

DETERMINATIONS OF THE SECRETARY OF STATE UNDER THE POLICE REGULATIONS 2003

The Secretary of State, in exercise of the powers conferred by regulation 22 of the Police Regulations 2003 (SI 2003/527), 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 he 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 E of the Determinations under the Police Regulations 2003 (Duty) there shall be substituted the following Annex E. This substitution shall have effect from 1 January 2019.

ANNEX E DETERMINATION

FOR REGULATION 22

DUTY

1) HOURS OF DUTY

- a) Paragraph 1 of this Annex applies to every member, other than a part-time member, of a police force of the rank of constable or sergeant who is not assigned to duties which the Secretary of State has specially excepted from the provisions of this paragraph.
- b) The normal daily period of duty (including the period for refreshment referred to (in sub-paragraph (c)) of a member shall, except in the case of a member working in accordance with variable shift arrangements, be 8 hours.
- c) As far as the exigencies of duty permit:
 - i) The normal daily period of duty (or, in the case of a member working in accordance with variable shift arrangements, a shift) shall be performed in one tour of duty; and
 - ii) Apart from where a member has taken a half day's annual leave or is working in accordance with variable shift arrangements, an interval of 45 minutes shall be allowed for refreshment.
 - iii) Where in one day a member working in accordance with variable shift arrangements is on duty for a continuous period of 5 hours or more, time for

refreshment shall, as far as the exigencies of duty permit, be allowed as in the following table:

Number of hours	Refreshment time
Less than 6 hours	30 minutes
6 hours or more, but less than 7 hours	35 minutes
7 hours or more, but less than 8 hours	40 minutes
8 hours or more, but less than 9 hours	45 minutes
9 hours or more, but less than 10 hours	50 minutes
10 hours or more	60 minutes

d) Where a member is required to perform his normal daily period of duty (or in the case of a member working in accordance with variable shift arrangements, a shift) in more than one tour of duty and does not travel to and from his home between tours, an interval for refreshment and rest shall normally be included at the beginning or end of one of those tours.

2) VARIABLE SHIFT ARRANGEMENTS

a) A chief officer may, after consulting with the joint branch board and the members affected, allowing them at least 30 days to make representations and taking account of the likely effects of the new arrangements on their personal circumstances:

i) announce that he intends to bring into operation variable shift arrangements for all or any particular class of members below the rank of inspector (below the rank of superintendent for part-time members); and

ii) bring the arrangements into operation not less than 30 days after the announcement.

b) Variable shift arrangements must provide, for full-time members for whom they are in operation:

i) for hours of duty equivalent to those of a member with a normal daily period of duty of 8 hours (including a period for refreshment) and who receives a day's leave on each public holiday and 2 rest days per week; and

ii) for annual leave equivalent to that granted in accordance with regulation 33 and the Secretary of State's determination of the annual leave of members of police forces thereunder.

c) Variable shift arrangements must provide, for part-time members for whom they are in operation:

i) a normal period of duty in every relevant period as in paragraph (6) below; and

ii) for annual leave equivalent to that granted in accordance with regulation 33 and the Secretary of State's determination of the annual leave of members of police forces thereunder.

3) DUTY ROSTERS

a) A chief officer shall cause to be published, in accordance with this determination, duty rosters for members of his force of the rank of constable or sergeant (and inspector and chief inspector in the case of part-time members) and, in the determinations made under the Police Regulations 2003:

i) a reference to a rostered rest day is to be construed, in relation to a member of a police force who is required to do duty on that day, as a reference to a day which according to the duty roster was, immediately before he was so required to do duty, to have been a rest day for the member; and

ii) a day off granted in lieu of a rostered rest day shall be treated as a rostered rest day.

b) A chief officer shall cause each such roster to be drawn up and published, after full consultation with the Joint Branch Board, at intervals not exceeding 12 months and not later than one month before the date on which it starts.

c) Each such roster shall set out, for at least three months (except one relating to a part-time member who has agreed with the chief officer on a different period) following the date on which it comes into force, in relation to each member of the force to which it relates:

i) his rest days;

ii) those days, being public holidays, on which he may be required to do duty; and

iii) the times at which his scheduled daily periods of duty (rostered shifts for members working variable shift arrangements and for part-time members) are to begin and end; and

iv) for part-time members, his free days.

