

Know Your Rights – Special Constables

Framework

1. General terms (appointment, retirement, allowance, sick pay)
 - a. Special Constables Regulations 1965 (as amended 2002, 2012, 2015)
 - b. Home Office Guidance on Special Constable expense and allowance (April 2022)
2. Provision for pensions and injury awards:
 - a. The Special Constables (Pension) Regulations 1973 read with:
 - b. The Special Constables (Injury Benefit) Regulations 1987

Appointment as Special Constable

To be eligible for appointment as a Special Constable, they should be a British citizen or a citizen of another country that is a member of the European Economic Area (EEA). If not a national of an EEA member state, they must have permission to enter or leave to remain in the UK for an indefinite period (Regulation 1).

Fingerprints and samples

The Regulations provide that every Special Constable shall, in accordance with the directions of the chief officer, have their fingerprints taken. The fingerprints shall be kept separately from fingerprints taken in other circumstances and shall be destroyed on leaving the force except where, by reason of a statutory transfer, they become a member of another force, in which case the records and copies should be transferred to the chief officer of the new office (Regulation 1ZA and Regulation 1A).

The Regulations provide that every Special Constable shall, in accordance with the directions of the chief officer, provide a sample. The sample shall be kept separately from samples taken in other circumstances. The samples shall be destroyed before the end of the period of six months from the date on which they were taken. The information derived from the samples shall be destroyed within 12 months of the Special Constable ceasing to be a Special Constable except where, by reason of a statutory transfer, they become a member of another force, in which case the records and copies should be transferred to the chief officer of the new office (Regulation 1B).

Fingerprints and samples are taken in accordance with the Police and Criminal Evidence Act 1984 for elimination purposes only.

Business interest

If a Special Constable has, or proposes to have a business interest, they must give written notice to the chief officer who will determine whether the interest is compatible with the Special Constable concerned remaining a Special Constable.

The same applies if a relative included in the Special Constable's family has, or proposes to have, a business interest and the Special Constable believes it could be seen as interfering with the impartial discharge of their duties (Regulations 1ZC, 1ZD, 1ZE).

Testing for substance misuse

The Regulations allow a chief officer to oblige an officer, who they have reasonable cause to suspect has used a controlled drug, to give a sample of oral fluid or urine to be tested for evidence of controlled drugs in accordance with procedures prescribed by the Secretary of State (Regulation 1C (1)).

The Regulations allow a chief officer to request a Special Constable to give a sample breath to be tested for evidence of alcohol in accordance with procedures determined by the Secretary of State (Regulation 1C(2)).

Retirement

A Special Constable may retire subject to giving a month's written notice of their intention to retire, or shorter notice as may have been accepted by the chief officers (Regulation 3).

The chief officer may require a Special Constable to retire on such date as they may specify:

- On account of age; or
- On the grounds that the Special Constable is too disabled to perform the ordinary duties of a Special Constable and disablement is likely to be permanent, or
- As an alternative to dismissal, where the Special Constable has been remiss or negligent in the discharge of their duty or otherwise unfit for the same.

Pensions, death and injury on duty

Injury on duty awards (lump sum and pension) are payable to Special Constables who are injured (to the extent of permanent disablement) in the execution of their duty. The benefits payable are aligned with the same benefits paid out to regular officers (as per Police Pensions Regulations 1987 and the Police Injury Benefit Regulations 2006), with a couple of notable differences:

- The pensionable pay used in the calculation of injury on duty awards is taken to be that which is payable to a constable in the same force
- The calculation of pensionable service is capped at 10 years, irrespective of how long the Special Constable has actually served.

In the event of the death of a Special Constable, a lump sum and widow's pension are payable on the same terms as if they had been a regular officer and member of the Police Pension Scheme 1987. There are also provisions for dependents and/or children to receive lump sums and pensions, depending on the personal circumstances of the deceased. The calculation of pensionable pay and service is as per the approach taken with injury on duty awards, as noted above.

Expenses and allowance

- a. Subsistence and lodging allowance

Regulation 4(1) of Special Constables Regulations 1965 - Special Constables may be paid out of pocket expenses reasonably incurred in the course of duty or an allowance in lieu of such reimbursement.

Forces may reimburse for actual costs incurred for subsistence and lodgings upon presentation of a receipt.

b. Travel expenses and mileage allowance

A mileage allowance may be paid in circumstances where it would be paid to regular officers where it is either essential or desirable that the Special Constable should at all material times have a motor vehicle at their disposal.

