



Home Office

Consultation on revised Special Constable expense and allowance rates

July 2013

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Ministerial foreword

The Special Constabulary offers a unique volunteering role where committed individuals can contribute to making their communities safer. The number of people successfully volunteering as Specials has risen by nearly 25 per cent in just three years to over 19,000. The Government wants to consolidate and build on this achievement by continuing to support new and existing volunteers through a range of measures designed to ensure that Special Constables are recognised, and not left out of pocket, for the valuable work they do.

Updating the expenses and allowances guidance and processes to enable forces and Police and Crime Commissioners (PCCs) to set their own local expense levels and allowance schemes forms a key stage of our approach. The Government believes that the proposal to remove the need for Secretary of State approval for local allowance schemes will reduce bureaucracy and central control, and increase flexibility for PCCs to develop their schemes in response to local circumstances.



A handwritten signature in black ink that reads "Damian Green". The signature is written in a cursive style.

Rt Hon Damian Green MP
Minister for Policing and Criminal Justice

Consultation summary

Why are we consulting?

This consultation contains proposals to update Special Constable expenses and allowances rates and criteria, and to remove the requirement for Secretary of State approval of local allowance schemes under the Special Constable Regulations (1965). This consultation seeks views on whether the proposals are clear, fair and reasonable, and aims to generate an understanding of the potential impact of the proposals on all affected parties.

Scope of the consultation

Topic of this consultation:	This consultation contains proposals to update Special Constable expenses and allowances rates and criteria, and to remove the requirement for Secretary of State approval for local allowance schemes under the Special Constables Regulations 1965.
Scope of this consultation:	This consultation seeks views on whether the proposals are clear, fair and reasonable, and hopes to generate an understanding of the potential impact of the proposals on all affected parties.
Geographical scope:	England & Wales

Basic information

To:	As the impact of these changes is limited to those listed as responsible for either paying expenses, or implementing and funding local allowance schemes, this targeted consultation seeks the views of those directly affected parties, including Police and Crime Commissioners, police forces and local authorities. However, we also welcome views from the wider public, particularly from Special Constables themselves, in terms of how the proposals may impact them.
Duration:	11 July to 5 September 2013.
Enquiries and responses:	<p>You can respond to any or all of the sections in the consultation by completing the online form at</p> <p>https://www.gov.uk/government/publications?publication_filter_option=consultations</p> <p>You can also send your written responses to:</p> <p>Special Constabulary expenses and allowances consultation Home Office Police Transparency Unit 6th Floor Fry 2 Marsham Street London SW1P 4DF SpecialConstabularyEnquiries@homeoffice.gsi.gov.uk</p> <p>Enquiries about the scope of the consultation or requests for hard copies, Braille, large font or audio format should also be addressed to the contact details above.</p>
After the consultation:	Following the consultation period, responses will be collated and analysed. We will publish the Government response in Autumn 2013. This will include revised guidance and details of any other changes.

Background

Getting to this stage:

Officials have engaged with the Special Constable National Consultative Group (SCNCG), which includes representatives from the Association of Special Constabulary Chief Officers, College of Policing and the Association of Police and Crime Commissioners, in order to develop these proposals.

Officials have also engaged separately with Her Majesty's Customs and Revenue (HMRC) on part one of the consultation, and with the Association of Police and Crime Commissioners (APCC) on part two.

Introduction

The Special Constabulary form an integral part of the policing family. Special Constables perform their duties on a voluntary basis, are crucial in supporting the work of regular officers, and provide a valuable link between the police and local communities.

Whilst performing these duties, Special Constables may be paid reasonable allowances and expenses for expenditure incurred. As volunteers, it is important that they should not be left out of pocket, and that police forces and Police and Crime Commissioners (PCCs) have clear and appropriate guidance on expenses and allowances rates and criteria.

It is also important that the process for approving local allowance schemes is non bureaucratic, and encourages local decision making based on a full understanding of local needs.

This consultation document seeks to address both of these issues, and as such, is made up of the following two parts:

- **Part one** is concerned with expenses and allowances rates and criteria. These are an update on previous guidance issued in 2005/06. This will be of interest mainly to police forces and Police and Crime Commissioners.
- **Part two** is concerned with how local allowance schemes under the Special Constables Regulations 1965 are implemented. We propose removing the requirement for Secretary of State approval in local allowance schemes to enable PCCs to act as local decision-makers. This will be of interest to police forces, PCCs and local funding partners, particularly local authorities.

Part one: Expenses and allowances rates and criteria

Current position

The current guidance on the payment of allowances and expenses to Special Constables is published in Home Office Circulars 40/2005 and 12/2006. These need to be revised.

