Quick Reference Guide February 2022

This guide provides a basic summary of your main terms and conditions.

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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 Policy Support department at the Police Federation of England and Wales HQ in line with our current understanding of Police Regulations 2003 and determinations, Police (Conduct) Regulations 2020, Police (Complaints and Misconduct) Regulations 2020 and Police (Performance) Regulations 2020, and is subject to change.

The aim is to update this twice per year if significant regulations and determinations are issued.

The key authors are Elaine Parker and Karen Pinfold, (Tel: 01372 352003 or 01372 352004).

If you have specific questions regarding your conditions, please contact your local Branch Board in the first instance. You can find contacts here. If they cannot answer your query, Chairs and Secretaries can then raise these with the Policy Support team via termsandconditions@polfed.org. **Please note the Policy Support team is unable to deal with queries from individual members and federation representatives.**

Your Federation

Our core purpose was amended in May 2014 for the first time since the Federation was set up in 1919, following a recommendation in our Independent Review for it to reflect our commitment to act in the public interest, with public accountability, alongside our accountability to our members. It is as follows:

“In fulfilling our statutory responsibilities for the welfare and efficiency of our members we will, at all levels:

- ensure that our members are fully informed and that there is the highest degree of transparency in decision-making and the use of resources;
- maintain exemplary standards of conduct, integrity and professionalism;
- act in the interests of our members and the public, seeking to build public confidence in the police service and accepting public accountability for our use of public money;
- work together within the Federation and in partnership with others in the policing world to achieve our goals”.

The structure of PFEW was enshrined in the Police Federation Regulations 1969. However, following the May 2014 PFEW Conference, and the decision to implement the Independent Review of the organisation, new regulations were created in 2017, and new rules came into effect on 18 January 2018.

In accordance with the regulations and the provisions of these Rules, the Federation will operate through local and central representative bodies.

Your local Branch Board

Your representatives are elected by ballot from constituencies agreed with the chief officer and elections take place triennially. All Branch Boards have an elected Chair and Secretary.

Your National Federation

There is a Federation branch in each police force. Each branch has a council (the Branch Council) and a Branch Board (the Branch Board), with different arrangements for the branch in the Metropolitan Police Service (the Metropolitan Branch).

There is a National Board, whose role is to lead and run the Federation, and to make policy decisions. The National Board is made up of 24 representatives from across eight regions. These are full-time national roles. The National Board is made up of the National Chair and the National Secretary, and 22 additional members.

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

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

1.1 Pay

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

1.2 Pay award

1.2.1 Pay is usually uprated annually from 1 September..

1.2.2 On 25 November 2020 the Chancellor announced the Spending Review. In this he said there would be a pause on public sector pay increases, meaning that there would be no uplift payments in September 2021, other than for those earning below £24,000, for whom an uplift of £250 was announced. This was recommended in the latest PRRB report (July 2021) and was accepted by the Home Secretary.

1.3 Changes to pay scales

1.3.1 Since 1 April 2013 there are two pay scales for constables – one for those recruited up to and including 31 March 2013 and another for those appointed on or after 1 April 2013. Details can be found in HOC 7/2013 and in Annex F of Police Regulations 2003.

1.3.2 Since 1 September 2018, a chief constable must determine the starting salary for constables who enter via the police constable degree apprenticeship route. As detailed in Appendix E of the seventh PRRB report, dated July 2021, with effect from 1 September 2021 this must be an amount from £19,164 to pay point 1 on the constables' pay scale for those appointed on or after 1 April 2013. The pay award in 2020 increased the lowest possible starting salary to £18,911. This was set out in Annex F to Police Regulation 24, as circulated under Branch Board circular 010-2021.

1.3.3 The bottom pay point for sergeants was removed with effect from 1 September 2020. All sergeants on pay point 1 on 1 September 2020 moved, on that date, to pay point 2. More information with regards to the implementation of this change can be found in Branch Board circular 011-2020 and the revised pay scale is set out in Annex F, as circulated under Branch Board circular 010-2021.

1.4 Performance Development Review (PDR)

1.4.1 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.

1.4.2 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. Further information on the PDR process can be found on the College of Policing website. 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). HO circular 006/2015 provides more detail about the introduction and operation of the PDR process. The PCF is currently discussing a new scheme (proposed by NPCC) for movement up the pay scale linked to both PDRs and training called the Pay Progression Standard (PPS). The aim is for it to be implemented from April 2022.

1.5 Assessment and Recognition of Competence (ARC)

1.5.1 The College of Policing developed a threshold competency assessment requirement to be applied as a national standard, through the Performance Development Review. This means that for a constable to progress to pay point 4 he or she must meet the required standard. This took effect in 2017.

1.5.2 Annex F of Police Regulations 2003 deals with this matter.

For more information see:

- PNB circular 2014/24
- Home Office circular 011/2016
- College of Policing guidance

1.5.3 At the time of writing the College of Policing and the Police Consultative Forum (PCF) have been reviewing ARC in relation to both PEQF and IPLDP. The College of Policing is currently seeking approval to decommission the ARC process for both entry routes. The aim is for this to be confirmed by April 2022. Further information can be found on the College of Policing website.

1.6 Holiday pay

1.6.1 Following the Employment Appeal Tribunal's ruling in Bear Scotland, the statutory holiday pay derived from the Working Time Directive (i.e. the first 4 weeks) must be calculated in accordance with the tests laid down in the European Court of Justice case law, whereby holiday pay is based on "pay that is normally received" and must include: payments linked intrinsically to the performance of the tasks which the worker is required to carry out under their contract of employment; payments which relate to the worker's professional or personal status. The ruling includes payment for overtime, whether that overtime is normally guaranteed, or not. See paragraph 1.6.2 below.

1.6.2 Branch Board Circular 09-2016 notes that an agreement was reached in December 2015 with regards to the calculation of holiday pay to implement the decision in the Bear Scotland EAT. It details that with effect from 1 January 2016 officers are entitled to holiday pay that includes their regular overtime pay and several other regular payments. The elements of normal remuneration that must be included in the calculation of holiday pay for the first 20 days of annual leave are:

- All forms of overtime
- Compensation for public holiday working
- Away from home overnight allowance
- Acting up allowance

- Rest day/free day working compensation
- Pay for additional hours worked by officers who work part-time (plain time up to 40 hours)
- On call
- Unsocial hours allowance

1.6.3 If a payment is exchanged for TOIL this should not be included in the calculation because the core principle is that an officer on relevant leave is entitled to normal remuneration. Therefore, this agreement applies to monetary payments only and does not apply when a payment is exchanged for TOIL.

1.6.4 The payment was effective from 1 January 2016, with provision made for a three month arrears' period to that point. PFEW reached an agreement with the National Police Chiefs' Council (NPCC) that all officers would get a flat rate payment to compensate for pay that they would have been entitled to, under Bear Scotland. This avoided the need for individual officers to undertake detailed calculations, and to take litigation. This resulted in a total £8 million reclaimed for our members.

1.6.5 For more information see Branch Board circular 09-2016.

1.7 London weighting

1.7.1 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 September 2020 is £2,568 as set out in Annex F, circulated under Branch Board circular 010-2021. London weighting is calculated on a pro-rata basis for members who work part time.

1.B Allowances

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

1.8 Motor vehicle allowances

1.8.1 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.

1.8.2 With effect from 1 September 2016 the rates payable for mileage expenses to all users whether essential or casual were aligned to the prevailing HMRC rates (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.

1.8.3 The structure and values for the lump sums payable to an essential user remained unaltered.

1.8.4 Branch Board circulars 028-2019 and 006-2020 detail a recent High Court case in relation to motor vehicle allowance which is potentially beneficial to dog handlers required to use their own vehicle to transport their police dog to and from home and to other officers who are required to use their vehicle for other police purposes. The judge found that these officers were entitled to motor vehicle allowance at the essential users’ rate. The NPCC National Reward Team (NRT) has sent guidance to forces stating they should ensure dog handlers are either provided with an appropriate police vehicle to transport police dog(s) from their home to work or, if required to use their own vehicle, are paid a motor vehicle allowance at the essential users’ rate (lump sum plus reimbursement of relevant mileage), as set out in Annex U. It also suggests making retrospective payments back to the date of original court case (October 2019), however, further litigation on behalf of PFEW members is also under review with regards to this.

1.8.5 This decision may also be of benefit to other officers who are required to use their own vehicle for other police purposes.

1.8.6 In addition, a memorandum of understanding (MOU) has been agreed at the PCF which sets out that, where mileage is claimed under the motor vehicle allowance, a deduction should not generally be made for the distance equivalent to an officer's usual journey to and from work. This has been circulated as Branch Board circular 004-2020. The PCF considered publishing further examples to clarify the agreement and assist with its implementation. However, it has been agreed not to make any amendments or issue any further examples and to deal with any issues that arise on a case by case basis.

