 set out the details of how this appeal should be made. An appeal from a first stage meeting will be considered by the second line manager. An appeal from a second stage meeting will be heard by a senior manager.

At stage 2, there is a further ground for appeal in addition to those available of appeal under stage 1. The officer may appeal on the grounds that he or she should not have been required to attend the second stage meeting as it did not concern the unsatisfactory performance referred to in the written improvement notice.

Following a third stage meeting, where this stage had been preceded by stage one and two, an officer has a right to appeal to a Police Appeals Tribunal against the findings and/or the following imposed outcomes:

- Dismissal
- Reduction in rank

Where the case has been dealt with at stage three without having progressed through stage one and two, an officer has a right to appeal to a Police Appeals Tribunal against the findings and / or the following imposed outcomes:

- Dismissal
- Reduction in rank
- Redeployment
- The issue of a written improvement notice or final written improvement notice

Finding of Satisfactory Performance or Improvement in Performance

With the exception of cases that are dealt with only at stage three, the purpose of each stage is to determine whether the officer's performance is satisfactory or not. Where the performance is deemed to be satisfactory, the regulations set out at each stage the notification that the officer should receive following the meeting.

3.5 RESTRICTIONS ON THE PRIVATE LIFE OF A POLICE OFFICER

General

Members must abstain from any activity which is likely to interfere with the impartial discharge of duty or is likely to give rise to the impression that the activity may do so. Police officers are also required not to take any active part in politics.

Membership of Certain Organisations

While the constraint on political activity does not prevent officers from being members of political parties in general, officers are banned from membership of the British National Party, Combat 18, and the National Front.

Other Restrictions

Members must not reside at premises which are not approved by the chief officer. If a member is in provided accommodation, the chief officer's permission is required to have a lodger or to sub-let. If a member is in receipt of a rent or housing allowance, the chief officer must be given notice before the member has a lodger or sub-lets.

Members must not wilfully refuse or neglect to discharge any lawful debt.

Business Interests Incompatible with Membership of a Police Force

If a member has, or proposes to have, a business interest, s/he must give written notice to the chief officer who will determine whether or not the interest is compatible with the member concerned remaining a member of the force. The same applies if a relative included in the member's family has, or proposes to have, a business interest if the member believes it could be seen as interfering with the impartial discharge of his/her duties (Regulations 7, 8 and 9 of Police Regulations 2003 apply).

SECTION 4: LIMITED DUTIES

The limited duties scheme is provided for by Regulation 22 and 28A and the determination at Annex EE of Police Regulations 2003. The scheme came into effect on 1 April 2015.

Home Office circular 010/2015, which published Annex EE, also published supporting guidance to forces as well as the Home Office Equality Impact Assessment.

'Limited duties' is the term used to describe some circumstances in which officers may be unable to undertake the full range of police duties. There are three categories of limited duties:

- Recuperative duties
- Adjusted duties
- Management restricted duties

CATEGORIES

- **Recuperative Duties** is defined as duties falling short of full deployment, undertaken by a police officer following an injury, accident, illness or medical incident, during which the officer adapts to and prepares for a return to full duties and the full hours for which they are paid, and is assessed to determine whether he or she is capable of making such a return.
- **Adjusted Duties** is defined as duties falling short of full deployment, in respect of which workplace adjustments (including reasonable adjustments under the Equality Act 2010) have been made to overcome barriers to working. For an officer to be placed on adjusted duties, s/he must:
 - a) be attending work on a regular basis;

- b) be working the full number of hours for which he/she is paid (in either a full time or part time role).
- Management Restricted Duties is defined as duties to which an officer is allocated in circumstances in which:
 - a) verifiable confidential or source sensitive information or intelligence has come to the notice of the force that questions the suitability of an officer to continue in his or her current post; and/or
 - b) serious concerns are raised which require management actions, both for the protection of individuals and the organisation;

In either case also that:
 - c) criminal or misconduct proceedings are not warranted; and
 - d) the Chief Constable has lost confidence in the officer continuing in their current role.

ADJUSTED DUTIES: FORCE-WIDE ASSESSMENT

Before allocating an officer to the adjusted duties category, the guidance sets out that all forces must undertake a force-wide assessment. They should ensure they have a clear understanding of:

- The level of demand/operational requirement including contingency for periods of exceptional demand and to meet statutory requirements under the Strategic Policing Requirement;
- The resources needed to meet that demand including the number of fully deployable officers; and
- Which officers are deployable, for what range of duties, at what times.

Forces must develop this understanding before they can begin to implement these provisions. Forces must regularly review their workforces against the operational requirements and changing local and national priorities.

