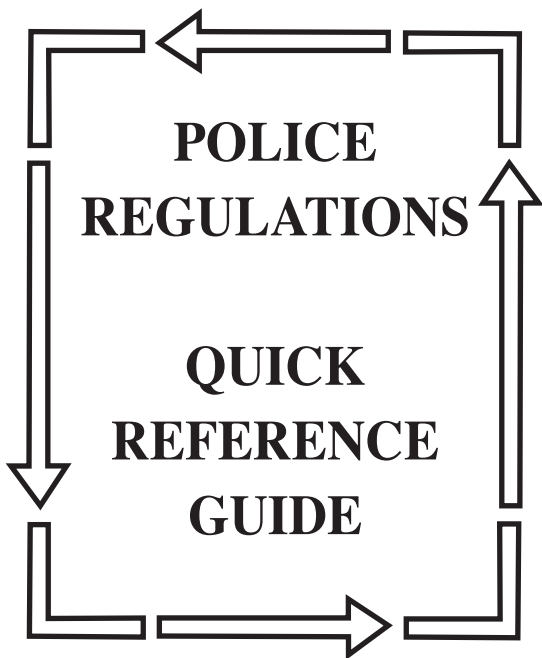




THE POLICE FEDERATION
OF ENGLAND AND WALES



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 Police Regulations and Determinations, which govern your terms and conditions of appointment.

This Guide has been updated in line with Police Regulations 2003 and determinations, as at October 2009.

In case of particular concerns please contact your Joint Branch Board.

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YOUR FEDERATION

Your Joint Branch Board

Your Joint Branch Board (JBB) is comprised of three separate Branch Boards – which cover separately Constables (CBB), Sergeants (SBB) and Inspectors and Chief Inspectors (IBB).

Your representative is elected by ballot from constituencies agreed with the chief officer and elections take place triennially. The next elections are due to be held at the end of 2010.

Your National Federation

At the Police Federation Conference every three years members are elected to the three national rank committees: the Constables' Central Committee, the Sergeants' Central Committee and the Inspectors' Central Committee. The next triennial elections will take place in 2011.

The Joint Central Committee comprises the Constables' Central Committee, the Sergeants' Central Committee and the Inspectors' Central Committee sitting together.

All police cadets, constables, sergeants, inspectors and chief inspectors are automatically members of the Police Federation of England and Wales under the Police Act 1996.

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 of these services to members is reflected by the fact that 99% of officers contribute.

SECTION A – COMPLAINTS AND MISCONDUCT

There are now two ways in which matters that have been assessed as potential misconduct may be handled:

- Management action by a line manager
- Disciplinary action for misconduct where it is felt that management action is not appropriate

Where a member is suspected of having committed a criminal or misconduct offence, this may result in a formal investigation. In such a case, the member may be subject to both a criminal investigation and an internal misconduct investigation. Where there is a criminal investigation a member has the same rights as any individual who is investigated for an alleged criminal offence under the provisions of the Police and Criminal Evidence Act 1984.

The misconduct will be subject of a severity assessment as to the whether the conduct amounts to either misconduct or gross misconduct.

Misconduct is a breach of the Standards of Professional Behaviour.

Gross Misconduct means a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.

Written notice must be given to the member under Regulation 15 of the Police (Conduct) Regulations 2008 or 14A of the Police (Complaint and Misconduct) Regulations 2004 (as amended). This notice should be served as soon as is practicable, unless to do so would prejudice the investigation or any other investigation (including a criminal one).

The member should be informed that whilst he/she does not have to say anything it may harm their case if he/she does not mention, when interviewed or when providing any information, something which he/she relies on in any subsequent proceedings.

Further, he/she should be informed that a written or oral statement may be made to the investigator within 10 days of receipt of the notice. In addition the member is encouraged to suggest at an early stage any line of enquiry that would assist the investigation and to

SECTION A – COMPLAINTS AND MISCONDUCT

pass on any material they consider relevant to the enquiry.

The member has the right to seek advice from the Police Federation at all stages of an investigation, and has the right to be accompanied by a police friend” to any meeting, interview or hearing.

For further information on the services of a “police friend”, contact the JBB. It is important for a member to seek advice at the earliest possible stage and certainly prior to making any formal statement.

If the case is referred to a misconduct hearing or special case hearing (a fast track hearing), the member has the right to be represented by a lawyer.