1.9 Dog handlers' allowance

1.9.1 A dog handlers' 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.

1.9.2 The allowance payable from 1 September 2020 is £2,400. As set out in Annex F, circulated under Branch Board circular 010-2021

1.10 London allowance

1.10.1 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.

1.10.2 The maximum higher rate is payable to officers appointed on or after 1 September 1994 and not receiving housing/transitional rent allowances. This was £4,338 pa from December 2004 until September 2020, at which time it increased by £1,000 to £5,338. This is now set out in Annex F, circulated under Branch Board circular 010-2021

1.10.3 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.

1.10.4 An officer who works part-time will receive pro-rata London allowance.

1.11 London transitional supplement

1.11.1 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 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.

1.12 South East England allowance

1.12.1 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. With effect from1 September 2016, 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 branch board, and not exceeding in these forces £3,000 p.a.

1.12.2 The same chief constable discretion applies to members of Bedfordshire, Hampshire and Sussex forces. With effect from 1 September 2016, the maximum rate in these forces is £2,000 p.a. This allowance is paid at an hourly rate to qualifying part-time members.

1.12.3 Before exercising their discretion, chief constables must obtain and have regard to:

- evidence of local difficulties in recruiting and retaining police officers; and
- a local assessment of affordability, conducted in consultation with the Police and Crime Commissioner

1.12.4 An officer who works part-time will receive pro-rata South East allowance.

1.13 South East England transitional supplement

1.13.1 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 the 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.

1.14 Bonus payments

1.14.1 Bonus payments, of between £50 and £2,000, are payable where the chief officer judges a piece of work by a member to be of an outstandingly demanding, unpleasant or important nature. The upper limit was increased from £50 to £2,000 with effect from 1 July 2021, see Branch Board circular 009-2021.

1.15 Targeted variable payments (TVPs)

1.15.1 A revised scheme for Targeted Variable Payments was implemented with effect from 1 July 2021. This incorporates the increase to the maximum rate payable per annum (from £4,000 to £5,000).

1.15.2 The NPCC has published guidance on the new scheme see Branch Board circular 001-2022.

1.15.3 The new scheme sets out payments under two categories: a service critical skills payment (for federated and superintending ranks) and a recognition of workload payment (for superintending ranks). The revised determination has been circulated under Branch Board circular 009-2021. It takes effect from 1 July 2021 to 30 June 2023.

1.16 Team recognition award

1.16.1 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.

1.17 Unsocial hours allowance

1.17.1 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 per cent of the member's hourly rate of pay.

1.18 Away from home overnight allowance

1.18.1 A member of the federated ranks is paid an allowance of £50 in respect of every night on which they are held in reserve.

1.18.2 With effect from 1 March 2015, a member is held in reserve if they are serving away from their 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.

1.18.3 A member is **not** held in reserve if they are serving away from their normal place of duty because they are 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.

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

1.18.5 The payment of this allowance has been problematic since it was first introduced. The definition of 'held in reserve' was amended in 2015 to provide greater clarity to forces and members as to the precise circumstances when the allowance is payable.

Unfortunately, this has not proved to be the case and PFEW asked the Police Consultative Forum (PCF) to look again at this issue, including the definition of held in reserve. We maintain open dialogue with the NPCC through the PCF to try to address this. In December 2020 the NPCC National Reward Team issued guidance to forces (via an NRT advice note) on the implementation of the away from home overnight allowance with regards to mutual aid operations.

1.19 **Hardship allowance**

1.19.1 Since 2012, 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 en-suite bathroom.

1.20 **On call allowance**

1.20.1 Since 2012, a member of the federated ranks receives an allowance in respect of each day on which they spend 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 Branch Board. A chief officer may fix different times in relation to different groups of members. The current rate, as of 1 September 2019, is £20 in respect of each day.

1.20.2 On call is a voluntary activity.

1.21 **Replacement allowance**

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

1.21.2 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 subsequently 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.

1.22 Protection allowance

1.22.1 With effect from 1 December 2020, a new protection allowance was introduced for Royalty and Specialist Protection (RaSP) officers, set out in Annex U. This replaced the interim arrangements of pay for 16 hours per day for constables and sergeants and a special escort allowance for inspectors. The determination was circulated to Branch Boards by the National Secretary on 7 May 2020 and in Branch Board circular 009-2020. It was published under Home Office Circular 002/2020.

1.23 Allowances and maternity leave (Geldart case)

1.23.1 A Court of Appeal decision in the case of Commissioner for City of London Police v Geldart 2021 confirmed that London allowance should be paid during the whole of the police maternity leave period regardless of whether the member is, or is not, paid. A summary of the original case can be found in BB circular 003-2019.

1.23.2 PFEW is currently attempting a negotiated solution to ensure that members who have had their London or South East allowance stopped during a period of maternity or adoption leave, or long-term sick leave is fully compensated for their losses. PFEW is however also prepared to consider claims for statutory debt in the County Court if that becomes necessary.

The Chief Constable of City of London Police accepted during the litigation process that Regulation 36 is not relevant to this issue. This is because London allowance is not “an allowance to meet an expense which ceases during maternity/sickness” rather it “is paid “with regard to location and retention needs”. See Branch Board circular 008- 021 for more information.

1.C Expenses

1.24 **Location in Regulations**

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

1.25 **Reimbursement of medical charges**

1.25.1 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.

1.25.2 We understand some forces have suggested this is at the Chief Constable's discretion. This is an entitlement; it is not at the discretion of the Chief Constable.

1.26 **Removal expenses**

1.26.1 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 Chief Constable 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 an 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.

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

1.26.3 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.

1.26.4 For further information contact your Branch Board, preferably in advance of a move.

1.27 Food and accommodation expenses

1.27.1 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.

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

1.27.3 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.

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

1.28 Relevant travelling expenses

1.28.1 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 Branch Board.

1.D Acting up allowance, temporary salary and temporary promotion

1.29 **Location in Regulations**

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

1.30 **Acting up allowance – Annex UU**

1.30.1 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.

1.30.2 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 their substantive rank.

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

1.31 **Temporary salary – Annex I**

1.31.1 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, the member will receive a temporary salary and will continue to be classed as acting up.

1.31.2 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 their substantive rank.

1.31.3 Temporary salary is pensionable.

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

1.31.5 PFEW has identified an anomaly whereby, in limited circumstances, overtime is paid at the rate of an officer's substantive rank when acting up (rather than the higher rank). This relates only to constables acting up to sergeant, and for a short period of time. The PCF has agreed this should be rectified. At the time of writing we are awaiting formal consultation on a draft determination to remedy this.

1.32 **Temporary promotion – Annex J**

1.32.1 The Police (Promotion) Regulations 1996 limit the temporary promotion of officers to the rank of sergeant or the inspecting ranks to those officers who are qualified for promotion. To be qualified for promotion, an officer must either:

- have successfully completed OSPRE I and II; or
- have been selected at NPPF[1] Step 3 (local promotion selection process) **and** have commenced the work based assessment which forms part of Step 4 of the process.

1.32.2 PNB circular 08/4 states that 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. However, in order for this to apply, an officer must be qualified for promotion as set out in paragraph 1.31.1 above.

1.32.3 Alternatively, after 46 days of receiving the acting up allowance, if a member is qualified for promotion (under the Police Promotion

[1] National Police Promotion Framework is a four step process for the promotion of officers to the rank of sergeant and inspector For further details see the College of Policing Operating Manual

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. If the member is not qualified for promotion as set out above, the temporary salary provisions at paragraph 1.30.1 above will apply and the officer will continue to be classed as acting up in the higher rank.

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

1.32.5 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

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Section 2 Working times and patterns

2.A Officers serving on part-time arrangements

2.1 PNB Circular 2014/9 and translation into regulations

2.1.1 Changes to part-time working arrangements were detailed in PNB Circular 2014/9. These have still not been translated into Police Regulations and Determinations 2003. Once made, 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

2.1.2 In the meantime, for up-to-date information on part-time provisions, contact your Branch Board or refer to the PFEW advice leaflets on Part-Time Working - Remuneration Advice or Flexible Working - your rights and responsibilities, which includes information on:

- Pay for additional hours worked/overtime
- Duty rosters
- Annual leave
- Public holidays
- Public holidays falling on a free day
- Duty day on a public holiday
- Rest day on a public holiday
- Rest day working
- Free day working

- Recall to duty
- Allowances

2.2 Part-time appointments

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

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

2.3 Additional hours worked by officers who work part-time

2.3.1 Constables, sergeants, inspectors and chief inspectors who work part-time 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.