d) A reference to a 'free day' is to be construed as a reference to a day which is not:

i) a day on which, according to the duty roster, a shift is to begin or end;

ii) a rostered rest day; or

iii) a public holiday.

e) Subject to paragraph (f), a duty roster shall make provision for:

i) an interval of not less than 11 hours between the ending of each of a member's daily periods of duty (or in the case of a part-time member or a

member working in accordance with variable shift arrangements, his shifts) and the beginning of the next; and

ii) an interval between each of his rostered rest days not exceeding 7 days, unless in the case of a part-time member, a longer interval has been agreed between the member and the chief officer;

unless the Joint Branch Board agrees otherwise, such agreement providing for an equivalent period of compensatory rest.

f) Where, owing to the exigencies of duty, it is necessary to alter a duty roster, the officer responsible for making the alteration shall endeavour, so far as practicable, to avoid thereby requiring a member to do an additional daily period of duty or, in the case of a part-time member or a member working in accordance with variable shift arrangements, a shift, in circumstances where the conditions in sub-paragraph (e)(i) and (ii) would not be satisfied in relation thereto.

g) Where a duty roster is altered in accordance with subparagraph f) and a member is required to do an additional daily period of duty or a shift in circumstances where the conditions in sub-paragraph (e)(i) and (ii) are not satisfied in relation thereto, that member shall be entitled to an equivalent period of compensatory rest.

4) PUBLIC HOLIDAYS, REST DAYS AND MONTHLY LEAVE DAYS

a) *Constables and Sergeants*

i) So far as the exigencies of duty permit, a member of a police force of the rank of constable or sergeant shall be allowed a day's leave on each public holiday and be granted rest days at the rate of two rest days (or, in the case of a member working in accordance with variable shift arrangements, not less than two rest days) in respect of each week.

ii) The provisions for compensation in lieu of public holidays and rostered rest days are such as are found in regulation 26 and the determination thereunder.

iii) For the purposes of this determination and the determination made under regulation 26, a member of the rank of constable or sergeant may, with the approval of the chief officer, substitute a day which is not a public holiday within the meaning of regulation 3(1) of the Police Regulations 2003 for any day which is such a public holiday, with the exception of Christmas Day.

iv) A member shall give the chief officer notice of a proposed substitution under sub-paragraph (a)(iii) not less than two months before the first day of the leave year containing the public holiday for which a day is to be substituted.

v) The chief officer shall, subject to the exigencies of the duty, approve a proposed substitution under sub-paragraph (a)(iii).

vi) The chief officer shall prescribe –

1. the manner in which notice is to be given under paragraph (a)(iv);
2. the time within which a member is to be notified of the decision as to approval of a proposed substitution; and
3. arrangements by which a member may propose a different date to be substituted for the public holiday, where the exigencies of duty prevent the chief officer from approving a proposed substitution.

vii) Where a proposed substitution has been approved under paragraph (a)(v) and the member later transfers to another police force, the substitution shall, subject to the exigencies of duty, continue to have effect in that other force.”.

b) *Inspectors and Chief Inspectors*

Every member of a police force of the rank of inspector or chief inspector shall, so far as the exigencies of duty permit, be allowed a day's leave on each public holiday and be granted rest days at the rate of two rest days in each week.

c) *Ranks above Chief Inspector*

Every member of a police force of, or above, the rank of superintendent shall, so far as the exigencies of duty permit, be allowed a day's leave on each public holiday and be granted in each month 8 monthly leave days.

5) TRAVELLING TIME TREATED AS DUTY

a) This paragraph applies where a full-time member of a police force is:

i) required to perform his normal daily period of duty (or in the case of a member working in accordance with variable shift arrangements, his shift) in more than one tour of duty; or

ii) recalled to duty between two tours of duty (in the case of a member working in accordance with variable shift arrangements, two shifts) and travels to and from his home between tours (in the case of a member working variable shift arrangements, between shifts), or as the case may be, in consequence of his recall, (in this determination referred to as “relevant travelling”).

b) This paragraph applies to a part-time member where:

i) a shift consists of two separate periods; or

ii) he is recalled to duty between two shifts;

and he travels to and from his home between those periods or, as the case may be, in consequence of his recall, (in this determination referred to as “relevant travelling”).

c) In computing any period of overtime for the purposes of regulation 25 and the determination thereunder or any period of duty for the purpose of regulation 26 and the determination thereunder (save for the purposes of sub-paragraph 3(g) of the determination thereunder) the time occupied by such a member in relevant travelling, not exceeding such reasonable limit as may be fixed by the chief officer of police, shall be treated as a period of duty.