A temporary move to a new location or role must always be considered first as an alternative to suspension. If the member is suspended it should be with pay at the rate which applied at the time of the suspension. Pay may only be withheld in very limited circumstances (Paragraph 1 of Schedule 2 to the Police Regulations 2003). The position in relation to allowances is more complicated and advice should be sought from your JBB office. The use of suspension must be reviewed at least every 4 weeks and should be used as a last resort.

Interviews during investigation

Formal interview will not always be necessary. In low level misconduct cases, it may be more appropriate to request a written account from the member. If an interview takes place it may be electronically recorded. If not, then a written record or summary of the discussion must be given to the person being interviewed.

Where the matter to be investigated involves both criminal and misconduct allegations, it should be made clear to the member concerned at the start of the interview whether it is in respect of the criminal or misconduct allegations. Anything said by the member concerned in a misconduct interview when not under caution could be subject to an inadmissibility ruling by the court at any subsequent

SECTION A – COMPLAINTS AND MISCONDUCT

trial. If necessary, appropriate legal advice may be requested.

Local Resolution

Low level complaints can be handled through a process of 'Local Resolution' which seeks to provide the complainant with a speedy and satisfactory response.

Local Resolution is considered appropriate only if the actions of the member involved should not result in criminal or disciplinary proceedings. Once a complainant has agreed in writing to Local Resolution they cannot change their mind. Local Resolution is normally dealt with by the member's supervisor. Any explanation given by the member is purely voluntary. Nobody can apologise on the member's behalf unless they specifically authorise them to do so. If the member accepts all or some of the events detailed in the complaint and/or has an explanation for their actions and want this to be passed on to the complainant, this can be done.

Local Resolution will not be considered as formal disciplinary action although it does not prevent a manager from making a note of the action taken and recording this on the member's Performance and Development Review.

For a copy of the complete Home Office Guidance on Police Misconduct, Unsatisfactory Performance and Attendance Management Procedures refer to Home Office Circular 26/2008.

<p style="text-align: center;">SECTION B – STANDARDS OF PROFESSIONAL BEHAVIOUR</p>

Honesty and Integrity

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

Authority, Respect and Courtesy

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

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

Equality and Diversity

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

Use of Force

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

Orders and Instructions

Police officers only give and carry out lawful orders and instructions. Police officers abide by police regulations, force policies and lawful orders.

Duties and Responsibilities

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

Confidentiality

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

<p style="text-align: center;">SECTION B – STANDARDS OF PROFESSIONAL BEHAVIOUR</p>

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.

Please note that a greater explanation of the Standards of Professional Behaviour is contained within the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures (Home Office Circular 26/2008 refers).

SECTION C – UNSATISFACTORY PERFORMANCE AND ATTENDANCE PROCEDURES (UPPs)

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

Unsatisfactory performance (and attendance) is “an inability or failure of a police officer to perform the duties of the role or rank he is currently undertaking to a satisfactory standard or level”

Gross Incompetence is “a serious inability or serious failure of a police officer to perform the duties of the role or rank he is currently undertaking to a satisfactory standard or level, to the extent that dismissal would be justified, except that no account shall be taken of attendance of a police officer when considering whether he has been grossly incompetent”

Management Action

It is the responsibility of an officer’s line manager to raise any shortcomings or concerns with the individual at the earliest opportunity. This should not be delayed until a Performance and Development Review meeting. The reason for dissatisfaction must be clearly communicated to the officer in question and any mitigating reasons for the underperformance should be identified and addressed. In particular consideration as to whether there are any health or welfare issues affecting performance. If an officer has a disability within the scope of the Disability Discrimination Act, then the requirements of that legislation need to be complied with.

The line manager must record the nature of the performance issue, the advice given and steps taken to address the problem. Any improvement in performance must also be formally recorded.

Where there is no sustained improvement following management action it may be appropriate to use the formal UPPs.

SECTION C – UNSATISFACTORY PERFORMANCE AND ATTENDANCE PROCEDURES (UPPs)

UPPs

The formal procedures are designed to deal with a pattern of unsatisfactory performance, not a single event, unless gross incompetence is involved.

The UPPs do not apply to student officers who are governed by locally determined procedures underpinned by Regulation 13, Police Regulations 2003.

There are three stages in total (see below). A meeting is held at each stage (with an appeal process if required at each stage). The relevant manager must notify the officer a meeting is required. At this time they must provide the officer with details of the procedure, an explanation in writing of the reason for the meeting and details of who will be in attendance. The officer must be informed of his right to be accompanied by a Federation representative. The notification 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.

