



Regulations & Determinations Guide for
Duties performed & Changes made to duties

October 2018

Introduction

The following information will assist when establishing overtime/compensation/time-off provisions that Police Officers (federated ranks) are entitled to in a number of situations as it is described in Police Regulations 2003, European Working Time Directive (EWTD) and Working Time Regulations 1998 (WTR) and in other regulations and guidance. To ensure you refer to the correct advice you must check how the advisory charts correlate in terms of;

- what the day before the overtime worked was,
- the day the officer actually worked and
- the day after was,

(i.e. was the day in question a working day, Annual Leave (A/L), Time off In Lieu (TOIL), Rest Day (RD), Public Holiday (PH), Rest Day In Lieu (RDIL) or a Free Day, as different classed days provide for different rights).

This guide is effective October 2018 and relates to Constable and Sergeant rank officers unless otherwise stated.

Full Time and Part-time Federated Rank Officers

Full-time (F/T) officers are required to work 2080 hours in a 12 month period (52 weeks x 40 hours = 2080) this is then reduced by taking away the Public Holidays 8 x 8 = 64 hours. Officers also take away their annual leave quota dependant on service, which leaves them with the amount of hours they have to work in any given year. *As per Regulation 30, Determinations Annex M.*

Part-time (P/T) and job-share officers as a rule, have the same obligations and benefits within regulations in the same way as they do to full-time officers. Pay, allowances and pensions provisions *in most cases* apply on a pro-rata basis for part-time officers, although qualifying periods of a minimum number of hours exist for certain conditions (e.g. entitlements to refreshment breaks and enhanced payments for working overtime).

Published duties

Publishing a 3-month period of duties with 1 months' notice of those duties is in accordance to Police Regulations. Anything published beyond 3 months is guidance only and subject to changes. An officer may be able to see their duties on DMS beyond 3 months to enable planning of Duty Management and Annual Leave planning for the officer.

Place of duty

Police Regulations are very clear that police officers must have a specific usual or normal place of duty, and the details of this are found in:

- Regulation 22 (Duty) Annex E Para 9 (b)
- Regulation 35 (Removal Expenses) Annex V Para 2 (iii)(a)(2)
- Regulation 35 (Food & Accommodation) Annex V Para 3 (c)(d)(e)

Working outside of Regulations

The Police Federation advice to individual officers who decide to work outside of police regulations is do not do it and if you are a member of the Federation speak with us first. This document deals with matters that are governed by Police Regulations 2003, European Working Time Directive (EWTD), Working Time Regulations 1998 (WTR), Police Negotiating Board (PNB), Police Consultative Forum (PCF) and the Home Office (HO). When officers work outside of regulations, they leave themselves vulnerable to the protections provided by such legislation.

KEY

DAY	
LATE	
NIGHT	
Rest Day	

Standard Pattern

REST DAY	REST DAY	07:00 17:00	07:00 17:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 07:00	REST DAY	REST DAY

Reference Point – No compensation or overtime

OVERTIME (Regulation 25 Annex H of the Determinations - Police Regulations 2003)

REST DAY	REST DAY	07:00 17:00	07:00 17:00	15:00 03:00	15:00 23:00	23:00 07:00	23:00 07:00	PUBLIC HOLIDAY	REST DAY

Officer is required to continue duty, either spontaneous or pre-planned.

- **Pre-Planned** overtime (told at the start or prior to tour) – Payment at time and a third.
- **Casual** overtime – time worked, less 30 minutes, at time and a third. **UNLESS** the overtime worked, is on the fifth occasion (in one week) in which case **no removal of the 30 minutes**.

The first half hour of casual overtime, is it worked free?

You do not work it free, in 1994 the first 30 minutes of casual overtime worked on the first four occasions in any one week (defined as Monday to Sunday) was 'bought out'. Because of the 'buy-out', police officers basic and pensionable pay increased by £270. With pay rises over the years that figure has also risen and currently worth £445. So it is not worked for "free" ...