As set out in Paragraph 1 of Annex U to the determinations made under Regulation 34, Police Regulations 2003.

c. Loss of remuneration allowance

Under Regulation 4(2)(a) of the Special Constables Regulations 1965, payment to a Special Constable, who is required for duty during their normal work time, of an allowance equal to their actual loss of earnings on a daily basis from their private employment.

Special Constables would normally only be expected to attend for duty outside their working hours but there may be occasions, such as attendance to give evidence at court, where such attendance is inescapable.

The circumstances in which a Special Constable can be required to attend for duty are to be determined by the chief officer of the force concerned.

d. One-off payment

Under Regulation 4(2)(b) Special Constables may be paid an allowance for such other matters the local policing body may from time to time approve. The amount and condition for such an allowance are for local policing bodies to approve.

A Special Constable shall not be entitled to any remuneration in respect of their services as such (except as provided in the Regulations).

e. Sick pay

Reimbursement of lost remuneration from a Special Constable's private employment in consequence of an injury received or disease contracted in the execution of their duty or while on duty or when travelling to or returning home from duty (Regulation 5).

Sick pay shall be paid as long as the Special Constable continues to lose remuneration in their private employment or for a period of 28 weeks, whichever is less.

There shall be deduction from sick pay an amount equal to the amount of sickness benefit or statutory sick pay the Special Constable is entitled to.

Special Constables' allowance

A local policing body may, following a recommendation of the chief officer of police, undertake to pay a Special Constables' allowance at a rate set by the local policing body to all or any number of Special Constables appointed for their area (Regulation 5A).

Different rate of Special Constables' allowance may be under the Regulations to different Special Constables appointed with a police area.

Other allowances

Boot allowance (withdrawn in Home Office Circular 40/2005):

- Chief officers should provide appropriate footwear directly or Specials may claim a footwear allowance as a valid out of pocket expense, especially if it is a form of reasonable adjustment required by a person protected under the provisions of the Equality Act 2010
- In the latter case, expenditure reasonably incurred by Specials on footwear can be paid at the discretion of the chief officer.

Ethics

Special Constables are required to adhere to the behaviours and practices set out in the policing [Code of Ethics](#).

Conduct

The conduct and performance framework applies as for regular officers. These Regulations apply to a 'police officer' which is defined as 'a member of a police force or Special Constable'¹.

Accordingly, the Independent Office for Police Conduct (IOPC) regime applies to Special Constables (applied to 'Special Constables' under Sections 12 and 29 of the Police Reform Act 2002. Also confirmed (in simple terms) in the Statutory Guidance on the Police Complaints System para 5.4.).

- Discrimination protection under the Equality Act 2010 (s42): all protected characteristics and protection from: direct and indirect discrimination; harassment; victimisation, failure to make reasonable adjustments (disability); and discrimination arising from disability.
- Whistleblower protection under the Employment Rights Act 1996 (s43KA): the right not to suffer a detriment or 'dismissal' on the grounds that the officer 'blew the whistle'.
- Health and safety (1) under the Employment Rights Act 1996 (ss49A & 134A), the right not to suffer detriment or 'dismissal' including in certain health & safety contexts (as for regular officer); and (2) under the Health & Safety at Work Act 1974 (s51A), general protections.
- Rest rights under the Working Time Regulations 1998 (Reg 41(1)): this includes a maximum 48-hour working week (or contracting out) and regular rest breaks/periods of rest.

¹ The Police (Conduct) Regulations 2020 (section 2 definition of police officer) and the Police (Performance) Regulations 2020 (section 4 definition of police officer)

Operation Hampshire

Special Constables, as with regular officers and police staff, should make themselves aware of [Operation Hampshire](#) (“Op Hampshire”), which provides guidance about the appropriate actions to be taken when they are a victim of assault. Op Hampshire standards have been designed to work alongside the more extensive [Victims’ Code of Practice](#), which also apply in full.

The Op Hampshire standards champion best practice in how assaults are considered, investigated and how to uphold high standards of care for victims by focusing on their welfare and wellbeing. The guidance makes clear that injuries can be both physical and psychological, and recognises that physical injury can cause or be accompanied by psychological suffering. Both types of injury should be recognised and addressed in full, over the long-term if necessary.

Op Hampshire also provides details of what victims can expect after an assault, including:

- Welfare – notifying a local supervisor, receiving appropriate support and medical care, the right to challenge if a service is found lacking or not provided at all
- Investigation – being notified as to whether the offender has been arrested, the opportunity to submit a victim personal statement, timely updates on the progress of the investigation
- Managing workload – consideration as to whether a change or temporary reduction in responsibilities is appropriate while recovering.