The period allowed for improvement where applicable at each stage will normally be three months and may not exceed twelve months. Satisfactory performance must be maintained for a twelve month period to avoid the next stage of the process.

The first stage

The officer must be notified in writing by his first-line manager that he is required to attend the first stage meeting. If the officer's performance is deemed by the first-line manager at the meeting to be unsatisfactory an improvement notice will be issued specifying what is required from the officer. If the officer chooses to appeal, his second line manager will review the decision at the stage appeal meeting.

SECTION C – UNSATISFACTORY PERFORMANCE AND ATTENDANCE PROCEDURES (UPPs)

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

The second stage

The officer must be notified in writing by his second-line manager that he is required to attend the second stage meeting. If the officer's performance is deemed by the second-line manager at the meeting to be unsatisfactory a final improvement notice will be issued specifying what is required from the officer. If the officer chooses to appeal, a senior officer will review the decision at the appeal meeting.

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

The third stage

The officer must be notified in writing by a senior manager that he is required to attend the third stage meeting. The decision on the officer's performance will be made by three panel members, at least one of whom must be a police officer and one should be an HR professional. None of the panel members should be junior in rank to the police officer concerned.

If the panel deems the officer's performance to be unsatisfactory they have the following options:

SECTION C – UNSATISFACTORY PERFORMANCE AND ATTENDANCE PROCEDURES (UPPs)

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

The officer has no right to legal representation at the third stage meeting if the process has been followed through stages one and two.

An officer has a right to appeal against the findings of a third stage meeting or the outcome imposed. The appeal will be heard by the Police Appeals Tribunal.

At any stage if the officer or his police friend is unavailable on the meeting date proposed by the relevant manager, the officer may propose an alternative date and time which must be accepted provided it is reasonable and within 5 working days of the original date.

In the case of an accusation of gross incompetence stages 1 and 2 of the UPPs will be omitted and an officer will go straight to a Stage 3 meeting. This is only for instances relating to performance matters and is not applicable for attendance issues, which must follow the full three stage process.

An officer accused of gross incompetence may be accompanied by a legal representative in addition to a police friend.

Please note that a greater explanation of the Unsatisfactory Performance Procedures is contained within the Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures (Home Office Circular 26/2008 refers).

SECTION D – RESTRICTIONS ON THE PRIVATE LIFE OF A POLICE OFFICER

General

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

Membership of Certain Organisations

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

Other restrictions

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

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

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

SECTION E – DUTY TIME

Different provisions apply for members working full-time, on part-time arrangements, and/or on variable shifts. The following is a summary of duty time provisions for officers working full time, who are not working variable shifts. Similar provisions apply to variable shift arrangements, though the central reference is to the rostered shift rather than the tour of duty,

For further information on part-time provisions contact the JBB.

CONSTABLES AND SERGEANTS

Normal Period of Duty

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

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

Travelling time treated as duty

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

Where a member is required to perform the normal daily period of duty 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, travelling time to and from home (as a consequence of the recall) also counts as duty time, subject to any reasonable limit.

SECTION E – DUTY TIME

OVERTIME

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

- members remain on duty after their tour of duty ends,
- they are recalled between two tours of duty, 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.

Planned overtime

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

If they work between 15 and 30 minutes overtime, they will be paid for the first 15 minutes only.

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

Casual overtime

This term applies where members are not informed at the commencement of their tour of duty that they will be required to remain on duty after the tour 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 that this would be required, the first 30 minutes of such overtime worked is disregarded in calculating the overtime allowance due. This discount applies also to equivalent time off, should they choose time off in lieu of paid overtime.

Recall to duty

If a member is recalled to duty between two rostered tours of duty,

SECTION E – DUTY TIME

the time worked as a result of the recall, if less than four hours, will attract four hours' pay at the appropriate overtime rate. This applies to each separate period of recall. Subject to any reasonable limit imposed by the chief officer, the member is also entitled to treat the travelling time as duty ("relevant travelling").

Example:

A member is rostered to work 06.00 to 14.00 on day 1 and day 2. After completing duty on day 1 he/she is recalled at 18:00. The duty only lasts two hours, after which time he/she returns home. The member is entitled to claim four hours overtime plus overtime for relevant travelling, and may then be required to carry out normal duty on day 2.

N.B: If the duty lasts in excess of four hours, the claim will be for the actual hours worked (plus appropriate travelling time).