12 MONTH REVIEW

Officers will be assessed one year after being placed on adjusted duties. If it is concluded that an officer should remain on adjusted duties the person(s) who conducted the review should make a recommendation to the delegated authority nominated by the chief officer as to whether the officer:

- Remains on adjusted duties; and
- Sustains a deduction in pay (by the removal of the deployment component of the police officer x-factor).

Annex EE states that the delegated authority is defined as a person holding the rank of Assistant Chief Constable or equivalent or above.

On receipt of an individual recommendation, the delegated authority will use his/her discretion to decide on a case-by-case basis, whether or not an officer should sustain such a reduction in pay. Any decision must take account of the Equality Act 2010 as well as the operational requirements of the force at that time (i.e. whether or not the range of roles that can be undertaken by the force is significantly reduced).

The guidance issued to forces states that the application of chief officer discretion in relation to pay adjustment decisions is in no way intended as a substitute for consideration of whether a disabled officer would suffer a substantial disadvantage in comparison to a non-disabled officer as a result of a provision, criteria or practice put in place by the force.

A chief officer may decide that the deployment component of the x-factor should be retained in the following circumstances:

- a. The range of roles to which the force is able to deploy the officer is not significantly reduced.

- b. The avoidance of manifest unfairness e.g. where fully fit officers are performing the same range of duties within a role as an officer on adjusted duties.
- c. An officer is on adjusted duties solely as the result of an injury sustained or contracted in the course of having put himself or herself in harm's way in the execution of his/her duties (see Annex A of the guidance for examples).
- d. Some other exceptional reason. (Some examples of what would not generally be considered exceptional are provided in Annex A of the guidance but the decision about what is classed as an exceptional reason should be made locally. NB. The Federation has asked for Annex A to be reviewed as some of the examples given have caused confusion).

An officer has the right to appeal the decision to reduce his/her pay, to the chief officer of police. The appeal should be heard by a different person from the person who made the decision that a pay deduction was appropriate. Forces should have developed their own policy on how this will work.

Grounds for appeal are:

- Abuse of process
- Perverse decision

For more information on limited duties see the Hub for the following documents:

- Limited duties national guidance, published under HOC 010/2015
- JBB Circular 16/2015
- PFEW FAQs

CAPABILITY DISMISSAL

At the time of writing, the NPCC are working on proposals for a new method to remove officers who cannot, with adjustments, be accommodated in force, as it would impact on the overall resilience of the force. It is anticipated that this would be a measure of last resort. The matter is currently under discussion at the Police Advisory Board (PAB), and when more is known this will be published in a Circular. It is advisable to check the Research

and Policy Support pages of the Hub for updates, as minutes from PAB meetings are published there.

SECTION 5: PENSIONS

There are three police pension schemes:

Police Pension Scheme (PPS) 1987

This scheme is governed by the Police Pensions Regulations 1987. It is a final salary scheme where the pension is based on a member's length of service and the highest salary in the last three years of service.

The scheme was closed to new members on 6 April 2006.

More information about the scheme can be found in the Members' Guide to the Police Pension Scheme 1987:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117693/pps-members-guide-oct-06.pdf

New Police Pension Scheme (NPPS) 2006

This scheme is governed by the Police Pensions Regulations 2006. It is a final salary scheme, where the pension is based on a member's length of service and the highest salary in the last 10 years of service.

The scheme was open to new members from 6 April 2006 to 31 March 2015.

More information about the scheme can be found in the Members' Guide to the New Police Pension Scheme 2006:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/52801/npps-members-guide-mar-09.pdf

Police Pension Scheme (PPS) 2015

This scheme is governed by the Police Pensions Regulations 2015. It is a Career Average Revalued-Earnings (CARE) scheme, meaning that the pension is based on a fraction of a member's salary (1/55.3) for each year and the amount accrued in a year will be revalued each subsequent year until retirement.

All new entrants to the service from 1 April 2015 join this pension scheme. In addition, some PPS 1987 and NPPS 2006 scheme members were required to move across to the PPS 2015 on 1 April 2015 or at a later date (depending on their age and/or length of service).

More information about the scheme can be found in the Members' Guide to the Police Pension Scheme 2015:

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/52801/2016_06_07 - Members Guide - Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/52801/2016_06_07_-_Members_Guide_-_Final.pdf)

Transitional Arrangements and the PPS 2015

Some PPS 1987 and NPPS 2006 members were required to transfer to the PPS 2015 when it came into effect on 1 April 2015. However, those closest to retirement received "full protection" and were able to remain in those schemes until the end of their service. Those within four years of full protection received "tapered protection" and were required to move to the PPS 2015 at a date later than 1 April 2015.