Proposed changes

The draft circular (at Annex A) provides revised guidance on the payment of allowances to Special Constables. Key changes from the existing guidance include:

- up-rating of allowance rates in line with catering element of the Retail Price Index (RPI);
- refreshment allowance subsumed into the subsistence allowance; and
- forces may pay a flat rate to Special Constables to simplify processing procedures.

Please review the revised guidance prior to providing feedback to the questions below.

Part two: Proposals to change the process for approving local allowance schemes

Current position

Police and Crime Commissioners (PCCs) can choose to recognise and recompense Specials Constables for the work they do in local communities by setting up local schemes that enable them to receive a local allowance, such as assistance in paying council tax.

Regulation 5A of the Special Constables Regulations 1965, as inserted by the Special Constables (Amendment) Regulations 2002, provides for an allowance scheme that involves payments by PCCs to Special Constables.

At the moment any allowance scheme set up under this regulation requires Secretary of State approval, so any PCC wanting to roll out a local scheme must send their plans to the Home Office, who in turn submit these to the Secretary of State. PCCs must wait for formal approval before implementing their scheme.¹

Proposed changes

This Government believes that PCCs are best placed to make local-decisions about managing and funding allowance schemes, so the Government proposes removing the requirement for the Secretary of State to approve local allowance schemes for Special Constables under the Special Constables Regulations 1965. Responsibility for approving and initiating allowance schemes would be devolved to PCCs through a 'negative resolution' procedure and the Home Office would produce guidance to PCCs to clarify the revised process. Simplifying the process in this way would cut out some of the administrative burden associated with the current position, and perhaps result in more PCCs choosing this option for delivering local schemes.

¹ The Home Office generally has no further involvement in the running of the scheme, although this is at the discretion of the Secretary of State.

Consultation questions

About you

These details are voluntary and will be treated as personal data by the Home Office in compliance with government guidance on holding personal information. By providing this information you are giving your consent for us to process and use this information in accordance with the Data Protection Act 1998.

1) **Which of the following best describes your organisation or the professional interest that you represent?** * Please select one option

- a. Police staff association
- b. Police force
- c. National policing agency
- d. Police and Crime Commissioner (PCC)
- e. Office of PCC
- f. Individual Special Constable
- g. Organisation/profession that currently has a Pay Review Body
- h. None – I am responding as a member of the public
- i. Prefer not to say
- j. Other (please specify)

2) **Which organisation do you represent?** Providing this information is optional.

3) **Which of the following best describes your role?** * Please select one option.

- a. Constable
- b. Sergeant
- c. Inspector
- d. Chief Inspector
- e. Superintendent
- f. Chief Superintendent
- g. ACPO Ranks
- h. PCC
- i. Chief Executive or Finance Officer of PCC
- j. Prefer not to say
- k. Other (please specify)

4) Please indicate which region you work in:

- North East
- North West
- Yorkshire & Humber
- East Midlands
- West Midlands
- East of England
- London
- South East
- South West
- Wales
- Scotland
- Northern Ireland
- Other (please specify):

Part one: expenses and allowances rates and criteria

Please review the draft circular at Annex A of this document in order to respond to the following questions:

1) **To what extent do you agree or disagree that the new allowances are fair and reasonable?** *Please select one option

- a) Strongly agree
- b) Tend to agree
- c) Tend to disagree
- d) Strongly disagree
- e) Don't know

Please give reasons for your answer:

2) **To what extent do you agree or disagree that the qualifying period of 4 hours of duty for the subsistence allowance to be claimed is fair and reasonable?** *Please select one option

- a) Strongly agree
- b) Tend to agree
- c) Tend to disagree
- d) Strongly disagree
- e) Don't know

Please give reasons for your answer:

3) **The refreshment allowance has been subsumed into the subsistence allowance to provide greater clarity. To what extent do you agree or disagree with this change?**

*Please select one option

- a) Strongly agree
- b) Tend to agree
- c) Tend to disagree
- d) Strongly disagree
- e) Don't know

Please give reasons for your answer:

4) **If you envisage any difficulties in paying expenses in accordance with this circular as currently drafted, please outline them below:**

5) **Which of the following comes closest to your view on how you will reimburse individuals in future for subsistence expenses?** *Please select one option

- a) I will pay actual costs incurred for subsistence and lodgings upon presentation of a receipt
- b) I will pay the flat rate allowance
- c) Don't know
- d) Other (please specify)

6) **Which of the following comes closest to your view on how you will reimburse individuals in future for lodging expenses?** *Please select one option

- a) I will pay actual costs incurred for subsistence and lodgings upon presentation of a receipt
- b) I will pay the flat rate allowance
- c) Don't know
- d) Other (please specify)

7) **To what extent do you agree or disagree that this guidance is clear?** *Please select one option

- a) Strongly agree
- b) Tend to agree
- c) Tend to disagree
- d) Strongly disagree
- e) Don't know

Please give a reason for your answer.

