

Tayside Police Federation



Frequently Asked Questions on Police Regulations

Tayside Police Federation- Frequently Asked Questions relating to Police Regulations

This is the second edition of this supplementary guide to Police (Scotland) Regulations and Determinations 2004 compiled by Tayside Police Federation to assist officers and managers in understanding an otherwise complicated and difficult to read document. It adds a couple of extra questions to the booklet that have been posed recently viz early starts to duty and working into public holidays.

The regulations are not reproduced here but can be found on the Force Intranet and Tayside Federation Website. Grampian Federation colleagues are thanked for their contribution to this document.

In relation to Variable Shift Working, Workforce Agreements for all approved patterns are published on the Force Intranet site under Library/Shift Working Group. They should be referred to in relation to specific features e.g. shift variations, training days etc.

Should you have any other queries in relation to regulations please contact any federation representative, the details of whom can be found on the Intranet or Federation website www.taysidejbb.org.uk .

David Hamilton
JBB Secretary
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What is a duty roster?

A duty roster is basically a schedule showing the order of rotation in which officers are to perform their tours of duty. To protect officers and afford them an appropriate work-life balance, Police Regulations provide that duty rosters must meet certain criteria:

The Chief Constable shall cause to be drawn up and published duty rosters for Constables and Sergeants at intervals not exceeding 12 months.¹

Each such roster shall be published not later than one month before the date on which it starts.²

Each such duty roster shall set out, for at least 3 months following the date on which it comes into force, in relation to each member to which it relates:

- i) that members rest days;
- ii) those day, being public holidays, on which that member may be required to work; and
- iii) the times at which his scheduled daily periods of duty (rostered shifts) are to begin and end;³

Each such roster shall provide for:

- iv) an interval of not less than 11 hours between the ending of each daily period of duty (rostered shift) and the beginning of the next; and
- v) an interval between each of that member's rest days not exceeding 7 days; unless the Joint Branch Board agrees otherwise, such agreement providing for an equivalent period of compensatory rest.⁴

If owing to the "exigencies of duty"⁵ it is necessary to alter a duty roster, then the officer doing so shall endeavour, so far as is practicable, to avoid requiring a member to do an additional daily period of duty (rostered shift) such that the condition in (iv) above is not satisfied.⁶

Changes to rosters should only be made after full consideration of welfare, operational and practical circumstances rather than on purely financial grounds.⁷

Depending on the circumstances, if a duty roster is altered, or a tour of duty is changed or extended, then Police Regulations provide for an officer to be compensated appropriately.

1 Regulation 22 Annex E Paragraph (3)(b)

2 Regulation 22 Annex E Paragraph (3)(b)

3 Regulation 22 Annex E Paragraph (3)(c)

4 Regulation 22 Annex E Paragraph (3)(e)

5 refer to the page "What does the term "exigencies of duty" mean ? "

6 Regulation 22 Annex E Paragraph (3)(f)

7 PNB circular 86/9

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What is the Force 'day', 'week', 'year' ?

The Force day is a period of 24 hours commencing at a time fixed by the Chief Constable. The Chief Constable may fix different times for different groups of officers⁸
The Force day in Tayside Police commences at 0700hrs.

The Force week is the period of seven days beginning with such day as is fixed by the Chief Constable⁹. The week in Tayside Police is fixed as the period of seven day beginning on a Sunday.

The Force year is defined differently for annual leave and for pay purposes. The annual leave year means that period of 12 months beginning after 31 December¹⁰. The pay year means the 12 month period beginning on 1st April¹¹. The pay year is significant when calculating a member's entitlement to a 'temporary salary' when temporarily promoted.

What is the difference between 'casual' overtime and 'planned' overtime?

This applies to full time Constables and Sergeants.

Overtime is potentially payable when:

- i) you remain on duty after your tour of duty ends;
- ii) you are recalled to duty between two tours of duty, whether those tours of duty are on consecutive days or not; or
- iii) you are required to begin earlier than the rostered start time.