2.3.2 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 officers who work part time who work additional hours. Also, all additional hours worked by constables, sergeants, inspectors and chief inspectors who work part time over their determined hours up to 40 hours in a week, which are paid, are automatically pensionable. Only additional hours worked by constables and sergeants over 40 hours per week attract overtime (in the case of officers who work a Variable Shift Arrangement (VSA) an average figure is used to calculate this). For further details see Home Office Circulars 22/2007 and 19/2012.

2.3.3 For further details of part-time arrangements see:

- the part time working remuneration advice leaflet published by the PFEW, also available from your Branch Board office; and
- the College of Policing guidance on Flexible working in the police service

2.3.4 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. Contact your Branch Board for further information.

2.B Duty time

2.4 Location in Regulations

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

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

2.4.3 PNB circular 10/1 provides good practice guidance to forces on designing variable shift patterns.

2.5 Constables and Sergeants: duty rosters

2.5.1 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.

2.5.2 The roster should only be changed due to exigencies of duty.

2.5.3 Changes to shift patterns must also meet the above rostering requirements. Please see Branch Board circulars 9-2018 and 015-2019 for further information, in particular around the notice periods required for new shift patterns to be introduced. The provisions governing the introduction of a new shift pattern do not authorise a chief officer to override an already published duty roster.

2.5.4 A duty roster for a constable, sergeant or inspector who works part-time will comprise of duty days, free days, rest days and public holidays.

2.5.5 A free day is when it has been agreed that the officer will not work and is defined as not being a duty day, a public holiday or a rostered rest day.

2.6 Constables and Sergeants: normal period of duty

2.6.1 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.

2.6.2 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.

2.7 Constables and Sergeants: Variable Shift Arrangements (VSAs)

2.7.1 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.

2.7.2 A chief officer may announce that they intend to bring into operation VSAs for all, or a group of, constables and sergeants.

2.7.3 Before making the announcement, the chief officer must consult the branch board 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 their announcement.

2.7.4 PNB circular 10/1 provides guidance to forces on designing variable shift arrangements.

2.8 Inspectors and Chief Inspectors: duty time

2.8.1 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.

2.8.2 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, they should be granted a day's leave in lieu of any public holiday or rest day not taken. With effect from 28 April 2020 Annex H has been amended so that inspectors and chief inspectors can carry over, for a further 12-month period, any rest days in lieu not taken due to exceptional circumstances, exigencies of duty or work demands.

2.9 All federated ranks: travelling time treated as duty

2.9.1 Travelling time between the member's home and their usual place of duty is generally not treated as duty time, except under the following circumstances:

- 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 reserve[2] and is required to travel, other than during their normal daily period of duty or rostered shift, travelling to and from home is treated as duty time.

2.9.2 For more information, see Branch Board circular 014-2019.

2.9.3 For information on travel to and from duty on a rest day, free day or public holiday see paragraph 2.29.1 below.

2.10 Working Time Regulations (WTRs)

2.10.1 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.

[2] 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 by reason of the need to be ready for immediate deployment. 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.

2.10.2 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; and
- free health assessments for night workers.

2.10.3 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 branch board or unforeseen emergencies.

2.10.4 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 Branch Board and the chief officer. For more information about the position in your force, contact your Branch Board.

2.10.5 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 Branch Board for further information.

2.11 Carryover of annual leave during Covid pandemic

2.11.1 The Working Time Regulations were amended to provide for the carryover of annual leave for those unable to take leave due to the

Covid pandemic. For guidance on the application of this to the police service please see separate Covid FAQs.

2.C Overtime, rest day, free day and public holiday working

2.12 **Location in regulations: When is overtime payable?**

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

2.12.2 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.

2.13 **Planned overtime**

2.13.1 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.

2.14 **Casual overtime**

2.14.1 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.

2.14.2 In addition, if a member is not informed at the commencement of their tour of duty or rostered shift that they 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.

2.15 Recall to duty

2.15.1 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.

2.15.2 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.

2.15.3 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.

2.15.4 The 30 minute disregard 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 Branch Board circular 8/2016.

2.16 Advancing the start of duty from the rostered time

2.16.1 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 07.00 – 15.00. 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 15.00 hours on day two. The member will be entitled to an overtime allowance at time and one third for the period 04.00 - 07.00, plain time for the period 07.00 - 12.00, and time and one third for the period 12.00 - 15.00.

2.16.2 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”.

2.16.3 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.

2.16.4 For part-time officers only additional hours worked by constables and sergeants over 40 hours per week attract overtime (with an average calculation used for officers who work part-time on a VSA).

2.17 Rate of payment

2.17.1 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.

2.18 Rest day and public holiday working

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

2.19 Compensation for duty on a rostered rest day

2.19.1 All constables and sergeants (full-time and part-time) are compensated in exactly the same way for rest day working.

2.19.2 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 15 days' notice is received - time and one half; or
- in any other case - another rest day which should be notified to the member within four days of notification of the requirement to work.

2.19.3 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.

2.19.4 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 time to be reimbursed for the rest day counts as the number of 15 minute periods actually completed (there is no half hour disregard).

2.19.5 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.

2.19.6 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.

2.19.7 Inspectors and chief inspectors who are required to work on a rest day or public holiday are entitled to a day in lieu on each occasion to be taken in the following 12 months.

2.19.8 For the inspecting ranks, with effect from 22 April 2020, in exceptional circumstances (due to exigencies of duty or work demands) rest days in lieu can be taken over a further 12-month period.

2.20 **Compensation for duty on rostered rest days and free days within a period of annual leave**

2.20.1 Police Negotiating Board circular 2014/8 details a PNB agreement which provides that where an officer, <u>including a member of the inspecting ranks</u>, 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 2D of this booklet for details of compensation for working on a day of annual leave or a day taken off in lieu of overtime.

2.20.2 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).

2.20.3 Forces should make every effort to avoid recalling members to duty during their rest days and free 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.

2.20.4 This agreement is with effect from 1 May 2014. As at January 2021 we still await this provision being put into Police Regulations 2003 and determinations, however we expect forces to honour the agreement in the meantime.

2.21 Free day working

2.21.1 When an officer is required to perform duty on a free day it attracts the following compensation:

If the duty is one that **only** that officer can perform (e.g. attendance at court) and:

- the officer receives 15 or more days' notice, the free day should be reallocated within 4 days of it being cancelled;
- the officer receives less than 15 days' notice then the additional hours should be paid at plain time or alternatively taken as time off equal to the duty time worked.

If the duty is one that can be performed by any officer (e.g. operational policing) and:

- the officer receives 15 or more days' notice, the free day should be reallocated within 4 days of it being cancelled;
- the officer receives less than 15 days' notice they should be paid at the appropriate rate for rest day working (time and a half).

2.21.2 If an officer is required to perform duty on a free day or recalled to duty on a free day they will receive compensation for a minimum of 4 hours (even if the officer performs duty for less than 4 hours).

2.21.3 If part-time inspectors and chief inspectors are required to perform duty on a free day they are entitled to be paid at plain time for any hours worked above the agreed hours up to 40 hours per week.

2.22 Compensation for duty on a public holiday

2.22.1 All officers are entitled to a day's paid leave on each public holiday subject to the exigencies of duty. For this purpose, a day's paid leave counts as a period of duty of 8 hours. However, in the case of officers who work part-time each day will have a pro-rata value according to their agreed hours of duty, for example: -

- If an officer works 20 hours per week (50 per cent) they are entitled to 4 hours' paid leave for each public holiday.
- If a part-time officer works 32 hours per week (80 per cent) they are entitled to 6.4 hours' paid leave for each public holiday.

2.22.2 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; and
- 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.

2.22.3 A requirement to work on a public holiday with less than 15 days' notice must be authorised by an officer of at least Assistant Chief Constable rank.

2.23 Public holiday substitution

2.23.1 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. If the substitution is approved, that day then becomes the public holiday and if the officer is required to work it they will be treated as per Annex H.

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

2.24 Work in excess of a tour or rostered shift on a rest day or public holiday

2.24.1 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.

2.25 Time off in lieu: rest day, free day or public holiday

2.25.1 Members may choose to take time off in lieu of any time worked on a rest day, free 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).

2.26 Volunteering to work on a rest day or public holiday

2.26.1 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).

2.26.2 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.

2.27 Reinstatement of cancelled rest days and public holidays

2.27.1 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.

2.27.2 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.

2.27.3 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.

2.28 Telephone calls received whilst at home

2.28.1 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.

2.28.2 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.

2.29 Travelling time treated as duty

2.29.1 Subject to any reasonable limit imposed by the chief officer, travelling time to and from duty on a rest day, free 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. See Branch Board circular 14-2019.

