

The Secretary of State, in exercise of the powers conferred by regulation 27 of the Police Regulations 2003 (SI 2003/537), as amended, makes the following determination.

In accordance with the requirements of regulation 46 (1A), (1AA) and (1B), the Secretary of State has not considered advice from the Senior Salaries Review Body, or referred the matter to the Police Remuneration Review Body because she considers it unnecessary to do so by reason of the nature of this determination.

In accordance with the requirements of regulation 46 (1C) of the Police Regulations 2003, the Secretary of State has supplied a draft of this determination to those persons whom the Secretary of State considers represent the interests of the persons listed in regulation 46(1C)(a) to (d) and has taken into account any representations made by them.

The Secretary of State has determined that for Annex I and Annex J of the Determinations under the Police Regulations 2003 (Temporary Salary and Temporary Promotion) there shall be substituted the following Annex I and Annex J. This substitution shall have effect from 6 April 2016.

ANNEX I

DETERMINATION FOR REGULATION 27

TEMPORARY SALARY

1) After 28 consecutive days of being required to perform the duties normally performed by a member of the force of a higher rank than his own, an officer of a substantive rank of or above assistant chief constable (or the equivalent ranks in the Metropolitan and City of London Police Forces) will be paid at a rate equivalent to 90% of the higher rank's basic pay or receive an honorarium (non-pensionable payment) of an amount determined by-

- a) the local policing body (in the case of a chief officer of police and any other officer of the City of London Police Force to whom this paragraph applies; or
- b) the chief officer of police (in any other case).

2) Where a member of a police force –

- a) is entitled to 46 days of acting up allowance in respect of one continuous period of performing the duties normally performed by a sergeant, inspector or chief inspector (under the determination under regulation 34 (Annex UU – acting up allowance));
- b) and at the end of such period of 46 days is required to continue to perform such duties,

the member shall be paid in respect of the period after the 46th day at a rate equal to the lowest rate of pay to which the member would be entitled on promotion to the higher rank, if paragraph (3) applies.

2A) Where a member of a police force –

- a) is entitled to 46 days of acting up allowance in respect of one continuous period of performing the duties normally performed by a superintendent, chief superintendent or assistant chief constable (or the equivalent ranks in the Metropolitan and City of London Police Forces) (under the determination under regulation 34 (Annex UU – acting up allowance)); and
- b) at the end of such period of 46 days is required to continue to perform such duties, and
- c) if paragraph (3) applies,

the member shall be paid in respect of the period after the 46th day at a rate equal to the lowest rate of pay to which the member would be entitled on promotion to the higher rank. Alternatively, where the member continues to accrue pension under the Police Pension Scheme 1987, the member may elect to receive a non-pensionable payment of 100% of the difference between the member's substantive rate of pay and the lowest rate of pay to which the member would be entitled on promotion to the higher rank. Any such payment will be subject to approval by the chief officer.

2B) Where paragraph 2A applies, a member receiving a non-pensionable payment will not be permitted to revoke the decision at a later date unless the circumstances of the temporary promotion were to change significantly in the view of the chief officer after agreement was reached. If it is agreed by the chief officer of police that the decision should be revoked for this reason, the revocation will not apply retrospectively.

3) This paragraph applies if –

a) the member is a constable or sergeant and is not qualified for promotion (see Annex J, paragraph (2)); or

b) the chief officer is required to respond to an overwhelming operational emergency that requires an immediate application.

4) A member shall not receive a temporary salary under paragraph (2) in respect of any day for which he is entitled to an acting up allowance under the determination made under regulation 34 (Annex UU – acting up allowance).

5) Where -

a) a member of a police force below the rank of inspector is entitled to be paid under paragraph 2) or 2A),

b) the higher rank is that of inspector or above, and

c) the day on which the member is required to perform the duties referred to in paragraph 2) or 2A) is not a public holiday or rostered rest day,

there shall be no entitlement to an allowance or time off under regulation 25 and any determination thereunder in respect of such duties.

6) Paragraphs 2) and 2A) shall not apply where -

a) a member of a police force below the rank of inspector is required to perform the duties normally performed by a member of the force of the rank of inspector or above, and

b) the day on which the member is so required to perform such duties is a public holiday or rostered rest day.

TEMPORARY PROMOTION

1) Subject to paragraph (2), where a member of a police force-

(a) is entitled to 46 days of acting up allowance in respect of one continuous period of performing the duties normally performed by a member of the force of a higher rank than his own (under the determination under regulation 34 (Annex UU – acting up allowance));

(b) and at the end of such period of 46 days is required to continue to perform such duties,

he shall be temporarily promoted to the higher rank at the end of such period of 46 days, unless he is entitled to a temporary salary under paragraph (2) or 2A of the determination under regulation 27 (Annex I, temporary salary).

2) Where the member is-

(a) a constable, he shall not be temporarily promoted to the rank of sergeant;

(b) a sergeant, he shall not be temporarily promoted to the rank of inspector;

unless he is qualified for the promotion under regulation 3 of the Police Promotion Regulations 1996.

3) While a member is temporarily promoted to the rank of sergeant, inspector or chief inspector under this determination, he shall be paid at a rate equal to the lowest pay point for the higher rank which he would receive if the promotion had been permanent.

3A) While a member is temporarily promoted to the rank of superintendent, chief superintendent or assistant chief constable (or the equivalent ranks in the Metropolitan and City of London Police Forces) under this determination, he shall be paid at a rate equal to the lowest pay point for the higher rank which he would receive if the promotion had been permanent. Alternatively, where the member continues to accrue pension under the Police Pension Scheme 1987, the member may elect to receive a non-pensionable payment of 100% of the difference between the member's substantive rate of pay and lowest pay point for the higher rank which he would receive if the promotion had been permanent. Any such payment will be subject to approval by the chief officer.

3B) Where paragraph 3A applies, a member receiving a non-pensionable payment will not be permitted to revoke the decision at a later date unless the circumstances of the temporary promotion were to change significantly in the view of the chief officer of police after agreement was reached. If it is agreed by the chief officer of police that the decision should be revoked for this reason, the revocation will not apply retrospectively.

4) A member temporarily promoted under this determination shall revert to his former rank when he is no longer required to perform the duties of the higher rank.