If you are told prior to or immediately upon commencing duty that you are required to remain on duty at the end of your rostered shift then that is "planned" overtime. No account is taken of any period of less than 30 minutes of overtime other than a period of 15 minutes. Remember that only periods of 15 minutes actually completed count¹². So:

5 minutes overtime = nil
10 minutes overtime = nil
15 minutes overtime = 15 minutes
20 minutes overtime = 15 minutes
25 minutes overtime = 15 minutes
30 minutes overtime = 30 minutes, etc.

If you are told or learn at some time during your tour of duty that you are required to remain on duty at the end of your rostered shift then that is unplanned or "casual" overtime. On each of the first four occasions during any "week"¹³ when you are required to remain on duty at the end of your rostered shift the first 30 minutes of the overtime will be disregarded¹⁴.

So:

8 Regulation 22 and Annex E Paragraph (7)(a), Regulation 25 and Annex G Paragraph (B)(5) and Regulation 33 and Annex O Paragraph (7)(a)

9 Regulation 25 and Annex G Paragraph (B)(4)

10 Regulation 33(1) and Annex O Paragraph (1)(b)

11 Regulation 27 and Annex I Paragraph (11)

12 Regulation 25 and Annex G Paragraph (A)(7)

13 Refer to the page "What is the Force 'day', 'week', 'year' ?".

14 Regulation 25 and Annex G Paragraph (A)(4) and (5)

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Day 1: held on 1 hour = half hour disregarded + half hour @ time and one third

Day 2: held on 1 hour = half hour disregarded + half hour @ time and one third

Day 3: held on 1 hour = half hour disregarded + half hour @ time and one third

Day 4: held on 1 hour = half hour disregarded + half hour @ time and one third

Day 5: held on 1 hour = 1 hour @ time and one third

If you work a shift pattern with rest days occurring mid-week, then it may be very difficult for you to claim for any genuine period of 30 minutes unplanned overtime occurring during that week.

If you are required to remain on duty beyond your rostered shift into a rest day or a public holiday, refer to the pages "I was detained on duty into a rest day. What am I entitled to claim?" and "I was detained on duty into a public holiday. What am I entitled to claim?".

What am I entitled to if I am required to work on a public holiday?

This applies to all Constables and Sergeants.

Where required to work with less than 8 clear days notice.

You are entitled to claim a minimum of 4 hours plus relevant travelling time¹⁵ at double time¹⁶, and, in addition, another day off in lieu which shall be notified to you within 4 days of notification of the requirement and shall be treated as a public holiday should there be a requirement to work that day¹⁷.

Where required to work with 8 or more notice.

You are entitled to claim a minimum of 4 hours plus relevant travelling time¹⁸ at double time¹⁹.

If you are not notified of another day off in lieu within 4 days then the Regulation has not been complied with. However the Regulations are silent as to what happens in those circumstances.

If you work for more than 4 hours then you are entitled to claim for all the hours that you work plus relevant travelling time. However if the hours worked + relevant travelling time exceeds 6 hours then the portion of travelling time that exceeds 6 hours is disregarded²⁰.

Can I be required to perform overtime?

Yes. You can be ordered to perform overtime by an officer of a higher rank. An order is generally lawful provided that it is for police purposes and would not render you liable to any criminal, civil or disciplinary action. In case of doubt, contact your JBB.

15 Regulation 26 and Annex H Paragraph (3)(h)

16 Regulation 26 and Annex H Paragraph (1)(d)(i)(1)

17 Regulation 26 and Annex H Paragraph (1)(d)(i)(2)

18 Refer to the page "What is the Force 'day', 'week', 'year'?"

19 Regulation 26 and Annex H Paragraph (1)(d)(ii)

20 Regulation 26 and Annex H Paragraph (3)(i)

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What am I entitled to if I am required to work on a rest day?

This applies to all Constables and Sergeants.

Where required to work with less than 5 clear days notice.

You are entitled to claim a minimum of 4 hours plus relevant travelling time at double time²¹.

Where required to work with 5 or more but less than 15 clear days notice.