P/T worker (32 hours) OVERTIME (Regulation 25 Annex H of the Determinations - Police Regulations 2003)

REST DAY	REST DAY	07:00 15:00	07:00 19:00	15:00 23:00	12:00 23:00	FREE DAY	FREE DAY	PUBLIC HOLIDAY	REST DAY

Officer is required to complete **seven** additional hours duty, either spontaneous or pre-planned.

- Working additional hours but **under** 40 hours total, **Pre-Planned** overtime (told at the start or prior to tour) – Payment at plain time.
- Working additional hours but **under** 40 hours total, **Casual** overtime – no removal of the 30 minutes, Payment at plain time.
- Working additional hours **above** 40 hours total, **Pre-Planned** overtime (told at the start or prior to tour) – Payment at time and a third.
- Working additional hours **above** 40 hours total, **Casual** overtime – time worked, less 30 minutes, Payment at time and a third. **UNLESS** the overtime worked, is on the fifth occasion (in one week) in which case **no removal of the 30 minutes**.

EXAMPLE: If the 32 hours per week officer worked an extra 7 hours per week, the compensation for those 7 hours is paid or taken as time at the flat rate of plain time and not the enhanced rate. There is no loss of 30 minutes at this point. If the officer were to work above 40 hours in that week then the enhanced time and a third rate would kick in after 40 hours, and the officer would be liable for the unplanned 30-minute penalty after 40 hours if the overtime from that point had been uninformed at the start of the tour of duty.

ADVANCEMENT OF SHIFT (Regulation 25 Appendix G of the Determinations – Police Regulations 2003)

REST DAY	REST DAY	07:00 17:00	05:00 15:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 07:00	REST DAY	REST DAY

Officer is required to commence duty prior to the published start time of 07.00hrs when a tour of duty is already completed. Time between new and original start time is (a) reckonable as O/T, (b) reckonable towards the tour of duty.

- **Less than 8 hours' notice** – Overtime at time and a third (for hours worked 05:00 to 07:00 only), i.e. working your paid hours and provided compensation during those paid hours.
- **More than 8 hours' notice** – Working day merely starts and ends at the new time (AND overtime *if applicable* if working more hours than original duty scheduled).

ADVANCEMENT OF SHIFT (Regulation 25 Appendix G of the Determinations – Police Regulations 2003) and **OVERTIME** (Regulation 25 Annex H of the Determinations - Police Regulations 2003)

REST DAY	REST DAY	07:00 17:00	05:00 17:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 07:00	REST DAY	REST DAY

- **Less than 8 hours' notice** – Overtime at time and a third for hours worked between 05:00 to 07:00 (Reg 25 Annex G) also overtime at time and a third for hours worked between 15:00 to 17:00 (Reg 25 Annex H) also known as "*double accounting*"

ADVANCEMENT OF SHIFT (Regulation 25 Appendix G of the Determinations – Police Regulations 2003)

REST DAY	REST DAY	05:00 17:00	07:00 17:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 07:00	REST DAY	REST DAY

Officer is required to commence duty prior to publish start time and the new start time falls on a rest day.

- **Early start from Rest Day** (starting before 07.00hrs) – Overtime at time and a half *for minimum of 4 hours*

RECALL TO DUTY (*island tour*) (Regulation 25 Annex G of the Determinations - Police Regulations 2003)

			RECALLED							
REST DAY	REST DAY	07:00 17:00	19:00 21:00	07:00 17:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 07:00	PUBLIC HOLIDAY	REST DAY

Officer is required to report for duty on the same working day they have completed a shift, they work 2 hours in this example (it must be a minimum of 15 minutes and then in increments of 15 minutes thereafter), the officer then goes home before reporting for a rostered shift the following day. No requirement to ignore the first 30 minutes.