2.D Annual Leave

2.30 **Location in Regulations**

2.30.1 The annual leave entitlements (expressed in 8 hour days) for the federated ranks are found in Regulation 33 and Annex O of Police Regulations 2003: We are aware that a number of forces give the entitlement in hours - see below table, in square brackets is the equivalent entitlement expressed in hours.

Years of relevant service	Days of Annual Leave [hours]
Less than 2	22 [176]
2 or more	25 [200]
5 or more	25 [200]
10 or more	27[216]
15 or more	28 [224]
20 or more	30 [240]

2.31 **Direct Entry Inspectors: annual leave**

2.31.1 Annex O sets out an annual leave table specifically for direct entry inspectors. They are entitled to a minimum of 25 days' leave (with less than 6 years' service).

2.31.2 In the case of officers who work part-time, each day will have a pro-rata value according to their agreed hours of duty. For example, if an officer performs 20 hours' duty per week (instead of 40 hours) they will be entitled to 4 hours' paid leave for each annual leave day (instead of 8 hours paid leave). Alternatively, we are aware that a number of forces express annual leave in hours, in which case the total number of hours for part-time officers should be calculated on a pro-rata basis, for example, an officer working 20 hours per week would be entitled to annual leave hours, for the year, that is half the entitlement of a full-time officer.

2.32 Working on a day of annual leave or a day in lieu of overtime

2.32.1 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:

1 or 2 days of annual leave	– they are entitled to compensation of either 2 days' annual leave (or 1 day's annual leave plus 1 day's pay at double time) *for each day of annual leave*
3 days or more of annual leave	– either 1.5 days (or 1 day's annual leave plus 0.5 day's pay at double time) from day 3 onwards

2.32.2 There is no explanation in Regulations of the value of the day of annual leave (in these circumstances) and crucially *there is no definition of a day's pay.*

2.32.3 This issue was discussed at the Police Consultative Forum (PCF) and it was agreed that a day's leave should be equivalent to the day – for that officer - which has been interrupted. The same would then apply in respect of a day's pay.

In other words:

- 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).

2.32.4 Further details can be found in Branch Board circular 023-2018.

2.32.5 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 TOIL) would be as per

the relevant regulation i.e. Regulation 26, Annex H for public holidays.

2.32.6 PNB circular 2014/8 details a further PNB agreement which provides that where an officer is required to work on a rest day or a free day within a period of absence from duty of five or more days where at least one of those days is a day of annual leave the rest days or free day shall be compensated as if it were a day of annual leave or a day taken off in lieu of overtime. See Section 2C of this guide for further information.

2.33 **Carry over of annual leave (and bringing forward of annual leave)**

2.33.1 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.

2.34 **Carry over of annual leave following a long term absence**

2.34.1 The PNB was keen to ensure that the carry over provision was further applied to enable officers to carry over their four weeks' 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.

2.34.2 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 (N.B. case law suggests this can now be 18 months).

2.34.3 Further details can be found in PNB circular 2014/23. This circular also covers the carryover of annual leave when an officer has been on maternity leave.

2.35 **Reclaiming annual leave when sick during leave**

2.35.1 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.

2.35.2 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.

2.35.3 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.

2.35.4 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. The PCF agreed in December 2020 that there should be no need, in the circumstances set out in PNB circular 2014/23, for a medical certificate to be provided for sickness of 7 days or less. This was communicated to forces in December 2020 by the NPCC National Reward Team (in an advice note).

2.36 **Compensation for annual leave not taken on leaving the service**

2.36.1 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, they are entitled to payment in lieu of the untaken days.

2.36.2 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 is entitled to compensation, whether by payment, additional service, or otherwise.

2.36.3 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 and pay

2.37 **Location in regulations**

2.37.1 The sick leave provisions are set out in Regulation 33 and Annex P of the Police Regulations 2003 and the sick pay provisions are found in Regulation 28 and Annex K of the Police Regulations 2003.

2.38 **Entitlement to pay**

2.38.1 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.

2.38.2 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.

2.38.3 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.

2.38.4 For further details please contact your Branch Board.

2.39 **Self-certification**

2.39.1 Details of the self-certification procedures applicable within forces are available from Human Resources and your Branch Board office.

2.40 **Court appearances whilst sick**

2.40.1 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 their duty as a police officer, this will be duty in the normal way.

2.41 Injury sustained on duty

2.41.1 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 their 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.

2.41.2 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. PST or OST training).

2.41.3 In respect of any injury suffered by a member (whether or not incurred on duty) they should notify the Branch Board 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.

2.42 Sick pay abatement

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

2.F Family leave

2.43 Location in Regulations

2.43.1 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
Maternity support leave, adoption support leave and parental leave	Regulation 33, Annex S
Time off for dependants	Regulation 33, Annex T
Parental bereavement leave	Regulation 33, Annex TA

2.43.2 Guidance on the above provisions is also contained in the Police Federation's *Equalities* handbook, also available from your Branch Board office.

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

2.44 Children and Families Act 2014

2.44.1 In addition to the above provisions Home Office circular 011/2015 confirms the Secretary of State's decision to extend the principles of the Children and Families Act 2014 to officers in England and Wales, to reflect the relevant statutory provisions available to other workers. These are:

- prospective fathers/partners and/or intended parents in a surrogacy situation may be granted unpaid time off to attend up to two ante-natal appointments with a pregnant woman;
- from 5 April 2015, mothers, fathers and adopters may choose to share parental leave around their child's birth or placement;

- 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;
- from 5 April 2015 unpaid parental leave will be extended to cover children up to age 18 from the current five years of age;
- from 5 April 2015 statutory adoption leave and pay will reflect entitlements available to birth parents;
- 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.

2.44.2 These provisions will need to be translated into Police Regulations and Determinations 2003. However, Home Office circular 11/2015 advised police forces of the Home Office's intention to change legislation as specified above and PFEW expects forces to apply these provisions in the meantime.

2.44.3 For more detailed information see HOC 011/2015.

2.45 Special guardianships: leave and pay

2.45.1 PFEW sought an agreement through the PCF that members who become special guardians should benefit from an entitlement to police adoption leave and pay. Agreement was reached at the PCF in October 2015. This will require amendments to Police Regulations and Determinations 2003 but in the meantime PFEW expects forces to honour this agreement.

2.46 Parental bereavement: leave and pay

2.46.1 The PCF agreed that members should benefit from the provisions of the Parental Bereavement Leave and Pay Act 2018. This provides that all employed parents have a right to two weeks' leave if they lose a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy. Parents will also be able to claim statutory pay for this period, subject to meeting eligibility criteria. The statutory provisions came into effect in April 2020. This has now been translated into Police regulations (new Annex TA). The determination was published with effect from 6 April 2021. See Branch Board circular 004-2021 and Home Office circular 003/2021.

2.47 Leave for ante-natal care

2.47.1 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.

2.48 Police maternity leave

2.48.1 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 date of birth 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 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).

2.48.2 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.

2.48.3 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 maternity leave (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.

2.48.4 The police maternity 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 birth – see Branch Board circular 025/2017 for further details.

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

2.49 Paid maternity leave

2.49.1 With effect from 4 January 2021 26 weeks' paid maternity leave is available to a female member who:

(a) at the beginning of the eleventh 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.

This is an increase from the previous entitlement to 18 weeks' paid leave. Further information with regards to the implementation of the new provision is set out in Branch Board circular 12-2020.The determination was published under Home Office circular 003/2020.

2.49.2 Members entitled to paid maternity leave will be paid for the first 26 weeks of their leave. Members who work part time will be paid for the first 26 weeks at the rate calculated by reference to their appropriate factor.

2.49.3 Members may elect to extend their final five weeks' pay to 10 weeks at half rate. With effect from 4 January 2021 there is no longer a requirement for this to be agreed with the chief officer.

2.50 Statutory maternity pay

2.50.1 Members who have at least 26 weeks' service by the end of the fifteenth week before the expected week of birth are entitled to Statutory Maternity Pay (SMP) for 39 weeks.

2.50.2 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.

2.51 Adoption leave

2.51.1 The maximum period of adoption leave is 52 weeks. All 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.

2.52 Paid adoption leave

2.52.1 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.

2.52.2 With effect from 4 January 2021 members who have served continuously for at least one year at the end of the week in which they are matched with a child for adoption are entitled to full pay for the first 26 weeks' adoption leave followed by up to 13 weeks at Statutory Adoption Pay (SAP) then up to 13 weeks of unpaid adoption leave. Members who work part time will be paid for the first 26 weeks at the rate calculated by reference to their appropriate factor. This is an increase from the previous entitlement to 18 weeks' paid leave. Further information with regards to the implementation of the new entitlement is set out in Branch Board circular 12-2020. The determination was published under Home Office circular 003/2020.