8) **To what extent do you agree or disagree that this guidance is comprehensive?** Please select one option

- a) Strongly agree
- b) Tend to agree
- c) Tend to disagree
- d) Strongly disagree
- e) Don't know

Please give a reason for your answer.

Part two: Approval of local allowances schemes

1) **To what extent do you agree or disagree with the proposal to remove the requirement for Secretary of State approval for local allowance schemes?** *Please select one option

- a) Strongly agree
- b) Tend to agree
- c) Tend to disagree
- d) Strongly disagree
- e) Don't know

Please give a reason for your answer.

2) **To what extent do you agree or disagree that this proposal will make it easier for Police and Crime Commissioners to implement local allowance schemes?**

- a) Strongly agree
- b) Tend to agree
- c) Tend to disagree
- d) Strongly disagree
- e) Don't know

Please give reasons for your answer:

- 3) If you have any other comments to make on the proposals that you would like us to take into consideration, please outline them below:

Many thanks for taking the time to complete this survey - we appreciate your feedback. If you have any queries or would like any further information at this stage, please contact the Police Transparency Unit at **SpecialConstabularyEnquiries@homeoffice.gsi.gov.uk**

Consultation information

Confidentiality and disclaimer

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.

Information provided in response to this consultation, may be subject to publication or disclosure in accordance with the access to information regimes (this is primarily the Freedom of Information Act 2000 [FOIA]).

Consultation Criteria

This is a targeted consultation which as far as possible follows the Consultation Principles that Government departments and other public bodies are required to adopt for engaging stakeholders when developing policy and legislation. The Consultation Principles document is available at:

<http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

Consultation co-ordinator

If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office consultation co-ordinator, Adam McArdle. Please DO NOT send your response to this consultation to Adam McArdle. The Co-ordinator works to promote best practice standards set by the Government's Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation.

The co-ordinator can be emailed at: Adam.Mcardle2@homeoffice.gsi.gov.uk or alternatively you can write to him at:

Adam McArdle, Consultation Co-ordinator
Home Office
Performance and Delivery Unit
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3rd Floor Seacole
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Annex A: Draft revised circular on Special Constable expenses and allowances

Draft circular on Special Constables expenses and allowances

This circular is about:	Special Constables: Expenses and Allowances
From: Police Transparency Unit, Home Office	Workforce Strategy Unit, NPIA
Date for implementation: 2013	This supersedes Home Office Circulars 12/2006 and 40/2005
For more information contact:	Henny Abuzaid Police Transparency Unit Home Office 2 Marsham Street London, SW1P 4DF Tel 020 7035 5331
This circular is addressed to:	Offices of Police and Crime Commissioners London Mayor's Office for Policing and Crime Chief Constables
Copies are being sent to:	Police and Crime Commissioners London Mayor's Office for Policing and Crime Chief Constables Special Constabulary Chief Officers Special Constabulary Coordinators HR Directors

Special Constables: Expenses and allowances

The Secretary of State has approved the payment of the following allowances under Regulation 4(2)(b) and (3) of the Special Constables Regulations 1965.

This circular contains guidance on:

- Subsistence and lodging allowance (paragraphs 2.1 to 2.2)
- Subsistence allowance rates (paragraphs 2.3 to 2.4)
- Lodging allowance rates (paragraph 2.5 to 2.6)
- Travelling expenses and mileage allowance (paragraphs 3.1 to 3.2)
- Tax implications and expenses (paragraphs 4.1 to 4.3)
- Loss of remuneration allowance (paragraph 5.1)
- Sick pay (paragraph 6.1)
- Withdrawn allowances (paragraphs 7.1 to 7.2)

1. Introduction

- 1.1 This Circular supersedes the guidance contained in previous Home Office circulars (HOC) 12/2006 and 40/2005 and those two circulars should no longer be used. The key changes from the previous position include the uprating of allowance rates in line with the catering element of the Retail Price Index (RPI), the withdrawal of the refreshment allowance (“refreshment” is subsumed into subsistence), advice that that all requests made by Special Constables for the reimbursement of relevant expenses should be evidenced by receipts showing actual expenditure, or that forces may choose to provide a flat rate allowance.
- 1.2 The Government would like to see more Special Constables as part of the police workforce mix. Special constables bring experience and skills that can be invaluable to police forces; they also represent an essential bridge between the community and the police. Given the voluntary nature of the Special Constabulary, it is desirable that Special Constables should not be left out of pocket for legitimate expenses incurred on duty as a direct result of their voluntary role.
- 1.3 With the exception of sick pay, all other expenses referred to in this circular are **payable at the discretion of the Chief Officer**.

