

## **DETERMINATIONS OF THE SECRETARY OF STATE UNDER THE POLICE REGULATIONS 2003**

The Secretary of State, in exercise of the powers conferred by regulation 33 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 O of the Determinations under the Police Regulations 2003 (Annual Leave) there shall be substituted the following Annex O. This substitution shall have effect from 1 January 2019.

### **ANNEX O DETERMINATION**

### **FOR REGULATION 33**

#### **ANNUAL LEAVE**

- 1)
  - a) Every member of a police force of or above the rank of superintendent shall be granted in each leave year the following period of annual leave namely-
    - i) in the case of a member of the rank of superintendent or chief superintendent, 31 days;
    - ii) in the case of a member of a rank higher than that of chief superintendent, 35 days.
  - aa) Every member of a police force who has entered the force at the level of inspector under the Direct Entry (Inspector) programme, as defined in the Police Regulations 2003, shall be granted annual leave entitlements (expressed

<sup>1</sup> The Secretary of State notes the agreements of the Police Negotiating Board in 2004 and 2005 to give increased annual leave entitlements as follows. However, these entitlements do not form part of this determination as such.

Length of Service	2004	2005
Less than 2 years' relevant service	22	22
2 or more years' relevant service	22	23
5 or more years' relevant service	24	25
10 or more years' relevant service	27	27
15 or more years' relevant service	28	28
20 or more years' relevant service	30	30

in 8 hour days) in each leave year commencing after 31 December 2018 as set out in the table below:-

Length of Relevant Service	Annual leave
Less than 6 years' relevant service	25
6 or more years' relevant service	27
11 or more years' relevant service	28
16 or more years' relevant service	30

b) With the exception of inspectors, referred to in paragraph (aa) above, and subject to sub-paragraph (c) below every member of a police force holding a rank below that of superintendent shall be granted annual leave entitlements (expressed in 8 hour days) in each leave year commencing after 31 December 2005 as set out in the table below:-

Length of Service	Annual leave
Less than 2 years' relevant service	22
2 or more years' relevant service	25
5 or more years' relevant service	25
10 or more years' relevant service	27
15 or more years' relevant service	28
20 or more years' relevant service	30

c) Where the annual leave entitlement of a member of a police force immediately before the coming into effect of this paragraph, in respect of the first leave year commencing after 31st December 2003, exceeded the period prescribed in his case in respect of that year by the foregoing provisions of this paragraph he shall continue to be entitled to be granted such greater period of leave until such time as he shall have completed such number of years' relevant service as, by virtue of the said provisions, entitle him to an increased period of leave.

2) In the leave year in which a member of a police force is appointed to, is promoted in, or retires from the force or completes such number of years' relevant service as will entitle him to an increased period of annual leave, his annual leave shall be calculated at the rate of a twelfth of the period of annual leave appropriate, under paragraph (1), to the rank held by him for each complete month of service in that rank in the leave year in question, a fraction of a day being reckoned as a day:

Provided that where a member of a police force is promoted or completes the said number of years' relevant service while completing a month's service in the leave year in question, he shall be treated for the purposes of this paragraph as if he had been promoted or, as the case may be, completed the said number of years' relevant service at the beginning of that month's service.

3) In the case of a member of a police force, the chief officer of police may, in his discretion and subject to the exigencies of duty-

a) notwithstanding anything in paragraphs (1) and (2), where he is satisfied that, in any leave year, the member has not taken the full period of annual leave specified in those paragraphs, grant the member, during the following leave year, additional days of annual leave not exceeding the number of days not taken, so however that he shall not exercise his discretion so as to grant more than 5 additional days of annual leave to a member unless he is satisfied that there are exceptional circumstances and that it is in the interests of efficiency to do so;

b) grant the member not more than 5 additional days of annual leave, to be taken in the last month of the leave year, subject to a corresponding reduction being effected in the member's period of annual leave under paragraph (1) for the following year.

4) a) Subject to sub-paragraph (b), days of annual leave granted under this determination may be taken, in the discretion of the chief officer of police and subject to the exigencies of duty, as a single period, or as single days, or in periods of more than one day or as half days.

b) In the case of a member below the rank of superintendent, not more than 3 days of annual leave shall be taken as half days, and where annual leave is so taken, the member-

i) shall do duty on that day for 4 hours, and

ii) shall not be entitled to be allowed an interval for refreshment such as may be determined under regulation 22(b).

5) a) Where a member of a police force has been recalled to duty from a period of absence from duty to which this paragraph applies, he shall be granted, in compensation for being recalled to duty on any day during that period which is a day of annual leave or a day taken off in lieu of overtime-

i) if he was so recalled to duty for 1 or 2 days (whether or not in the latter case those days formed a single period), an additional 2 days' annual leave (or, if the member so choose, 1 day's annual leave and 1 day's pay at double time) in lieu of each such day for which he was so recalled; or

ii) if he was so recalled to duty for 3 or more days (whether or not forming a single period), 2 days' annual leave (or, if the member so choose, 1 day's annual leave and 1 day's pay at double time) in lieu of each of the first 2 such days for which he was so recalled, and 1 ½ days' annual leave (or, if the member so choose, 1 day's annual leave and ½ day's pay at double time) in lieu of each such day for which he was so recalled thereafter.

b) This paragraph applies to a period of absence from duty of 3 or more days, where at least one of those days is a day of annual leave and the other days, if not days of annual leave, are rostered rest days, day taken off in lieu of overtime, public holidays, free days (or days taken off in lieu thereof) or monthly leave days, or any combination thereof.

c) This paragraph applies in the case of a member of a police force who is required to work on a day scheduled to fall in a period of absence from duty to which this paragraph applies as it applies in the case of a member who is recalled to duty from such a period.

6) a) This paragraph applies where:

i) a member ceases to be a member of a police force, other than on immediate transfer to another police force, during the course of his leave year, and

ii) on the date on which he ceases to be a member of a police force, the proportion he has taken of the annual leave to which he is entitled in the leave year under this determination differs from the proportion of the leave year which has expired.

b) Where the proportion of annual leave taken by the member is less than the proportion of the leave year which has expired, the member shall be entitled to a payment in lieu of leave in accordance with sub-paragraph (c).

c) The payment due under sub-paragraph (b) shall be a sum equal to the amount that would be due to the member in respect of a period of leave determined according to the formula  $(A \times B) - C$  where

A is the period of leave to which the member is entitled under this determination;

B is the proportion of the member's leave year which expired before the termination date, and

C is the period of leave taken by the member between the start of the leave year and the termination date.

d) Where the proportion of leave taken by the member exceeds the proportion of the leave year which has expired, the member shall provide compensation, whether by payment, by additional service or otherwise.

7) a) For the purposes of this determination-“relevant service” means any service which the member concerned is entitled to reckon for the purposes of pay together with any service which he was previously so entitled to reckon-

(i) in the case of a member below the rank of superintendent, in any lower rank;

(ii) in any other case, in the rank of superintendent or any higher rank,

except that relevant service shall not include any such service as is mentioned in regulation 44.

b) Where a member of an aerodrome constabulary has been transferred to a police force by an order under section 30 of the Aviation Security Act 1982 then, for the purposes of this paragraph, his service in any rank in that constabulary shall be treated as if it were service in the corresponding rank in a police force.

- 8) a) In this determination and determinations made under regulations 22 and 25, “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.