2.52.3 Members may elect to extend their final five weeks' pay to 10 weeks at half rate. With effect from 4 January 2021 there is no longer a requirement for this to be agreed with the chief officer.

2.53 Statutory adoption pay

2.53.1 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 SAP, followed by 13 weeks of unpaid 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.

2.53.2 The police adoption pay to which a member is entitled will be reduced, in respect of any week in which they receive SAP, by an amount equal to the SAP that they receive for that week. Where a member elects to extend their 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 they receive for that week.

2.54 Keeping in Touch days (KIT days)

2.54.1 A member on maternity leave or adoption leave can return to work on a voluntary basis, subject to the agreement of their chief officer, for up to 10 days without bringing their maternity or adoption leave to an end. These are known as Keeping in Touch (KIT) days.

2.54.2 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.

2.54.3 It is important to note the impact of a KIT day on the buy-back of unpaid leave for pension purposes. Please see paragraph 2.61 for further information on family leave and pensions.

2.55 Maternity support leave and adoption support leave

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

2.55.2 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' maternity support leave, at or around the time of birth or two weeks' adoption leave at or around the time of adoption. The first week of maternity support leave or 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. Members who work part time will be paid at a rate calculated by reference to their appropriate factor.

2.55.3 Members who have 26 weeks' continuous service at the fifteenth week before the expected week of childbirth, 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. The two weeks of leave do not have to be taken together however statutory paternity pay is only paid if the two weeks are taken together within the first 8 weeks after the baby is born or placed for adoption.

2.56 Shared parental leave

2.56.1 Currently, Police Regulations and Determinations 2003 set out members' entitlement to Additional Maternity Support or Adoption Support Leave. These were based on the statutory additional paternity leave provisions. Following the publication of the Children and Families Act 2014 statutory additional paternity and pay was replaced by shared parental leave and pay.

2.56.2 PNB circular 21/2014 and Home Office circular 011/2015 set out the agreement to provide Members with an entitlement to shared parental leave (SPL).

2.56.3 SPL lets parents share leave and statutory pay in the first year following the birth or adoption of a child. Parents can choose how they allocate shared parental leave between them and whether they wish to take the leave separately or at the same time. To qualify a member must share responsibility for a child with one of the following:

- Their husband, wife, civil partner or joint adopter
- The child's other parent
- Their partner (if they live with the member and the child)

2.56.4 Shared parental leave is also available to intended parents in a surrogacy arrangement and prospective parents in the fostering to adopt system.

2.57 Keeping in Touch (KIT) days

2.57.1 A member on SPL will be entitled to up to ten KIT days.

2.58 Statutory shared parental pay

2.58.1 Members who meet the statutory eligibility requirements are entitled to Statutory Shared Parental Pay.

2.58.2 Further details of the statutory provisions can be found on GOV.UK at Statutory Shared Parental Pay.

2.59 Parental leave

2.59.1 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. The arrangements for taking parental leave need to be agreed with the chief officer.

2.59.2 The period during which the leave may be taken is specified in Regulation 33, Annex S of Police Regulations 2003. Currently, this states that 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. However, as detailed in Home Office circular 011-2015 the Children and Families Act 2014 extended the parental leave provisions and Annex S will be amended to provide for up to 18 weeks' unpaid parental leave for each child under 18. For further details contact your Branch Board.

2.60 Time off for dependants

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

2.60.2 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 dependant dies
d) Where care arrangements for a dependant are disrupted
e) To deal with an unexpected incident involving an officer's child at school or nursery

2.60.3 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.

2.60.4 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.

2.60.5 The member must tell the chief officer the reason for the absence as soon as reasonably practicable, and, if possible, state how long they expect to be absent.

2.61 Family leave and pensions

2.61.1 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.

2.61.2 Unpaid leave can only count as pensionable service if pension payments are made in respect of it. Members of all three police pension schemes are able to buy back the following types of unpaid family leave:

- Unpaid maternity leave
- Unpaid maternity support leave
- Unpaid adoption leave

- Unpaid adoption support leave
- Unpaid parental leave

2.61.3 We await an amendment to the regulations to allow for the buy-back of unpaid shared parental leave in all three schemes. Members should contact their pensions' administrator for further information.

2.61.4 Assuming a member has not opted out of the pension scheme, any period of unpaid family leave can be bought back. The rate of buy-back is calculated according to the pension contribution rate for their police pension scheme. In PPS 1987 and NPPS 2006 the contribution calculation will be based on the last pay the member received immediately before they commenced their unpaid family leave. For members of PPS 2015 who wish to buy back unpaid family leave, they will need to pay contributions for the period based on full pay. This difference is a result of the different nature of the scheme, i.e. in a CARE Scheme contributions and accrued pension are based on the member's pensionable earnings in each year, and so the member is buying back an amount of pension relative to their earnings. Conversely, in the PPS 1987 and NPPS 2006 the member is buying back pensionable service, with the resulting pension dependent on their final salary when they leave (or retire) as is the case.

2.61.5 For members of the PPS 1987 and NPPS 2006, a KIT day taken during the period of unpaid family leave will mean that the calculation to buy back the remaining period of unpaid leave will be based on full pay.

2.61.6 BB circular 015-2021 provides information on the buyback of unpaid maternity leave and other unpaid family leave under the police pension schemes.

2.G Career break scheme

2.62 **Location in Regulations**

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

2.63 **Key provisions for career breaks**

2.63.1 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.

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

2.64 **Career breaks and pensions**

2.64.1 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 re-join.

2.64.2 For a member entitled to full transitional protection, as long as the member 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 their current pension scheme when they return from the career break.

2.64.3 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 PPS 1987 or the NPPS 2006 for two years from 1 April 2015, their protection ended on 31 March 2017, even if the career break was taken for some or all of the 1 April 2015 – 31 March 2017 period.

2.64.4 Officers remain subject to their pension scheme's 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.

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

2.64.6 As part of the remedy to the discriminatory transitional protections identified in the McCloud/Sargeant ruling, from 1 April 2022 all pension accrual will be in the PPS 2015 Scheme. Members remaining in PPS 87 or NPPS 2006 on 31 March 2022 will be moved to the PPS 2015 scheme on the following day.

2.H Periods of temporary service away from a member's home force

2.65 **Location in regulations**

2.65.1 There are two separate provisions governing periods of temporary service away from a member's home force:

- S.97 of the Police Act 1996 provides for members to undertake relevant service with a range of other UK police related organisations such as the National Crime Agency, the College of Policing, the IOPC etc.; and
- Police Regulation 13A – secondments, provides for members to undertake "a period of temporary service outside a police force which is not relevant service within the meaning of section 97 of the Police Act 1996 for a period not exceeding five years." For instance, this could include secondments as part of a collaboration arrangement or a business placement.

2.65.2 Members who are on relevant service under s.97 are not treated as a member of their own force. Therefore, police regulations will not automatically apply. However, as detailed in the published PABEW guidance (Home Office circular 17-2013 refers), PFEW agrees that the starting point for determining members' terms and conditions while on relevant service should be police regulations and determinations. In particular:

- a period of relevant service will count towards an officer's incremental pay progression and leave entitlements;
- an officer may be promoted within their home force while on relevant service;
- an officer will retain their membership of the relevant police pension scheme;
- an officer is deemed to be a member of a police force under the Police (Injury Benefit) Regulations 2006; and
- an officer may be liable to disciplinary action on their return to their home force in respect of any misconduct while on relevant service.

2.65.3 Members on relevant service will need to decide whether the terms and conditions offered by a receiving organisation are acceptable to them before commencing a period of relevant service.

2.65.4 In contrast, officers who are on secondment under Police Regulation 13A remain a member of their force and therefore the police regulations including Police Regulations 2003 and the determinations thereunder and the relevant pension, injury on duty and conduct and performance provisions will continue to apply. In those instances where chief officer discretion may apply, such as in the payment of an expense or an allowance, the individual member will need to decide whether the proposed terms of the secondment are acceptable to them before starting a period of secondment.

2.65.5 Further details can be found in Branch Board circular 007-2019.

Section 3 Standards

3.A Probation

3.1 Probationary service in the rank of constable

3.1.1 The probation period for a newly joining constable is the first two years, or the first three years for constables joining under the degree apprenticeship scheme, unless the member transfers having completed probation in another force. The chief officer has power to lengthen these periods. 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. 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.

3.2 Probationary service in the rank of inspector

3.2.1 The probationary period for a newly joining inspector participating in the Direct Entry programme is the first two years or for such longer time as the chief constable decides. 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.

3.3 Reckonable service while on probation

3.3.1 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.

3.3.2 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.

3.3.3 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.