Advancing the start of duty from the rostered time

When the commencement time of a rostered duty is brought forward without due notice so that the duty straddles the start of the force day, and the tour is begun on a day on which the member has already completed a normal rostered tour, 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.

Example:

Assume the Force Day commences at 06.00. If the rostered tour of duty on day 2 was 06.00 – 14.00 and the member had already done a full tour on day 1 and is told at 02.00 to attend for duty at 04.00 hours on day 1 and work until 14.00 hours on day 2, he/she will be entitled to an overtime allowance at time and a third for the period 04.00 to 06.00, plain time for the period 06.00 to 12.00, and time and one third for the period 12.00 to 14.00.

Due notice for these purposes is defined in Regulation 25 as "notice

SECTION E – DUTY TIME

given at least 8 hours before the revised starting time of the rostered tour of duty in question”.

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

Rate of payment

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

REST DAY AND PUBLIC HOLIDAY WORKING

Compensation for duty on a rostered rest day

Where members are required to do duty on a rostered rest day they are entitled to:

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

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

Subject to any reasonable limit imposed by the chief officer, travelling time to and from duty on a rest day may also count as duty. It will not count from the point at which travelling time and the period of duty exceeds 6 hours.

Where the member is retained on duty from a rostered duty into a

SECTION E – DUTY TIME

rest day, and the period worked on the rest day is not more than one hour of duty, the minimum four-hour payment does not apply and the rest day time to be reimbursed counts as the number of 15 minute periods actually completed (no discount for casual overtime).

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

When calculating the number of days' notice given, disregard both the day on which the requirement was notified and the day on which the member is required to do duty.

Compensation for duty on a public holiday

When required to do duty on a public holiday members are entitled to:

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

Subject to any reasonable limit imposed by the chief officer, travelling time to and from duty on a public holiday may also count as duty. It will not count from the point at which travelling time and the period of duty exceeds 6 hours.

Work in excess of 8 hours on a rest day or public holiday

Time spent on duty on a rest day or public holiday in excess of 8 hours attracts the same level of compensation as any other rest day or public holiday working.

SECTION E – DUTY TIME

Time off in lieu

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

Reinstatement of cancelled public holidays and rest days

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 member is not required to attend for duty.

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

Where seven days' notice or less is received of the cancelled duty requirement, the member may either choose to take the rest day/public holiday or work and claim compensation in accordance with Police Regulations.

Telephone calls received whilst at home on rest day or after tour of duty

Answering the telephone does not generally constitute a recall to duty and does not attract the minimum four hours compensation provided in regulations.

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.

SECTION E – DUTY TIME

INSPECTORS AND CHIEF INSPECTORS

Duty Time

The regulations do not require rosters to be published for full time members of the rank of Inspector and Chief Inspector. Inspectors and Chief Inspectors are neither entitled to overtime allowances nor rest day/public holiday working allowances.

We consider however that part time inspectors are hourly paid (though not entitled to any enhancement). This is about to be the subject of legal action. For the up to the date position contact your JBB office or visit www.polfed.org

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, he/she should be granted a day's leave in lieu of any public holiday or rest day not taken.

WORKING TIME REGULATIONS

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

The main rights under the Working Time Regulations are:

- a limit of an average of 48 hours a week over a reference period which a worker can be required to work (unless otherwise agreed with the individual)
- a limit on night workers' normal hours of work of an average of 8 hours work in 24 (and no more than 8 hours in any 24 during which night work is performed if subject to special hazards or strain)
- 11 consecutive hours rest per day or compensatory rest if in exceptional circumstances rest periods are not provided

SECTION E – DUTY TIME

- 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
- for leave years beginning on or after 1 April 2009, 28 days (including public holidays) paid leave per year
- free health assessments for night workers

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

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

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

SECTION F – OFFICERS SERVING ON PART-TIME ARRANGEMENTS

Members in any rank may be appointed to perform part-time service or to job share with another member.

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

For further details of part-time arrangements see the Part-time leaflet published by the Police Federation, available from your JBB office or online at;

<http://www.polfed.org/part-timeadvice.pdf>

and the Home Office Guidance on Flexible Working in the Police Service, available at;

http://police.homeoffice.gov.uk/publications/human-resources/flexible_working_police_service

The Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 apply to the police service. Complaints under this 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 this legislation, the application must be submitted to the Tribunal within three months less one day of the act complained of. Contact the JBB for further information.