- Payment or TOIL at time and a third **PLUS** travel time. Unlike Rest days and Public Holidays, there is no maximum time worked on a rostered day that causes the travelling time to be disregarded. Officers can claim a maximum of 1 hour travelling each way. Officers living outside the county can only claim travelling time once within the county.
- **Mileage Claims** – when required to complete a normal daily period of duty in more than one tour/recalled between two tours of duty. Officers can claim mileage, as this is an additional journey.
- When there is a recall to duty then the actual hours worked is claimed, plus travelling.
- If not an *island tour* refer to **ADVANCEMENT OF SHIFT**

A REST DAY is a period of 24 hours when an officer is unpaid whilst off duty. Police Regulations 2003, Annex H 3) e) state in this paragraph, that a "day" in relation to members of a police force, means a period of 24 hours commencing at such time or times as the chief officer shall fix. The chief officer may fix different times in relation to different groups of members. Norfolk Chief Constable has fixed the day as a period from 07.00hrs to 07.00hrs.

REQUIRED TO WORK REST DAY (Regulation 22, 24 and 26 Annex H of the Determinations – Police Regulations 2003)

REST DAY	REST DAY	07:00 17:00	07:00 17:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 07:00	REST DAY	REST DAY

Officer (P/T and F/T) is required to work on their published Rest Day **or** begin their shift earlier than the rostered time on a day which was a rest day (15 clear days = 17 days inclusive)

- **More than 15 clear days’ notice** – No compensation, RD is re-rostered on a like for like basis i.e. Saturday for a Saturday, another rest day should be notified to you within four days of notification of the requirement to work.
- **Less than 15 clear days’ notice** – Compensation, payment or TOIL @ 1.5, minimum of 4 hours (plus travelling time allowed if the officer works under 6 hours)

Mileage Claims –working on a **RD** without a day in lieu. Mileage can be claimed as this is an additional journey

Travel Time – Regulation 22 Annex E (5), Regulation 26 Annex H (3) (i) and Force Policy.

PUBLIC HOLIDAY WORKING (Regulations 22, 24 and 26 Annex H of the Determinations - Police Regulations 2003)

REST DAY	REST DAY	07:00 17:00	07:00 17:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 07:00	PUBLIC HOLIDAY	REST DAY

- Officer is **rostered as off** duty but then required to work, or
- Rostered to work** on a Public Holiday,
 - With **More than 8** clear days’ notice – minimum 4 hours payment or TOIL at double time, **AND** travel time is available if less than 6 hours worked, travel time equated up to the 6 hours total.
 - With **Less than 8** clear days’ notice – minimum 4 hours payment or TOIL at double time **AND** travel time is available if less than 6 hours are worked, travel time equated up to the 6 hours total, **PLUS** a day off in lieu which shall be treated as public holiday and allocated within 4 days of being informed of the change.
- or **Begin their shift earlier** than the rostered time on a day which was a public holiday
 - With **More than 8** clear days’ notice – minimum 4 hours payment or TOIL at double time.
 - With **Less than 8** clear days’ notice – minimum 4 hours payment or TOIL at double time, **PLUS** a day off in lieu which shall be treated as public holiday and allocated within 4 days of being informed of the change.

Mileage Claims – working on a **PH** without a day in lieu. Mileage can be claimed as this is an additional journey

Travel Time – Regulation 22 Annex E (5), Regulation 26 Annex H (3) (i) and Force Policy.

NB. When a **public holiday falls on a rest day or free day**, the public holiday always take precedence, the rest day **MUST** be re-rostered to another day (after consultation with the officer). The publishing of the re-rostered R/D or F/D on DMS occurs when the public holiday has past.

WORK INTO PUBLIC HOLIDAY (Regulations 24 and 26 Annex H of the Determinations - Police Regulations 2003)

REST DAY	REST DAY	07:00 17:00	07:00 17:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 07:01	PUBLIC HOLIDAY	REST DAY

Officer is required to work into a public holiday

- Minimum of 4 hours payment or TOIL at double time, **AND** a day off in lieu to be notified within 4 days and to be treated as public holiday.

REST DAY/PUBLIC HOLIDAY RE-INSTATED (PNB Circulars 86/2 and 85/9)

REST DAY	REST DAY	07:00 17:00	07:00 17:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 07:00	REST DAY	REST DAY

Officer is no longer required to work on their published RD or PH (7 clear days = 9 days inclusive)

- **More than 7** clear days' (and less than 15 clear days) notice – No compensation, take the RD/PH.
- **Less than 7** clear days' – Payment or TOIL at the relevant rate (RD = time and a half / PH = double time), **OR** take the RD/PH with no compensation.