6) PART-TIME MEMBERS

Normal Period of Duty

- a) i) This paragraph applies to every part-time member of a police force below the rank of superintendent
- ii) The normal period of duty in every relevant period of a part-time member of a police force to whom this determination applies, which is to be performed in accordance with general arrangements made by the chief officer of police after consulting the police authority and local representatives of the representative bodies, is, subject to sub paragraph (v) the total number of hours determined by the chief officer with the agreement of the member at the time of his appointment.
- iii) For the purposes of sub-paragraph (ii) a day of annual leave counts as a period of duty of 8 hours multiplied by the appropriate factor.
- iv) The chief officer shall review a member's normal period of duty at intervals of not more than 52 weeks, and in doing so shall have regard to the number of hours actually spent on duty during the interval preceding the review.
- v) After a review under sub-paragraph(iv) or (vi):
- (1) any number of hours different from that determined under subparagraph (ii) which was determined by the chief officer and agreed to by the member becomes the member's normal period of duty, and
 - (2) if no different number was agreed to by the member, his normal period of duty is the number of hours determined on the last previous review, or where no such review has taken place, under subparagraph (ii).
- vi) In addition to any review required under sub-paragraph (v), a member or the chief officer may require a further review where there has been or is likely to be significant changes in the normal daily period of duty or in the circumstances of the member.
- vii) On any review under sub-paragraph (vi) the chief officer shall have regard to the number of hours actually spent on duty during the interval preceding the review.
- viii) As far as the exigencies of duty permit, a shift shall consist of one continuous period.

ix) Periods allowed for Refreshment

Where in one day a member is on duty for a continuous period of 5 hours or more, an interval for refreshment shall, as far as the exigencies of duty permit, be allowed in accordance with the Table below:

Number of hours	Refreshment time
Less than 6 hours	30 minutes
6 hours or more, but less than 7 hours	35 minutes
7 hours or more, but less than 8 hours	40 minutes
8 hours or more, but less than 9 hours	45 minutes
9 hours or more, but less than 10 hours	50 minutes
10 hours or more	60 minutes

x) Where a shift consists of two periods amounting in total to 5 hours or more and the member does not travel to and from his home between those periods, an interval for refreshment and rest shall normally be included at the beginning or end of one of them.

b) For the purposes of this paragraph, in relation to a part-time member of a police force:

i) the determined hours are the number of hours which the chief officer has determined as his normal period of duty in a relevant period,

ii) a relevant period is a period for which a duty roster relating to him has effect for the time being under paragraph 3 , and

iii) the appropriate factor is A/B , where

A is the number of determined hours, and

B is 40 times the number of weeks in the relevant period.

c) In relation to a member of a police force in a job share arrangement the appropriate factor is $1/2$.

7) a) In this determination and determinations made under regulations 25 and 33, “day”, in relation to members of a police force, means a period of 24 hours commencing at such time or times as the chief officer shall fix and the chief officer may fix different times in relation to different groups of members.

b) In discharging his functions under sub paragraph (a) above, the chief officer shall have regard to the wishes of the joint branch board.

8) OFFICERS WORKING AT NIGHT

a) Any member who regularly works for at least three hours of his daily working time between 11pm and 6am, irrespective of the pattern of duty worked, shall be treated as

if he were a night worker for the purposes of regulation 2 (1) of the Working Time Regulations 1998.

9) **WORKING TIME**

The following periods are to be treated as if they were additional periods of working time for the purposes of regulation 2(1) of the Working Time Regulations 1998;

- a) time spent in travel, outside of rostered duty hours and not covered by paragraph 5 of this Annex, to and from duty at a place other than the normal place of duty;
- b) time spent in travel to and from training courses other than at the usual place of duty.