SECTION G – ANNUAL LEAVE

The annual leave entitlements (expressed in 8 hour days) for the federated ranks are found in Regulation 33, Annex O:

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

Carry over

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 to bring forward to the last month of a leave year no more than five days leave from the following year.

Working on Annual Leave

The following scale of compensation applies where an officer is recalled to duty from a period of absence from duty of 3 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 3 or more days of which at least one day is annual leave:

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

SECTION G – ANNUAL LEAVE

If the period of absence includes rostered rest days, days in lieu of overtime, or public holidays, compensation for working on those days (or time off in lieu) would be as per the relevant regulation.

Is a member who is on annual leave who becomes sick entitled to go on sick leave (and reclaim the annual leave)?

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

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

With regard to the position of an officer 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.

Compensation for annual leave not taken on leaving the service

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

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

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

SECTION H – SICK LEAVE

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

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

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

The chief officer retains the discretion to resume or maintain the period of entitlement to, as appropriate, full pay or half pay. PNB Circulars 03/2 and 05/1 give agreed guidance to chief officers on the exercise of this discretion.

For further details please contact the JBB.

Court appearances – whilst sick

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

Injury sustained on duty

As at summer 2009, the Home Office is conducting a review of police injury benefits, which could lead to changes in entitlements which may be significant in some cases and may affect the position summarised below. For the up to the date position contact your JBB office or visit www.polfed.org

Any injury suffered whilst on duty (e.g. assault, a road traffic accident, falling over loose equipment, disease, stress, etc.) should

SECTION H – SICK LEAVE

be reported by the member to his/her supervising officer and to the local offices of the Department of Work and Pensions (DWP) to register an industrial injury. DWP may invite the member to claim benefit. These steps may assist in getting an injury award, should further aggravation or deterioration result, even at a much later date.

Sick pay will be abated by any incapacity benefit or statutory sick pay if the member is on full sick pay.

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

In respect of any injury suffered by a member (whether or not incurred on duty) he/she should notify the Joint 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.

SECTION I – LEAVE FOR ANTE NATAL CARE, MATERNITY LEAVE, MATERNITY SUPPORT LEAVE AND PATERNITY LEAVE, PARENTAL LEAVE, ADOPTION LEAVE, ADOPTION SUPPORT LEAVE, TIME OFF FOR DEPENDANTS

For police maternity scheme provisions see Police Regulations 2003, Regulation 29 and Annex L and Regulation 33 and Annex R, and also the Police Federation's "Guide to Family Leave and Flexible Working" handbook and Maternity Leaflet which is available from your JBB office. Further guidance is contained in Home Office Circular 29/2003.

Leave for ante-natal care

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

Maternity Leave

The maximum period of maternity leave is 15 months, which can be taken in one or more periods. The period during which maternity leave can be taken commences six months before the expected week of childbirth and ends no later than 12 months afterwards. The ability to take maternity leave in more than one period allows the member to return to work for a court appearance, training course, etc., and then resume maternity leave. It can also be used to take annual leave during a break in maternity leave, if not all annual leave can be carried over to the next leave year.

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

Paid Maternity Leave

Three months' paid maternity leave is available to a female member who:

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- (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.

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

Statutory Maternity Leave

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

Maternity Support Leave (which incorporates previous provisions for Paternity Leave)

These provisions are found in Annex S of Police Regulations.

A member who is the child's father or the mother's partner or the nominated carer (nominated by the expectant mother) is entitled to 2 weeks' maternity support leave, at or around the time of birth. The first week of maternity support leave will be on full pay.

Members who have 26 weeks' continuous service at the 15th week before the expected week of confinement will be entitled to be paid for the second week at statutory paternity pay rate.

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Parental leave

Members who have served continuously for a period of not less than a year; and have, or expect to have, legal parental responsibility for a child are entitled to 13 weeks' unpaid parental leave in respect of each individual child for the purpose of caring for that child. Different conditions apply according to the age of the child, or whether the child is born to the member or placed with him/her for adoption. Where the child is entitled to a disability living allowance the entitlement is 18 weeks' parental leave.

The period during which the leave may be taken is specified in Regulation 33, Annex S. Generally the leave must be taken before the child's 5th birthday or the 5th anniversary of the placement, or, for disabled children, before the child's 18th birthday. The arrangements for taking the leave need to be agreed with the chief officer. For further details contact the JBB.

Adoption Leave

A member who is a child's adoptive parent is entitled to 1 week's adoption leave on full pay, at or around the time of the adoption, irrespective of their length of service.

