



Home Office

# Summary of responses to the consultation on revised Special Constable expense and allowance rates

April 2014

## Introduction

Special Constables perform their duties on a voluntary basis across all 43 forces in England and Wales. They are crucial in supporting the work of regular officers and provide a valuable link between the police and local communities.

Whilst performing their duties, Special Constables in England and Wales may be paid reasonable allowances and expenses for expenditure incurred. It is important that volunteers 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. Current expense rates were set in 2005 and 2006.

Under the Special Constable Regulations 1965, PCCs are also able to pay additional allowances, using locally set criteria. At present they must apply for approval from the Secretary of State. It is 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.

The consultation contained two proposals:

1. To update the existing guidance on expenses and allowances rates and criteria which was issued in 2005/06. This includes uprating allowance rates using the Retail Price Index (RPI) to bring them into line with 2013 prices, and changing some of the criteria under which allowances can be paid.

Key changes from the existing guidance on expenses and allowances include:

- up-rating of allowance rates in line with catering element of the RPI;
  - subsuming the refreshment allowance into the subsistence allowance; and
  - enabling forces to pay a flat rate to Special Constables to simplify processing procedures.
2. To remove the need for Secretary of State approval for local allowance schemes.
    - Sole responsibility for approving and initiating allowance schemes can be devolved to PCCs by amending the Special Constables Regulations 1965. The Home Office will produce guidance to PCCs to clarify the revised process. Simplifying the process would cut out the administrative burden associated with the current position, and may result in more PCCs developing local schemes.

On 11 July 2013, the Government launched a targeted consultation seeking the views of key partners and directly affected parties on the revised guidance, including the police, PCCs, the Association of Special Constable Chief Officers and individual Special Constables. Members of the public were also invited to comment. The consultation was published on the Home Office website.

The aim of the consultation was to seek views on the proposed changes. Our aim was to ensure the final revised guidance would be based on a full consideration of the impact of these changes, and that it would be clear, accessible and meaningful to the widest possible audience.

## Overview of responses

We received 325 responses to the consultation, of which 317 were from the online questionnaire posted on the Home Office website, with the rest received by email. The profile of respondents was as follows:

Table 1: Profile of respondents	
Special Constables	211
Police and Crime Commissioners or Office of Police and Crime Commissioners	14
Regular police officers	89
Associations	7
Members of the public	4
<b>Total</b>	<b>325</b>

All comments, opinions and suggestions have been considered in the development of this response. The responses represented both the views of individuals, and the collective organisational views.

## Government response to the consultation

We would like to take this opportunity to thank all those who responded to this consultation. The responses have been extremely valuable to us, enabling us to gauge support for the proposals, and also to identify additional content which could usefully be added to the guidance. We have carefully considered all the comments made in response to the consultation, and they have informed the Government response outlined below.

### Updating expenses and allowances rates and criteria

The Government is committed to supporting the Special Constabulary. A key stage of this approach is 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.

Following the overwhelmingly positive support for new guidance and updated expenses and allowances rates and criteria, the Government will publish new guidance with effect from April 2014. In response to comments received during the consultation, the guidance will include additional information from HMRC on taxation and information on travel and parking expenses. The guidance will also be amended to enable forces to set and pay their own expense allowance rates up to the maximum amount set within the guidance. This will enable forces to set rates in accordance with specific local circumstances.

There was also overwhelming support for our proposal to devolve decision-making on local allowance schemes to PCCs, with just a small number of respondents raising concerns that enabling local accountability and decision-making could, over time, result in disparity in the allowances paid by different forces. The Government believes that PCCs and police forces are best placed to set local expenses and allowance rates based on local circumstances and we will therefore remove the requirement for the Secretary of State to approve local allowance schemes for Special Constables. We will amend the Special Constables Regulations 1965 and the Home Office will issue guidance for PCCs to clarify the revised process.

These changes will support the Government's strategy to support forces in the recruitment, retention and professionalisation of the Special Constabulary.

## Analysis and summary of responses

### Part one: expenses and allowances rate and criteria

#### 1) To what extent do you agree or disagree that the new allowances are fair and reasonable?

The majority of respondents (75%) agreed the proposed new guidance was both fair and reasonable. This included responses from PCCs, Offices of PCCs and police officers with responsibility for paying expenses and allowances.

*An up-rate to ensure that Special Constables are not out of pocket when serving the public will always be welcome, provided that this up-rate provides a real-term increase in line with RPI...  
Special Constable, London*

*Given the voluntary role of Special Constables it is essential that out of pocket expenses are reimbursed and that this is done as quickly as possible. Whilst the claiming of expenses may be seen as a minor matter, it is one way in which to keep volunteers engaged and feeling valued. PCC, South West*

*The principle of not being out of pocket is a fair and equitable one. Chair, Association of Special Constable Chief Officers*

Concerns were raised by 21% of respondents, with 10% of respondents strongly disagreeing. Most of these respondents believed some Special Constables may still be left out of pocket if these changes were introduced, particularly in relation to travel and vehicle costs.

*There should be compulsory FIXED national rates rather than leaving it to local discretion. e.g my force rates are considerably lower than this. Special Constable, Wales*

#### 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?

The majority of respondents (72.5%) agreed the qualifying period was both fair and reasonable. It was generally felt the four hour qualifying time was the minimum required for a volunteer to offer a meaningful contribution to their local community.