3.3.4 See Regulation 12 and Annex C of Police Regulations 2003.

3.4 Discharge and misconduct of a probationer

3.4.1 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 the member is not fitted, physically or mentally, to perform the duties of the Office of constable or is not likely to become an efficient or well conducted constable, inspector or re-joiner member as the case may be. The chief officer cannot delegate this decision.

3.4.2 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 Professional Standards, Performance and Integrity in Policing dated 5 February 2020.

3.4.3 Officers who are discharged under police Regulation 13 must not be placed on the Police Barred List – see section 3C below.

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

3.5 Member re-joining a police force

3.5.1 Police Regulation 10B provides that if a full-time member re-joins the service having previously satisfied the probationary service in the rank of constable, the member shall be appointed to a rank as determined by the chief officer and shall be on probation for a minimum period of six months and 12 months for those returning at

a different rank, or who left more than five years ago (Home Office circular 003/2019 refers).

3.B Standards of professional behaviour and the code of ethics

3.6 Location in Regulations and guidance

3.6.1 The Standards of Professional Behaviour are found in Schedule 2 of the Police (Conduct) Regulations 2020 and are also listed below. Further information on how the Standards should be applied is contained within the Home Office Guidance on Professional Standards, Performance and Integrity in Policing dated 5 February 2020.

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. Police officers have a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness.

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.

3.6.2 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 2020 and the Police Reform Act 2002 and the Police (Complaints and Misconduct) Regulations 2020.

3.C Professional Standards, Performance and Integrity in Policing

3.7 Location in Regulations

3.7.1 The following regulations covering the handling of complaints, conduct and performance matters came into effect on 1 February 2020:

- Police (Conduct) Regulations 2020
- Police (Complaints and Misconduct) Regulations 2020
- Police (Performance) Regulations 2020
- Police Appeals Tribunal Rules 2020
- Schedule 3 of the Police Reform Act 2002

3.7.2 These were accompanied by the following guidance:

- Home Office Guidance (HOG) on Professional Standards, Performance and Integrity in Policing
- Independent Office of Police Conduct (IOPC) guidance on handling police complaints

3.7.3 With a few exceptions, the 2020 framework will apply to any matter that comes to the attention of an appropriate authority on or after 1 February 2020. The 2012 provisions, and the HOG or IOPC guidance that applied at the time, will still apply to matters that came to the attention of an appropriate authority on or before 31 January 2020.

3.7.4 The new procedures are designed to seek to resolve matters at the earliest opportunity in a manner that is reasonable and proportionate, with an emphasis on learning wherever possible. The misconduct and performance procedures should be dealt with at the lowest appropriate managerial level, having regard to all the circumstances of the matter. Managers, supervisors, Professional Standards Departments and appropriate authorities are expected to exercise sound professional judgment and take into account the principle of proportionality in determining how to deal effectively with relatively minor shortcomings in behaviour.

3.7.5 Within the 2020 Regulations, there is a clear distinction between any breach of the Standards of Professional Behaviour and a breach that is so serious as to justify disciplinary action i.e. at least a written warning. This is an important distinction and must be borne in mind at every stage of handling by an appropriate authority, investigators and case to answer decision makers to ensure that the correct regime is applied and consistent decision-making applying the correct threshold is evidenced.

3.7.6 The 2020 Regulations include a revised definition of misconduct; opportunities for early review of allegations so that if at any time before a meeting or hearing it appears that an allegation no longer meets the higher threshold test for disciplinary proceedings a matter can be reassessed and discontinued or moved into the Reflective Practice Review Process; and a focus on timeliness.

3.8 Former officers and notice of intention to retire or resign

3.8.1 The Policing and Crime Act 2017 extended disciplinary procedures to former officers following an allegation or complaint made against an officer following their departure from policing and also allowed officers under investigation to resign or retire whilst proceedings continued to a conclusion.

3.8.2 The Police (Conduct) Regulations 2020, the Policing (Complaints and Misconduct) Regulations and the Police (Appeals) Tribunal Rules 2020 includes provisions on the handling of complaints and conduct matters in relation to persons who have ceased to serve in the police since the time of the conduct in question.

3.9 Police Barred and Advisory Lists

3.9.1 The Police Barred List and Advisory List Regulations 2017 require the College of Policing to maintain two lists: the police barred list and the police advisory list.

3.9.2 The barred list holds information on individuals who have been dismissed from policing, including former officers, through the Police Conduct or the Police Performance Regulations and who are barred from serving in policing. The barred list is published by the College of Policing.

3.9.3 The advisory list holds information on individuals who have resigned or retired during investigations or before an allegation has come to light.

3.9.4 The regulations set out the mechanism by which individuals can be removed from either list. Individuals who have been on the barred list for a period of 5 years (or 3 years where their dismissal was related to gross incompetence) will be able to apply to the College of Policing for a review of their barred status. Individuals on the advisory list will be able to apply for review of their status after 5 years in all cases. The College of Policing has produced guidance on the process to apply for a review. This is available on the College website.

3.10 Police friend

3.10.1 An officer who is subject of allegations may choose to be accompanied or represented in the proceedings by a police friend. Regulation 7 of the Police (Conduct) Regulations 2020 and Regulation 5 of the Police (Performance) Regulations 2020 sets out who may act as a police friend and the role that the police friend may undertake.

3.10.2 Further information on the status of police friends and friends' confidentiality can be found in BB circular 007-2020.

3.11 Legal and other representation

3.11.1 The officer concerned may be represented at a misconduct hearing or an accelerated misconduct hearing under the Police (Conduct) Regulations or at a third stage meeting under the Police (Performance) Regulations (for gross incompetence) by a police friend and/or legally represented by a relevant lawyer of their choice. Except in a case where the officer concerned has a right to be legally represented and chooses to be so represented, the officer may only be represented in the formal proceedings by a police friend.

3.11.2 For further information on the services of a "police friend" and the right to legal representation, contact your Branch Board. 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.

3.12 Privacy and requests for mobile phones and other devices

3.12.1 Officers have a right to privacy however this is a qualified right when considered against the Police Regulations 2003 and the Standards of Professional Behaviours set out in schedule 2 of the Police (Conduct) Regulations 2020. Officers must therefore take care in the use of their mobile phones and other devices and remember that even off duty behaviour could be considered a breach of the Standards of Professional Behaviour.

3.12.2 If a phone or device is lawfully seized or voluntarily surrendered and material is found that gives rise to a possible breach of the Standards such as inappropriate messages sent or received on a social network group, the material is very likely to be admissible in misconduct proceedings.

3.12.3 Further information on the issue of online activity and messaging can be found in the Home Office Guidance on professional standards, performance and integrity 2020 provides at paragraphs 2.19 and 2.20.

3.12.4 BB circular 008-2020 provides advice on responding to requests to surrender personal phones and devices and provide passwords or pins as part of a conduct or criminal investigation. Members should seek advice from their Branch Board as soon as possible and before responding to any request.

3.D Complaints and misconduct

3.12.5 The information in the remainder of this section is based on the Police (Conduct) Regulations 2020 and Police (Conduct) (Amendment) Regulations 2020, Police (Complaints and Misconduct) Regulations 2020, Schedule 3 of the Police Reform Act 2002, the Home Office Guidance on Professional Standards, Performance and Integrity in Policing and the IOPC guidance on handling police complaints.

3.12.6 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.

3.12.7 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 above) and, where appropriate, the right to legal representation.

3.13 **Police (Conduct) Regulations 2020**

3.13.1 These regulations apply where allegations of misconduct or gross misconduct are brought to the attention of an appropriate authority. Regulation 2(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.

3.14 **Severity assessment**

3.14.1 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. Regulation 14 provides for the appropriate authority to conduct a severity assessment –

- Where it is assessed that the conduct, if proved, would not amount to misconduct or gross misconduct, the appropriate authority must assess whether –
    - the conduct, if proved, would amount to practice requiring improvement;
    - the matter should be referred to be dealt with under the Performance Regulations; or
    - it should take no further action.

- Where it is assessed that the conduct, if proved, would amount to practice requiring improvement, the matter must be referred to be dealt with under the reflective practice review process (see below).
- The officer concerned should be informed in writing of the outcome where it is decided to take no further action or to refer the matter to be dealt with under the reflective review process of the Performance Regulations as soon as is practicable.
- Where it is assessed that the conduct, if proved, would amount to misconduct or gross misconduct, the matter must be investigated.

3.15 **Investigation of allegations of misconduct or gross misconduct**

3.15.1 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) as soon as reasonably practicable. 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 right 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. Investigations should be completed within 12 months of an allegation coming to the attention of an appropriate authority. Where an investigation is not completed within 12 months, a report must be submitted to the Police and Crime Commissioner as soon as reasonably practicable and every six months thereafter.

3.15.2 The appropriate authority may decide to suspend a member whilst the investigation of an allegation of misconduct or gross misconduct takes place. Regulation 11 of the Police (Conduct) Regulations 2020 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 the member 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.