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 week's Statutory Adoption Leave – the first 39 weeks with Statutory Adoption Pay (SAP), followed by 13 weeks of unpaid Additional Adoption Leave, around the time of placement of the child. The adoption leave referred to above will be included within this entitlement, at the full rate of pay.

The PNB has agreed (see PNB Circular 06/5 (Advisory)) that

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officers with 1 year's continuous service will be entitled to full pay for the first 13 weeks' adoption leave, followed by up to 26 weeks at Statutory Adoption Pay (SAP), then 13 weeks of unpaid adoption leave. These entitlements include the 1 week's adoption leave on full pay mentioned above. The PNB Circular also contains details about the timing of adoption leave. The agreement has been approved by the Secretary of State in HOC 01/2007..

Adoption Support Leave

A member who is the spouse or partner of an adoptive parent is entitled to 2 weeks' adoption support leave, at or around the time of adoption.

The first week of adoption support leave will be on full pay. Members who have 26 weeks' continuous service at the notification week will be entitled to be paid for the second week at statutory paternity pay rate.

Time off for Dependants

These provisions are found at Annex T of the Police Regulations.

A member is entitled to take reasonable paid time off during normal duty periods in order to take necessary action in an emergency to care for or make arrangements for a dependant. Dependant includes a spouse, child, parent or someone who lives in the same house as the member. The member must tell the chief officer the reason for the absence as soon as reasonably practicable, and, if possible, state how long he/she expects to be absent.

Where any period of any of the above categories of paid leave coincides with a statutory payment, police pay will be offset by the

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statutory payment. As at summer 2009, this point is being considered further by the Police Negotiating Board. For the up to the date position contact your JBB office or visit www.polfed.org

SECTION J – ALLOWANCES

For full details and current rates see Regulation 34 Annex U, or contact the JBB.

Motor Vehicle Allowances

Motor vehicle allowances for members using their own vehicles for duty are payable at “Essential User” or “Casual User” rates according to the member’s designation. Rates are adjusted annually. See PNB circulars for current rates.

Dog Handlers’ Allowances

A dog handler’s allowance - designed to compensate for caring for a dog on rest days and public holidays - is payable where a police dog is kept and cared for at the member’s home. A further 25 per cent of the allowance is paid for each additional police dog kept at home. See PNB Circular 08/11 for current rates:

The allowance payable from 1st September 2008 is £2,025 per annum.

The allowance payable from 1st September 2009 is £2,079 per annum.

The allowance payable from 1st September 2010 is £2,133 per annum.

London Allowance

London Allowance is payable to City of London or officers in the Metropolitan Police Service (MPS).

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

SECTION J – ALLOWANCES

part-time members.

London Transitional Supplement

This allowance is paid to a member of the City of London or MPS who joined before 1 September 1994 and who receives a half rate housing allowance or a flat rate transitional rent allowance. The rate is £1,000 pa. The allowance is paid at an hourly rate to a qualifying part-time member.

South East England Allowance

This allowance is paid to members of Essex, Hertfordshire, Kent, Surrey and Thames Valley forces appointed on or after 1 September 1994 and not receiving housing/transitional rent allowance. The rate in these forces is £2,000 pa.

The rate is £1,000 for members of Bedfordshire, Hampshire and Sussex forces.

These allowances are subject to review and for the up to the date position contact your JBB office or visit www.polfed.org

These allowances are paid at an hourly rate to qualifying part-time members.

South East England Transitional Supplement

This is a supplementary allowance paid to members of Hertfordshire, Kent and Surrey forces who joined the police service before 1 September 1994 and whose half rate housing allowance or flat rate transitional rent allowance is less than £2,000 pa. The allowance is paid at the rate of the difference between £2000 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.

SECTION J – ALLOWANCES

Special Priority Payments

These are single non-pensionable lump sum payments, payable to members in qualifying posts in force schemes where the posts satisfy particular criteria, including significantly higher responsibility levels, presenting special difficulties in recruitment and retention, or which have specially demanding working conditions and working environments. These payments are between £500 and £3,000 per year. In exceptional circumstances the amount can be increased to up to £5,000.

Bonus Payments

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

SECTION K – EXPENSES

See Regulation 35 Annex V for full details. For further information contact the JBB.

Reimbursement of medical charges

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

Removal expenses

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

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

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

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

Food and Accommodation Expenses

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

SECTION K – EXPENSES

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

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

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

Advance to cover expenses

Members may request an advance to cover probable duty expenses incurred when working away from their normal place of duty.