WORK INTO REST DAY up to 1 hour (Regulation 26 Annex H of the Determinations - Police Regulations 2003)

REST DAY	REST DAY	07:00 17:00	07:00 17:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 08:00	REST DAY	REST DAY

Officer is required to work on into their rest day **up to** 1 hour.

- Payment or TOIL at time and half **for each completed period of 15 minutes** worked up to the end of the first hour of the rest day, which immediately follows a normal tour of duty. No deduction of the first 30 minutes

WORK INTO REST DAY over 1 hour (Reg. 26 Annex H – Police Regulations, HO Circular 40/1994 and PNB 94/1)

REST DAY	REST DAY	07:00 17:00	07:00 17:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 08:01	REST DAY	REST DAY

Officer is required to work into their rest day **over** the first hour **however long that is**.

- Minimum of 4 hours payment or TOIL at time and half, but no entitlement to travel time, as an additional journey is not been made.
- If retained **beyond** the four hours, you book what you worked in whole periods of fifteen minutes.

REQUIRED TO WORK 1st REST DAY and then required to **WORK INTO 2nd REST DAY** (Regulation 22, 24 and 26 Annex H and then Reg. 26 Annex H Chapter 3(H) Police Regulations, PNB 94/1)

REST DAY	REST DAY	07:00 17:00	07:00 17:00	15:00 23:00	15:00 23:00	23:00 07:00	23:00 07:00	23.00 07.01	REST DAY

Officer is required to work on their published Rest Day **or** begin their shift earlier than the rostered time on a day which was a rest day (with less than 15 clear days = 17 days inclusive notice) and subsequently the officer is required to work into their following rest day **however long that is**.

1. Required to work **on** a REST DAY with less than 15 days' notice, then
2. Required to work **into** a REST DAY.
 - **NO** requirement to complete a first hour in 15-minute increments of the subsequent rest day. **The officer is not working from a normal period of duty** (Regulation 25). The officer is working from overtime on a rest day (PNB circular 94/1 - 5.2.3 states: Where an officer works continuously through from a **scheduled duty day into a rest day**, he or she will be paid at the appropriate enhanced rate for up to the first hour of rest day working. **As this is not a scheduled duty day** the first hour period is not applicable).
 - Officer receives a minimum of 4 hours payment or TOIL at time and half (officers choice) from 07.01hrs, but no entitlement to travel time, as an additional journey is not been made.

PART-TIME WORKER REQUIRED WORKING FREE DAY (Regulation 24 and 26 and Annex H of the Determinations – Police Regulations 2003)

REST DAY	REST DAY	07:00 17:00	07:00 17:00	FREE DAY	FREE DAY	15:00 23:00	15:00 23:00	REST DAY	REST DAY

P/T Officer is required to work on their published Free Day for a court appearance **or** begin their shift earlier than the rostered time on a day which was a Free day (15 clear days = 17 days inclusive)

- **More than 15 clear days’ notice** – Free Day is re-rostered on a like for like basis i.e. Saturday for a Saturday, another Free Day should be notified to you within four days of notification of the requirement to work.

IF THE P/T OFFICER IS THE ONLY OFFICER WHO CAN PERFORM THAT DUTY i.e. Court appearance

- **Less than 15 clear days’ notice** – Compensation, plain time payment or TOIL for the hours worked (*plus travelling time allowed if the officer works under 6 hours*)

IF ANY OFFICER COULD PERFORM THAT DUTY **BUT NO OTHER OFFICER IS AVAILABLE REST DAY PROVISIONS APPLY**

- **Less than 15 clear days’ notice** – Compensation, plain time payment or TOIL @ minimum of 4 hours (*plus travelling time allowed if the officer works under 6 hours*)

OVERTIME PROVISIONS APPLY when the additional hours, plus the average weekly hours, exceed 40 hours per week

Mileage Claims – working on a **FD** without a day in lieu. Mileage can be claimed as this is an additional journey

Travel Time – Regulation 22 Annex E (5), Regulation 26 Annex H (3) (i) and Force Policy.