3.15.3 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 23 sets out when the next stage of proceedings should be a misconduct meeting and when it should be a misconduct hearing.

3.15.4 The appropriate authority may also determine that there is no case to answer or that no misconduct proceedings will be brought in which case the appropriate authority must assess whether –

- the case amounts to practice requiring improvement;
- the matter should be referred to be dealt with under the Performance Regulations; or
- it should take no further action.

3.16 **Referral to misconduct proceedings**

3.16.1 When a 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 their representative.

Withdrawal of misconduct proceedings

3.16.2 At any time before the beginning of the misconduct proceedings, the appropriate authority may direct that the case is withdrawn and accordingly:

- take no further action against the officer concerned;
- refer the matter to the reflective practice review process; or
- refer the matter to be dealt with under the Performance Regulations.

3.16.3 The appropriate authority must provide the officer concerned with a written notice of the direction and a copy of the investigator's report or such parts that relate to the officer.

3.17 Misconduct hearings in public

3.17.1 Subject to exclusions that the person chairing or conducting the proceedings may impose under Regulations 39 and 40, a misconduct hearing will be held in public.

3.18 Procedure at misconduct proceedings

3.18.1 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 their rights to legal or other representation. Regulation 41 sets out the role that the representative of the officer concerned may undertake in the proceedings.

3.19 Outcome of misconduct proceedings

3.19.1 Regulation 42 sets out the possible outcomes of misconduct proceedings. These are:

- where a finding that the conduct amounts to neither gross misconduct nor misconduct, refer the matter to be dealt with under the reflective practice review process.

- In the case of a misconduct meeting:
  - a written warning (18 months)
  - a final written warning (2 years).

- In the case of a misconduct hearing where the conduct amounts to misconduct:
  - a written warning
  - a final written warning (may be extended up to 5 years)
  - reduction in rank (in limited circumstances)
  - dismissal without notice (in limited circumstances).

- In the case of a misconduct hearing where the conduct amounts to gross misconduct:
  - a final written warning
  - reduction in rank
  - dismissal without notice.

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

3.19.3 Within five working days, beginning with the first working day after the completion of the misconduct proceedings, a report must be submitted to the appropriate authority on the findings of the misconduct proceedings. As soon as reasonably practicable, the appropriate authority must notify in writing the officer concerned of the outcome of those proceedings. At that time he/she should also be informed of their right to appeal.

3.20 Appeal following misconduct meetings

3.20.1 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.

3.21 Accelerated misconduct hearings

3.21.1 Part 5 of the Police (Conduct) Regulations 2020 sets out the procedure for conducting accelerated misconduct hearings. These hearings take place when an investigation of an allegation identifies that the following special conditions are satisfied:

- there is sufficient evidence, in the form of written statements or other documents, to establish on the balance of probabilities, that the conduct of the officer concerned constitutes gross misconduct; and
- it is in the public interest for the officer concerned to cease to be a police officer without delay.

3.21.2 The Home Office Guidance clarifies at paragraph 12.5 that the special conditions “procedures are designed to deal with cases where the evidence is incontrovertible in the form of statements, documents or other material (e.g. CCTV) and is therefore sufficient without further evidence to prove gross misconduct and it is in the public interest, if the case is found or admitted, for the officer to cease to be a member of the police service straightaway.”

3.21.3 The regulations also set out how cases should be dealt with when the Independent Office for Police Conduct 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.

3.22 **Police (Complaints and Misconduct) Regulations 2020 & Schedule 3 of Police Reform Act 2002**

3.22.1 The Police (Complaints and Misconduct) Regulations 2020 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.

3.22.2 The regulations set out which complaints and misconduct matters should be recorded and which should be referred to the Independent Office of Police Conduct (IOPC). In the case of a complaint, a recorded misconduct matter, or a Death or Serious Injury matter, the IOPC may manage the investigation itself or supervise an investigation managed by an appropriate authority. The regulations set out how supervision of proceedings by the IOPC will be conducted.

3.22.3 Where an appropriate authority decides that it is not reasonable and proportionate to investigate a recorded complaint, and it is not required to investigate, the complaint must be handled under Schedule 3 of the Police Reform Act 2002 otherwise than by investigation. Reflective practice (as opposed to the Reflective Practice Review Process under the Conduct Regulations) may be used to handle such a complaint or it may be decided to take no further action.

3.23 **Reflective Practice Review Process (RPRP)**

3.23.1 Part 6 of the Conduct Regulations make provision for a reflective practice review process (RPRP). This process does not amount to disciplinary proceedings. RPRP consists of two stages: a fact finding stage and a discussion stage. Following completion of the discussion stage, the reviewing officer must produce a reflective review development report in accordance with Regulation 70.

3.23.2 A referral to RPRP can be made at all stages in the handling of a matter from the initial assessment through the investigation or

misconduct proceedings. The RPRP allows issues badged as Practice Requiring Improvement (PRI), that are potentially a blend of performance and conduct matters to be handled proportionately with a focus on lessons that can be learned by either the individual concerned and/or the organisation.

3.23.3 A finding of PRI means underperformance or conduct not amounting to misconduct or gross misconduct which falls short of the expectations of the public and the service as set out in the Code of Ethics. This can include matters that allege that the Standards of Professional Behaviour have been breached but that the alleged breach would not justify misconduct proceedings or warrant a referral to the Performance Regulations.

3.23.4 The reflective review development report and review notes must be discussed as part of the officer's performance and development review during the 12 month period following agreement of the report. There are no sanctions following a finding of PRI and the officer must not be prevented from applying for or obtaining a promotion or a transfer.

3.23.5 The appropriate authority must take action to ensure that any lessons identified for the line management or force are addressed.

3.23.6 If the reviewing officer considers that the officer concerned is failing to engage with the RPRP, the reviewer may refer that failure to the appropriate authority to conduct a severity assessment under Regulation 14.

3.E Unsatisfactory Performance and Attendance Procedures (UPPs/UAPs)

3.24 **Location in Regulations and guidance**

3.24.1 The information in this section is based on the Police (Performance) Regulations 2020 and Section 5 of the Home Office Guidance on Professional Standards, Performance and Police Integrity dated 5 February 2020.

3.24.2 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.

3.25 **Unsatisfactory performance or attendance**

3.25.1 This is defined in Regulation 4(2)(a) of the Police (Performance) Regulations 2020 as “an inability or failure of a police officer to perform the duties of the role or rank the officer is currently undertaking to a satisfactory standard or level.”

3.26 **Gross incompetence**

3.26.1 This is defined in Regulation 4(1) of the Police (Performance) Regulations 2020 as “a serious inability or serious failure of a police officer to perform the duties of the officer’s rank or the role the officer is currently undertaking to a satisfactory standard or level, without taking into account the officer’s attendance, to the extent that dismissal would be justified.”

3.27 **Management action**

3.27.1 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 2020. There is, however, detailed

information in the Home Office Guidance on Professional Standards, Performance and Police Integrity dated 5 February 2020.

3.27.2 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 2020.

3.28 **Unsatisfactory Performance Procedure (UPP)**

3.28.1 The Unsatisfactory Performance Procedure (UPP) applies 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.

3.28.2 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.

3.28.3 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.

3.28.4 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 2020 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 Branch Board).

3.28.5 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.

3.28.6 At any stage, if the officer or their 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.

3.29 **First stage meeting**

3.29.1 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 their performance. The officer's police friend will also have the opportunity to address the meeting, as set out in Regulation 17. If the finding of the line manager is that the police officer's performance or attendance has been unsatisfactory, a written improvement notice will be issued as soon as reasonably practicable. The improvement notice will set out how the officer is required to improve on their performance and the period within which the improvement is required to be made. The notice must also inform the officer of their right to appeal and the procedure for doing so.

3.29.2 A written improvement notice is valid for a period of 12 months beginning with the date of the notice.

3.30 **Second stage meeting**

3.30.1 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. Regulation 24 also provides that an appropriate authority may require a second stage meeting to be held, in circumstances where there has not been a first stage meeting, where a matter has been referred under the Conduct Regulations to be dealt with under the Performance Regulations.

3.30.2 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 their 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. The notice must also inform the officer of their right to appeal and the procedure for doing so.

3.30.3 A final written improvement notice is valid for a period of 12 months beginning with the date of the notice.

3.30.4 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.

3.30.5 In any case in which an improvement notice is given, there should be an action plan which should help the officer achieve and maintain the required improvement. This should be agreed by the member and line manager. It should identify in what respect the officer's performance or attendance is considered unsatisfactory, describe the steps the member must take to bring it up to an acceptable standard, specify the period in which improvement is expected to be made and the validity period of the improvement notice.