Relevant travelling expenses

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

SECTION L – PROBATION

The probation period for a newly joining constable is the first two years, unless the member transfers having completed probation in another force. The chief officer has power to lengthen this period. The probation period for a part-time member will be adjusted in relation to their determined hours and any period carried out on a full-time basis. 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, dispense with probation.

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

The first 26 weeks of time spent during probation on maternity leave is counted as probationary service (irrespective of service). In addition, where the member has at least 26 weeks' service by the 14th week before the due date, any period of maternity leave which falls in the 29 week period immediately after the birth is counted as probationary service. Any other period is not counted.

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

See Regulation 12 and Annex C of the Police Regulations.

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 he/she 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. The Chief Officer cannot delegate this decision.

SECTION L – PROBATION

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.

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

SECTION M - HEALTH AND SAFETY

The Health and Safety at Work etc. Act 1974 applies to members of the police service.

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

For further information and contact details refer to the JBB.

SECTION N – EQUALITY/DIVERSITY

The Sex Discrimination Act 1975 (as amended), Race Relations Act 1976 (as amended) and Disability Discrimination Act 1995 (as amended) apply to the police service. Police officers are also protected under the provisions covering discrimination on age, religion or belief, part-time working or sexual orientation grounds.

It is beyond the scope of this booklet to outline the implications of this legislation. A leaflet published by the Police Federation on this subject is available from your JBB office.

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

The Employment Tribunals are operating new procedures for dispute resolution from 6 April 2009. However, the new dispute resolution procedures do not apply to applications from police members. Form ET1 asks for confirmation that the complainant has raised the grievance in writing with the chief officer at least 28 days before lodging the complaint, unless the complainant explains the reasons for not having done so within the Tribunal application. Legal advice confirms that the fact that these provisions do not apply to police officers should be made in answer to the question to avoid misunderstandings and delays. Please see JBB Circular no. 42/2004.

A complaint to an ET must be made within three months less one day of the act complained of. In cases where resolution appears to be possible but more time may be needed, the member should consider applying for a short stay to the Employment Tribunal.

Discrimination claims to an ET must be made on Form ET1, which can be obtained from any Jobcentre Plus, Law Centre, Citizens' Advice Bureau, or on line at www.direct.gov.uk and www.employmenttribunals.gov.uk. Contact your JBB Office for guidance and advice.

SECTION O – CAREER BREAK SCHEME

PNB agreed a career break scheme in 2000 – PNB Circular 00/16 (Advisory) and Home Office Circular 4/2001 refer. The provisions can now be found in Annex OO of Police Regulations 2003.

The scheme is available to any member who has completed the probationary period, subject to the chief constable's agreement. Members on career breaks will under this scheme remain in the police service. They will not be paid during career breaks and the time out will not count for entitlement to pay increments and paid annual leave. The officer's rank and pay point, and eligibility for replacement allowance will be protected.

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

As officers remain members of the force whilst on a career break, they also remain members of the Police Pension Scheme (PPS) or the New Police Pension Scheme (NPPS) - unless they have opted out e.g. an officer who is in the PPS prior to a career break will remain so whilst on the career break and upon their return to service. **NB this would not be the case if the member were to resign and rejoin.**

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

The time spent on a career break cannot be bought-pack for pension purposes - see Home Office Circular 33/2003.

SECTION P – PAY COMPETENCE RELATED THRESHOLD PAYMENTS, LONDON WEIGHTING

Current pay scales are published in PNB Circulars. Pay is updated annually from 1 September. The current 3 year pay deal is 2.65% for 2008, 2.6% for 2009 and 2.55% for 2010. Details may be obtained from the JBB or from the Office of Manpower Economics (OME) website www.ome.uk.com

Pay arrangements for federated ranks were revised between 2003-2005 in order to reduce the length of the incremental pay scales. Some changes to incremental dates were necessary to avoid introducing anomalies and ensure fairness across the service.

Competence related threshold payments for Constables, Sergeants, Inspectors and Chief Inspectors

Threshold payments are available to members who have spent at least one year at the top of the pay scale for the rank, subject to the determining officer's decision that they have demonstrated high professional competence under each of the following national standards:

- Professional competence and results;
- Commitment to the job;
- Relations with the public and colleagues;
- Willingness to learn and adjust to new circumstances.

Full details of the scheme can be found at Regulation 24 Annex F. Members are advised to submit an application in advance of the date they become eligible since any payments will be made with effect from the date of eligibility or the date of application, whichever is the later.