INSPECTING RANK – Home office circular 21/97

Inspecting rank officers, no less than other members of police forces, need to be able to plan for both their work and their personal and family commitments. Consequently, it is important that they should be given, as far as the exigencies of duty permit, reasonable notice of when they will be required to be on duty.

For sound reasons to do with the health and welfare of the officer, the safety of others and effective working, no police officer should be required to work regular excessive hours, and, over a period of time, each officer should be allowed to take their full entitlement to days free from the requirements of duty. This particular consideration in each case of inspectors, chief inspectors and higher ranks, who are not paid overtime.

Changes made in 1994 should have not altered, nor were they intended to alter, the average hours worked each week in posts filled by inspecting rank officers.

Inspecting Rank (1st September 1994 Agreement) Working arrangements

The increase in inspecting ranks pay agreed in 1994 was never meant to compensate inspecting ranks for regularly working long hours.

The maximum hours that can be worked under the European Working Time Regulations (EWTR) is an average of 48 hours a week that is calculated over a rolling 17 weeks. Inspecting ranks are expected to work shorter hours on another day if they work longer hours on the previous day.

The EWTR also requires that the force, along with the individual should keep an accurate log of their working hours.

Inspecting Rank -

No compensation for overtime-worked (Full Time officers only) but plain time for Part time officers up to the equivalent 40 hours working week. No compensation for duty on a rest day or public holiday: However, subject to the exigencies of duty, allowed/granted a day’s leave in lieu to be taken within the following 12 months.

RECALL FROM ANNUAL LEAVE (Regulation 33 – Annex O of the Determinations – Police Regulations 2003)

			WORKED	WORKED		WORKED			WORKED
REST DAY	REST DAY	ANNUAL LEAVE	TOIL	RDIL	15:00 23:00	ANNUAL LEAVE	RDIL	PUBLIC HOLIDAY	REST DAY

Scenario A. Five days annual leave

Scenario B. Four days leave

Scenario A – Five days leave – PNB Circular 2014/8.

Officer is **recalled for 2 days** during the **five days leave**, (it does not matter whether or not those days formed a single period) – *In this case, the officer can take 4 days in lieu OR 2 days and two days at double time. As it is 5 days or more, then ALL THE DAYS are treated as A/L*

Scenario B – Three or more days leave – Regulation 33.

Officer **is recalled for 2 days** during the **four days leave**, (it is only the A/L days or TOIL days that are compensated for a period of three or more days If rest days, rest days in lieu, or public holidays are cancelled in connection with the period of leave of 3 or more days leave under this regulation, then the compensation is as per the rest day or public holiday regulation and not the annual leave regulation.) – in this case, the officer can take an additional 2 days annual leave or, if the officer prefers, 1 days' annual leave and 1 days pay at double time **BUT** the Rest Day worked is not classed as A/L and so is compensated as Rest Day working at time and a half if notified with less than 15 clear days or is a reallocated Rest Day if more than 15 clear days notice is provided.

Regulation 33 applies to a period of absence from duty of three or more days, where at least one of those days is a day of annual leave and the other days, if not annual leave, are rostered rest days, day off in lieu of overtime, public holiday (or day off in lieu) or monthly leave days or any combination of these.

- ✓ **For 1 or 2 days** – Officer receives an additional 2 days' annual leave **OR**, if officer prefers, 1 days' annual leave and 1 day's pay at double time; **in lieu for each such day.**
- ✓ **For 3 or more days** – Officer receives an additional 2 days' annual leave **OR**, if officer prefers, 1 days' annual leave and 1 days' pay at double time; in lieu for the first 2 such days; **AND** 1 ½ days' annual leave or, if you prefer, 1 days' annual leave and ½ days' pay at double time in lieu of each such day thereafter

When you book annual leave on DMS you may be offered to "protect" your Rest Days. The status of rest days are determined in Regulations and **are not altered by them being "protected"**. By "protecting" your RD however indicates that you are **less likely** to be recalled to duty by the Force.