*A qualifying period of 4 hours is perfectly reasonable. Specials Chief Officer, South West*

*4 hours seems a reasonable time so there are more high visibility patrols. Much less and most of the shift would be taken up with paperwork and checking force systems and not a lot of police on the streets. Special Constable, North West*

A quarter of respondents did not feel this was a fair and reasonable qualifying period. It was noted - mainly by existing volunteers - that many Special Constables find it hard to fit in a 4 hour shift after a full day's work. It was also noted that evening training courses often fall below the four hour threshold.

*Although 4 hours is reasonable remember the average special leaves their day job (0900-1700) to make a 1800 briefing and be deployed. So often doesn't get a chance to refresh/eat before special'ing. Special Chief Officer, South East*

*People are finding it increasingly difficult to balance work, personal life and the role of Special Constable. People struggle to complete 4 hours during the week and it leaves officers with little choice but to complete hours over weekends. Specials Chief Officer, North West*

**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?**

The majority of respondents agreed with this proposal. Less than 10% disagreed.

*It is far simpler and easy to administer if we have one rate. Special Constable, Wales*

*Keeps the policy more simple and easy to understand, Police Federation*

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

Concerns were raised relating to receipting, which was felt to be burdensome for individuals, and about how forces adopt the guidance at a local level. One respondent raised the costs they had incurred as a supervisor managing other volunteers, for example the cost of calls made on personal mobile phones. Several respondents used the consultation to comment on changes to the Boot Allowance which was withdrawn in 2005 and is now available to be paid as a discretionary allowance by individual forces.

Some respondents also raised the issue of travel to their place of duty, which was not directly covered by the consultation.

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

Of the 13 respondents who identified themselves as having decision-making capacity there was a relatively even split in how expenses will be paid, with 6 respondents saying they will pay the flat rate allowance while 4 said they will continue to pay actual costs incurred. A further three said this would need further consideration.

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

Thirty-three per cent of respondents said they would pay actual lodging costs, while only 13% would pay the lodging allowance. Of the group identified as having decision-making capacity only one respondent said they would pay the lodging allowance. Comments suggest this is not a big issue for forces or individual volunteers, with the exception of London. Several respondents in London stated that the lodging allowance would not cover one night's accommodation, especially if it was booked at short notice.

**7) To what extent do you agree or disagree that guidance is clear?**

Seventy per cent of respondents felt the guidance was clear. Only 22% felt it wasn't.

*The guidance offers clear criteria. Chief Inspector, North West*

*This guidance is ideal - it clearly sets out the options available to forces with clear guidelines for each option. Inspector, North East*

## 8) To what extent do you agree or disagree that this guidance is comprehensive?

Sixty-nine per cent of respondents agreed, with only 22% disagreeing, and only 4% disagreeing strongly.

Across questions 7 & 8 there was considerable support for local decision-making. However, there were also requests for more national guidance on own equipment costs, travel and parking costs as well as guidance on unusual, one-off expenses, such as vaccinations. There was confusion about tax liabilities for Special Constables, especially where they are self-employed.

*As a force we would welcome the flexibility to set policy in the area relevant to our local needs and budgets. Chief Superintendent, Midlands*

Some individual Special Constables suggested that forces could make their policies clearer, and make it easier for Special Constables to find out about them.

*There are a number of references to out of pocket expenses but no mention of the rates or procedures around this policy. Special Constable, South East*

## 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?

Seventy-one per cent of respondents tended to agree, or agreed strongly, with the proposal, only 9% tended to disagree, and 11% disagreed strongly. Ten per cent did not know. While there was positive support for the measure there was some concern about future divergence among PCCs in whether they offered allowances, and what those allowances would be. There was also confusion over the nature of the allowance being discussed, with some respondents unclear whether this related to expenses allowances or recognition allowances. Those PCCs and Office of PCCs who replied agreed with the proposal.

*Removal of this approval allows more flexibility locally. Commissioners and Chief Constables are best placed to decide how an allowance scheme should operate to ensure Special Constables feel valued and supported. Likewise, there may be local nuances that need to be included or acknowledged, or to help increase recruitment of volunteers. PCC, South West*

*This provides scope for local flexibility (whether through reducing costs or seeking to increase volunteer take up). PCC, South East*

*The PCC is now in charge so they should set the guidelines. Special Constable, Midlands*

*The policy should be a national policy so that there is no disparity between forces. Special Constable, London*

### 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?

An overwhelming majority of respondents (79%) believed this proposal would make it easier for PCCs to implement allowance schemes, while only 6% disagreed (4% tended to disagree, 2% disagreed strongly). The majority of supportive comments felt it was appropriate for PCCs to manage allowance schemes and believed PCCs were well placed to tailor allowances to local requirements.

*Removing the hassle of central government involvement will save lots of admin time. Special Constable, North West*

Where concerns were raised these related to creating regional imbalances.

*I agree but again it will lead to inconsistencies around the forces, with some paying some and others not paying anything. Special Chief Officer, South East*

**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:**

These comments reiterated the points already raised.

*I have been a special for 2 years. I frequently encounter problems with having my expenses paid. I do not get compensated for my travel time to and from my posting. It all makes it more difficult for me to give my time to the Police force for which I serve for free. Special Constable, Midlands*

*Specials should never be left out of pocket, we are volunteers who do a fantastic job and should be looked after, that way officers will continue to carry out the brilliant job that they do. Special Sergeant, South West*

*Loving that fact that we, the end users, have been consulted on - thank you. Special Sergeant, South East*

## **Summary**

Overall there was positive support for the proposals. Special Constables, the police and Police and Crime Commissioners recognized the need to update existing guidance and make it easier for PCCs to set local allowances.

As a result the Government will:

- Publish updated guidance to take account of the updated amounts and how allowances can be paid.
- Remove the requirement for the Secretary of State to approve local allowance schemes for Special Constables.