2. Subsistence and lodging allowance

- 2.1 All rates have been uprated in line with the movement of the catering element of RPI from where it stood in November 2010 to the figure as at March 2012. The new entitlements are detailed below and the revised rates are payable from ----- 2013 to ----- 2013.
- 2.2 The subsistence and lodging allowances listed are the maximum allowances rates that Special Constables are eligible to receive. Regulation 4(1) of the Special Constables Regulations 1965 provides that a Special Constable may be paid out of pocket expenses reasonably incurred by him or her in the course of his or her duty or an allowance in lieu of such reimbursement. Forces may reimburse individuals for actual costs incurred for subsistence and lodgings up to the maximum allowance upon the presentation of a receipt or, to simplify procedures, forces may choose to pay the figures given below as a flat rate allowance.

Subsistence allowance

2.3 In order to claim subsistence allowance certain criteria must be met:

- a) A Special Constable must have been retained for duty or engaged on duty beyond their normal daily period of duty. For the purposes of this circular, and to provide national consistency, it is considered that a normal period of duty will equate to 4 hours.
- b) Following the qualifying period of 4 hours for the payment of a subsistence allowance, a Special Constable must have incurred expenditure, on a meal or appropriate refreshment, whilst retained for duty or engaged on duty in order to be eligible to claim reimbursement.

2.4 The periods of retention for duty or engagement on duty after which a Special Constable becomes eligible to claim the subsistence allowance and the associated allowance amounts for those periods are as follows:

- Over 4 hours but not exceeding 8 hours: £7.23
- Over 8 hours but not exceeding 12 hours: £14.66
- Over 12 hours: £24.15

Lodging allowance

2.5 A lodging allowance is payable where a Special Constable has been retained on duty beyond his or her normal daily period of duty or engaged on duty away from his or her usual place of duty. The Special Constable must certify that he or she has incurred additional expense for the purpose of obtaining lodging which he or she would not have required if he or she had not been so retained or engaged. In such cases a lodging allowance shall be paid at the following rates.

2.6 For each night -

- Outside central London: £53.30
- Within central London: £66.64

3. Travelling expenses and mileage allowance

3.1 Actual travelling expenses to and from the place of duty by public transport may be reimbursed under out of pocket expenses. If a Special Constable uses his or her own vehicle to get to their place of duty they may be reimbursed for the cost of their mileage under out of pocket expenses.

3.2 A mileage allowance may be paid in circumstances where it would be paid to regular officers (as set out in paragraph 1 of Annex U to the determinations made under Regulation 34, Police Regulations 2003) e.g. where the Chief Officer is of the opinion that for the Special Constable to perform his or her duties it is either essential or desirable that the Special Constable should at all material times have a motor vehicle at their disposal.

4. Tax implications and expenses

- 4.1 HMRC state that the general principle for out of pocket expenses for office holders is that if there is genuinely no element of profit from performance of duties then the allowance may be paid, or the expense reimbursed tax free.
- 4.2 Where this principle applies a force may reimburse out of pocket expenses on either an actual or a flat rate basis, providing that the amounts paid are a reasonable reflection of the cost incurred and there is no element of profit involved.
- 4.3 However, the position will be different if the office holder receives other forms of payment or benefit-in kind or if total expenses payments, together with the values of any benefits and other payments, comes to £8,500 or more for a year. (The figure of £8,500 is proportionately reduced if the Special Constable is in post for less than a year).

5. Loss of remuneration allowance

- 5.1 The Secretary of State has approved, under Regulation 4(2)(a) of the Special Constables Regulations 1965, payment to a Special Constable, who is required for duty during his normal work time, an allowance equal to his actual loss of earnings on a daily basis in his private employment. Special constables would normally only be expected to attend for duty outside their working hours but there may be occasions, such as attendance to give evidence at court, where such attendance is inescapable. The circumstances in which a Special Constable can be required to attend for duty are to be determined by the chief officer of the force concerned.

6. Sick pay

- 6.1 Provisions on sick pay remain as set out in regulation 5 of the Special Constables Regulations 1965 (see HOC 89/1992). See also NPIA circular 04/2010 on ex gratia payments for Special Constables for injury or illness.

7. Withdrawn allowances

- 7.1 The refreshment allowance has been subsumed under the category of subsistence. Special constables are still entitled to a subsistence allowance. Chief Officers are also able to reimburse other valid expenses a Special Constable may incur as out of pocket expenses.
- 7.2 Entitlement to the £30 boot allowance was withdrawn in HOC 40/2005 and this position remains the same. In place of the boot allowance, Chief Officers should provide appropriate footwear directly or specials may claim a footwear allowance as a valid out of pocket expense, especially if it is a form of reasonable adjustment required by a person protected under the provisions of the Equality Act 2010. In the latter case, expenditure reasonably incurred by specials on footwear can be paid at the discretion of the Chief Officer.