These transitional arrangements are quite complex. However, PFEW has produced an FAQ document which explains the transitional arrangements, the situation (including protections) for members with service in two pension schemes and the provisions of the PPS 2015. The document can be found at:

[http://www.polfed.org/documents/Police Pension Scheme 2015 - FAQs V.2 -
_27 March 2015 FINAL.pdf](http://www.polfed.org/documents/Police_Pension_Scheme_2015_-_FAQs_V.2_-_27_March_2015_FINAL.pdf)

SECTION 6: EMPLOYMENT LAW

6.1 HEALTH AND SAFETY

The Health and Safety at Work etc. Act 1974 applies to police officers.

If a member has a concern about a health and safety matter (regarding the working environment or any operational matter), s/he should raise it with his/her Police Federation Safety Representative.

For further information and contact details refer to your JBB.

6.2 EQUALITY AND DIVERSITY

Police officers are protected under the provisions of the Equality Act 2010 in respect of unlawful discrimination at work because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

It is beyond the scope of this booklet to outline the implications of this legislation. Various leaflets published by the Police Federation are available from your JBB office or online in the Member's Area of the website:

<https://www.polfed.org/login.aspx?ReturnUrl=/members/283.aspx>

A member who considers that s/he may have been discriminated against on any of these grounds should contact their JBB office as a matter of urgency. Your Equality Liaison Officer (ELO) will also be able to support and advise you.

Discrimination claims to an Employment Tribunal (ET) must be made on Form ET1, which can be completed online at:

<https://www.gov.uk/government/publications/employment-tribunal-claim-form>

The normal time limit for commencing action is three months less one day from the date of the last act or omission to act on which the claim is based.

ACAS Early Conciliation

Before the majority of proceedings can be commenced, it is necessary for an application to contact ACAS and complete the early conciliation (EC) procedure. This procedure is free. The EC form can be completed online at <https://ec.acas.org.uk> and must be done at any time within the normal time limit.

Once the form has been sent, time will stop running to enable ACAS to contact the parties and attempt settlement. Up to one month will be available (with an additional 2 weeks at the discretion of ACAS where settlement appears likely).

Where settlement is not achieved, ACAS will then send an EC certificate to the applicant which includes a reference number. The applicant should include this number on the ET1. Time will start running again from the point the EC Certificate is deemed received by the applicant and s/he will have at least one month from that date in which to lodge their ET1.

Tribunal Fees

Applicants are required to pay a fee to issue their claim and a separate fee for the final hearing. More information on ET fees can be found in JBB Circular 16/2013.

Contact your JBB Office for guidance and advice.

USEFUL WEBSITE ADDRESSES

Websites Updated Aug 2016

<http://thehub/departments/research/SitePages/PoliceRegs.aspx>

The PFEW Hub, Research and Policy Support pages, Regulations information

www.polfed.org

Website of the Police Federation of England and Wales (PFEW)

www.polfed.org/login.aspx?ReturnUrl=/members/283.aspx

Members' area of the PFEW website

<https://www.gov.uk/government/organisations/home-office>

Website of the Home Office

<http://webarchive.nationalarchives.gov.uk/20130315044536/http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/>

Home Office Circulars issued up until HOC 5/2013 can be found here.
Determinations made under Police Regulations 2003 issued under Home Office Circulars can also be found here

<https://www.gov.uk/government/collections/home-office-circulars-2013>

Home Office Circulars issued in 2013 can be found here. Determinations made under Police Regulations 2003 issued under Home Office Circulars can also be found here

<https://www.gov.uk/government/collections/home-office-circulars-2014>

Home Office Circulars issued in 2014 can be found here. Determinations made under Police Regulations 2003 issued under Home Office Circulars can also be found here

<https://www.gov.uk/government/collections/home-office-circulars-2015>

Home Office Circulars issued in 2015 can be found here. Determinations made under Police Regulations 2003 issued under Home Office Circulars can also be found here

<https://www.gov.uk/government/collections/home-office-circulars-2016>

Home Office Circulars issued in 2016 can be found here. Determinations made under Police Regulations 2003 issued under Home Office Circulars can also be found here

www.gov.uk/government/organisations/office-of-manpower-economics

Website of the Office of Manpower Economics (OME). Contains information relating to the Police Negotiating Board and Police Advisory Board, such as PNB Circulars, pay agreements etc.

www.legislation.gov.uk

This contains primary legislation and statutory instruments, e.g. Police Act 1996 and Police Regulations 2003

<http://www.justice.gov.uk/tribunals/employment>

Website of the Employment Tribunals

www.equalityhumanrights.com

Website of the Equality and Human Rights Commission

www.hse.gov.uk

Website of the Health and Safety Executive

Police Federation of England and Wales

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