London Weighting

London Weighting is payable to members of the City of London and MPS only. It is a pensionable addition to pay, increased annually

**SECTION P – PAY COMPETENCE RELATED THRESHOLD
PAYMENTS, LONDON WEIGHTING**

from 1 July. The current rate is published in PNB Circulars, which can be found on OME website www.ome.uk.com. London Weighting is calculated pro-rata for part-time members.

SECTION Q – ACTING UP (TEMPORARY SALARY) AND TEMPORARY PROMOTIONS

PNB has agreed changes to the acting up and temporary promotion provisions which currently are yet to be included in the regulations. The summary below is based on current determinations amended by the PNB agreement, which has still to be implemented. Please contact your JBB for the current position.

Acting up (temporary salary)

Acting up arrangements are designed to meet short term needs. After acting up for 56 days, a member will be moved from acting duties to temporary promotion unless he/she is not qualified for promotion or there is an overwhelming operational emergency.

A member who has acted up in a higher rank for 10 complete days (or 80 hours) in a 12 month period from 1 April will be paid for each further complete day/shift at the lowest rate to which s/he would be entitled on promotion to the higher rank.

The 10 day qualifying period need not be continuous but it is included in the calculation of the 56 day maximum; the remainder of the 56 day period (from day 11 to 56) must be continuous. Continuity is preserved if a member is not at work as a result of a routine short term absence (and may be preserved in to the following year).

A period of acting up is not reckonable for pay increments in the higher rank but is reckonable as service in the substantive rank. The additional salary is not pensionable.

A member who is acting up will continue to receive their CRTP.

A constable or sergeant acting up to inspector or above is not entitled to overtime payments. If however such a member is required to do duty on a rostered rest day or a public holiday he/she will be entitled in the normal way.

<p>SECTION Q – ACTING UP (TEMPORARY SALARY) AND TEMPORARY PROMOTIONS</p>

Temporary Promotion

In addition to the position after 56 days explained above, 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 or ill health cover or a new project.

A member can only be temporarily promoted if qualified under the Police Promotion Regulations 1996.

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

Service in the higher rank on temporary promotion is reckonable for salary increases in both the substantive and the higher rank. Service in the higher rank counts if the member is temporarily promoted again at a later date.

CRTP is not payable on temporary promotion (from the date the temporary promotion takes effect) but is reinstated when the temporary promotion ends.

SECTION R – USEFUL WEBSITE ADDRESSES

www.polfed.org

Website of the Police Federation of England and Wales

www.ome.uk.com

Website of the Independent Secretariat of the Police Negotiating Board and Police Advisory Board - Contains PNB Circulars, pay agreements, etc.

www.opsi.gov.uk

Website of the Office of Public Sector Information (OPSI) which contains copies of statutory instruments, e.g. police regulations and amendments. Police Regulations 2003 SI 2003:527; Police (Amendment) Regulations 2003 SI 2003:2594; Police (Amendment) Regulations 2004 SI 2004:3216; Police (Amendment) Regulations 2006 SI 2006:1467; Police (Amendment) Regulations 2007 SI 2007:1160; and Police (Amendment) Regulations 2008 SI 2008:2865 can be found here.

www.homeoffice.gov.uk

Website of the Home Office.

www.circulars.homeoffice.gov.uk

Home Office Circulars can be found here. Determinations made under Police Regulations 2003 issued under Home Office Circulars 023/2003, 14/2007 and 19/2008 can be found here.

www.police.homeoffice.gov.uk

The Home Office's police website which combines all of the police-related information and guidance published by the Home Office

www.employmenttribunals.gov.uk

Website of the Employment Tribunals.

www.equalityhumanrights.com

Website of the Equality and Human Rights Commission

www.hse.gov.uk

Website of the Health and Safety Executive



Federation House

Set close to the heart of the English countryside in Surrey, Federation House offers the very best in accommodation available to you, our members, at very competitive rates. All rooms are en-suite and equipped with TV, wireless internet connection and mini bar. A fully equipped gymnasium and swimming pool are at our guests' disposal. The 24 hour reception offers a complete concierge service and our staff are on hand to ensure that your time with us is both enjoyable and memorable.

The Atrium restaurant offers international cuisine of the highest quality and Langley's, our superb café / bar is stocked with the finest beers, wines and spirits.

Federation House is conveniently situated just off junction 9 of the M25 motorway. See website for map.

www.federationhouse.co.uk

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