3.31 **Third stage meeting**

3.31.1 Where at the end of the period specified in the final written improvement notice, an assessment is made that the police officer's performance or attendance 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 35 the officer can object to the appointment of a panel member. If an objection is upheld the panel member will be replaced.

3.31.2 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 (which may involve a reduction in rank)
- Reduction in rank (performance only) with immediate effect
- Dismissal with a minimum of 28 days' notice

- Extension of a final written improvement notice (this will occur only in exceptional circumstances and the period cannot be extended more than once)

3.32 **Gross incompetence**

3.32.1 When the appropriate authority:

- 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.

3.32.2 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.

3.32.3 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.

3.32.4 Where an officer is required to proceed straight to a stage three meeting, without the inclusion of stage one or two in the procedure, the officer 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 2020 convey the right to legal representation. In all other circumstances under the regulations the officer may only be represented by a police friend.

3.32.5 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 written improvement notice

3.33 **Appeals**

3.33.1 The officer concerned may appeal against the outcome of the first and second stage meetings. Regulations 19 and 27 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.

3.33.2 At stage two, there is a further ground for appeal in addition to those available of appeal under stage one. 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.

3.33.3 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 PAT against the findings and/or the following imposed outcomes:

- Dismissal
- Reduction in rank

3.33.4 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 PAT 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

3.34 **Finding of satisfactory performance or improvement in performance**

3.34.1 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.F Restrictions on the private life of a police officer

3.35 **General**

3.35.1 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.

3.36 **Membership of certain organisations**

3.36.1 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.

3.37 **Other restrictions**

3.37.1 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.

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

3.38 **Business interests incompatible with membership of a police force**

3.38.1 If a member has, or proposes to have, a business interest, the member 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 their duties (Regulations 7, 8 and 9 and 9A of Police Regulations 2003 apply).

Section 4 Limited duties

4.1 Location in Regulations

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

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

4.2 Categories

4.2.1 '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 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, the officer 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:

a) criminal or misconduct proceedings are not warranted; and

b) the chief constable has lost confidence in the officer continuing in their current role.

4.3 Adjusted duties: force-wide assessment

4.3.1 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.

4.3.2 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.

4.4 Twelve month review

4.4.1 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 from pay (by the removal of the deployment component of the police officer x-factor).

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

4.4.3 On receipt of an individual recommendation, the delegated authority will use their discretion to decide on a case-by-case basis, whether or not an officer should remain on adjusted duties and 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 the range of roles that can be undertaken by the force is significantly reduced).

4.4.4 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.

4.4.5 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 their 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);
e) An officer has the right to appeal the decision to reduce their 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.

4.4.6 Grounds for appeal are:

- Abuse of process
- Perverse decision

4.4.7 As at July 2020, the NPCC has indicated that it is not inclined, at this time, to use the power to reduce the pay of a member on adjusted duties.

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

- Limited duties NPCC guidance, published under HOC 010/2015
- BB circular 16-2015
- PFEW FAQs

4.5 Medical Capability Dismissal

4.5.1 As part of the Limited Duties initiatives it was anticipated that a new exit route, Medical Capability Dismissal, would be enacted. In January 2020 the NPCC and the Home Office informed the Police Advisory Board for England and Wales that after further consideration, and in the light of other changes which had reduced the need for such a scheme, the proposals would not be pursued.

Section 5 Pensions

5.1 The Schemes

5.1.1 There are three police pension schemes:

5.2 Police Pension Scheme (PPS) 1987

5.2.1 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.

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

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

5.3 New Police Pension Scheme (NPPS) 2006

5.3.1 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.

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

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

5.4 Police Pension Scheme (PPS) 2015

5.4.1 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 (currently 1/55.3) for each year, and the amount accrued in a year will be revalued each subsequent year until retirement.

5.4.2 All new entrants to the service from 1 April 2015 have joined this pension scheme. In addition, in accordance with the transitional

provisions 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 (see section below on Remedy for subsequent developments).

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

5.5 Retirement and resignation

5.5.1 The period of notice required to resign or retire is at least one month's written notice, as per Regulation 14 of the Police Regulations 2003. Please note that the regulations do not use the term 'resignation', instead termination of service by the officer is referred to as a retirement.

5.6 Transitional arrangements and the PPS 2015

5.6.1 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 their existing scheme until the end of their service. Those within four years of being eligible to receive full protection received "tapered protection" and were required to move to the PPS 2015 at a date later than 1 April 2015. Full and tapered protection are collectively known as the "transitional protections".

5.6.2 The transitional arrangements were quite complex and PFEW produced an FAQ document which explained the relevant details (including the transitional protections) for members with service in two police pension schemes; and the provisions of the PPS 2015. The document is available on the Hub.

5.6.3 Following legal cases brought by both judges and firefighters, the Court of Appeal ruled that the transitional protections gave rise to direct age discrimination, which could not be justified and were therefore unlawful. The Government confirmed in July 2019 that the judgement would apply to all of the main public service pension schemes (including the police schemes). The consultation on how to remedy the unlawful discrimination ran from 16 July to 11 October 2020 and PFEW's submission to the consultation can be viewed in full here.

5.6.4 The Government published its response to the consultation in February 2021, which sets out how they intend to remove the unlawful discrimination caused by the transitional protections and to implement those changes ("the Remedy").

5.6.5 PFEW has produced an FAQ document which includes an update on the Remedy to the discrimination. This document is available on the Hub. Implementation of the Remedy will involve additional consultations on detailed changes to the police schemes and further information will be made available once more detail emerges.

5.7 The Remedy

5.7.1 The decision of the Court of Appeal means that all those who were active members of either the PPS 1987 or the NPPS 2006 (the "legacy schemes") on 1 April 2012 and who remained active members of the one of the police schemes up until and after 1 April 2015 should be treated as being fully protected from 1 April 2015 and in scope of the application of the Remedy. For members eligible for the Remedy, it will apply to any period of active membership during the period from 1 April 2015 to the end of 31 March 2022 (the "Remedy Period").

5.7.2 Unprotected and tapered protection members will have transitioned to and accrued benefits under the PPS 2015. These benefits cannot simply be removed and therefore these members will be offered a binary choice of benefits during the Remedy Period of either PPS 2015 benefits or their legacy scheme benefits. In order to treat all members equally and avoid creating any new discrimination, those who received full protection will also be offered the same choice of benefits for the Remedy Period.

5.7.3 The Government deadline for the full implementation of the Remedy is 1 October 2023, and by that date those in scope of the Remedy who became members of PPS 2015 will be returned to their legacy scheme and treated as if they had remained an active member of that scheme for the Remedy Period. This will require retrospective adjustments to contributions and tax liabilities to reflect what they would have been had the member remained in their legacy scheme.

5.7.4 Members in scope of the Remedy will make their choice of benefits for the Remedy Period when they retire from the police scheme. This is known as the Deferred Choice Underpin (DCU) option. At retirement, there will only be a further adjustment to contributions and tax liabilities if the member opts to receive benefits from PPS 2015 for the Remedy Period.

5.7.5 With effect from 1 April 2022 both legacy schemes (PPS 87 and NPPS 2006) will be closed and the PPS 2015 will be the only scheme under which members will be able to accrue benefits from that date.

ANNEX A - COVID

A number of FAQs were published in 2020 regarding measures forces were taking to manage the COVID situation. This included information about changes to relevant broader UK legislation. The last published version is version 005, dated August 2020. The FAQs can be found in full on the Policy Support area of the Hub.

Useful websites

The Hub
PFEW's intranet, available for Federation reps only.

Police Federation of England and Wales (PFEW)
The staff association for police constables, sergeants and inspecting ranks.

Home Office website
The Home Office is the lead government department for immigration and passports, drugs policy, crime, fire, counter-terrorism and policing.

Home Office Circulars issued between 2003 and up until HOC 5/2013 can be found on the archived Home Office website. Determinations made under Police Regulations 2003 issued under Home Office Circulars can also be found there.

Home Office circulars from 2012 to the present can be found on the HO website. Determinations made under Police Regulations 2003 issued under Home Office Circulars can also be found there.

The Office of Manpower Economics (OME)
Contains information relating to the Police Remuneration Review Body, which makes recommendations to the Government on matters such as the pay of officers (up to and including chief superintendents) in England & Wales.

www.legislation.gov.uk
Contains primary legislation and statutory instruments, e.g. Police Act 1996 and Police Regulations 2003.

Employment Tribunal (ET)
ETs hear claims from people who think an employer has treated them unlawfully.

Equality and Human Rights Commission
The Commission has a mandate to promote equality and human rights and uphold the law across England, Wales and Scotland.

Health and Safety Executive
The mission of the HSE is to prevent work-related death, injury and ill health.