Police Consultative Forum (PCF Circular 01-2018) – Annual Leave Compensation (Annex O, Paragraph 5)

- If leave is taken it should be equivalent to the length of the interrupted day (i.e. if the day was 9 hours, it should be 9 hours); and
- If pay is taken, it should be calculated by reference to the same number of hours (i.e. 9 hours at double-time)

An example, if an officer had been rostered for a 9-hour shift and booked the day off as annual leave, they would be required to book 9 hours of annual leave for the day. If they were subsequently required to work on the day in question (and the day formed part of a period of absence from duty of three or more day's) they would be entitled to compensation of 2 days' annual leave **or 1 day's annual leave plus 1 day's pay at double time**. This equates to 9 hours for each leave day as payment or time off.

If the officer works over the 9-hours, the day is treated as if the day had not been a day of annual leave and overtime being payable in accordance with the provisions of Annex G, as appropriate to the particular circumstances, i.e. notification periods etcetera.

An annual leave day therefore equals with reference to the original duty that has been period taken off as annual leave and in this example, **1 days annual leave equals 9 hours and 1 days' pay equals 9 hours at double time.**

RECALL FROM ANNUAL LEAVE – R/D (Regulation 33 – Annex 0 of the Determinations – Police Regs 2003)

	WORKED						
ANNUAL LEAVE	REST DAY	PUBLIC HOLIDAY	REST DAY	TOIL	15:00 23:00	REST DAY	REST DAY

Scenario C. Five day's annual leave – PNB Circular 2014/8

In this case, the officer has been required to work on a rest day within a period of at least five days off duty and of which at least one of these days is annual leave.

More than 15 clear days' notice

- No compensation for the RD, RD is re-rostered on a like for like basis i.e. Saturday for a Saturday, notification of another rest day within four days of notification of the requirement to work.
- **HOWEVER**, compensation for the annual leave day of an additional 2 days' annual leave **OR**, if officer prefers, 1 days' annual leave and 1 day's pay at double time.

Less than 15 clear days' notice

- Compensation, payment or TOIL @ 1.5, minimum of 4 hours or for the period of duty worked (plus travelling time allowed if the officer works under 6 hours)
- **In addition to the above**, officers receive compensation of an additional 2 days' annual leave **OR**, if officer prefers, 1 days' annual leave and 1 day's pay at double time.

As it is 5 days or more days off duty with at least one annual leave day, treat ALL THE DAYS as A/L and if the original day is then worked, is compensated under its terms and conditions in this case as a rest day worked whilst also being treated as annual leave worked.

RECALL FROM ANNUAL LEAVE – P/H (Regulation 33 – Annex 0 of the Determinations – Police Regs 2003)

		WORKED					
ANNUAL LEAVE	REST DAY	PUBLIC HOLIDAY	REST DAY	TOIL	15:00 23:00	REST DAY	REST DAY

Scenario D. Five day's annual leave – PNB Circular 2014/8

In this case, the officer has been required to work on public holiday within a period of at least five days off duty and of which at least one of these days is annual leave.

With **More than 8** clear days' notice

- **Compensation of** minimum 4 hours payment or TOIL at double time, **AND** travel time is available if less than 6 hours worked, travel time equated up to the 6 hours total.
- **In addition to the above**, as this day was on annual leave, officers receive compensation of an additional 2 days' annual leave **OR**, if officer prefers, 1 days' annual leave and 1 day's pay at double time.

With **Less than 8** clear days' notice –

- **Compensation of** minimum 4 hours payment or TOIL at double time **AND** travel time is available if less than 6 hours are worked, travel time equated up to the 6 hours total, **PLUS** a day off in lieu which shall be treated as public holiday and allocated within 4 days of being informed of the change.
- **In addition to the above**, as this day was on annual leave, officers receive compensation of an additional 2 days' annual leave **OR**, if officer prefers, 1 days' annual leave and 1 day's pay at double time.

As it is 5 days or more days off duty with at least one annual leave day, treat ALL THE DAYS as A/L and if the original day is then worked, is compensated under its terms and conditions in this case as public holiday worked whilst also being treated as annual leave worked.