You are entitled to claim a minimum of 4 hours plus relevant travelling time at time and a half²².

Where required to work with 15 or more clear days notice.

That day becomes a normal working day and you will be granted another rest day .

If you work for more than 4 hours then you are entitled to claim for all the hours that you work plus relevant travelling time. However if the hours worked + relevant travelling time exceeds 6 hours the portion of travelling time that exceeds 6 hours is disregarded²³.

What does the term "exigencies of duty" mean?

The term "exigencies of duty" is used in relation to making alterations to the published duty roster for one reason or another. The definitive PNB interpretation²⁴ is given below:

Where alterations are made to an annual duty roster after its publication these changes must arise from the exigencies of duty (unless they are made at the officer's own request or have otherwise been agreed with the joint branch board). The term "exigencies of duty" should be interpreted as relating to situations where a pressing demand, need or requirement is perceived that is not reasonably avoidable and necessitates a change of roster. In this context the word "pressing" relates to the expected situation at the time when the duty is to be performed rather than the time when the duty roster is changed, i.e. the reasons for a change may be known many months in advance but still be pressing.

Changes to rosters should only be made after full consideration of welfare, operational and practical circumstances rather than purely on financial grounds. Because rosters are produced annually a number of unforeseen reasons for changes may subsequently arise. It is clearly not possible to produce an exhaustive list of all of the potential reasons which may necessitate changes. However, by way of example, changes to rostered duties would be justified by unforeseen public order situations, court attendance and essential training. An officer should be told as soon as the requirement for the change is known and at the latest, by midnight on the calendar day before the changed period of duty commences.

It is recognised that it may not always be possible to follow the guidelines set out above, but the aim should be to allow an officer adequate time for rest and recuperation between duties. There is of course an absolute requirement at all times to follow the provisions of

21 Regulation 26 and Annex H Paragraph (1)(c)(i)

22 Regulation 26 and Annex H Paragraph (1)(c)(ii)

23 Regulation 26 and Annex H Paragraph (3)(i)(i) and (ii)

24 PNB CIRCULAR 86/9 Alterations to Duty Rosters.

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Police Regulations governing changes to rosters. In accordance with Regulation 21A 4(a) all practical measures should be taken to avoid rosters being changed so that an interval of less than 11 hours expires between one daily period of duty and the next.

When am I entitled to claim travelling time as duty?

Travel time between home and your normal place of duty is generally not duty time.

Such travel time is duty where:

- (a) you are required to perform your normal daily period of duty (or shift) in more than one tour of duty; or
- (b) you are recalled to duty between two tours of duty (or shifts) and have to travel to and from your home between tours (or shifts), or in consequence of being recalled. This time (referred to as 'travelling time') shall be treated as duty²⁵.

The Chief Constable may fix a limit on the period of travelling time which is to be treated as duty²⁶.

The current limit in Tayside Police is 30 minutes travelling from and 30 minutes returning to your home.

Where the time spent travelling is less than the limit fixed by the Chief Constable, you may only claim the time actually spent travelling.

No travelling time can be claimed if the journey is not actually undertaken.

If you are simply detained on duty at the end of your shift on a normal working day or at the end of nightshift into the following normal working day, then you are not entitled to claim travelling time as duty.

If you are detained on duty from a normal working day into a rest day or a public holiday then you are entitled to claim travelling time for returning home on that rest day or public holiday ²⁷.

If you are required to do duty, or are recalled to duty, on a rest day or public holiday, then the time spent by you travelling from or returning to your home will be counted as duty unless such travelling time together with your period of duty exceeds 6 hours, when the portion of travelling time which exceeds 6 hours will be disregarded [3].

For further information and examples refer to the pages: "I was detained on duty into a rest day. What am I entitled to claim?" and "I was detained on duty into a public holiday. What am I entitled to claim?"

What am I entitled to if I am recalled to duty on a rest day and continue into a rostered tour of duty the following day?

This applies to full time Constables and Sergeants.

This answer applies to those occasions when you have been recalled to duty on a rest

25 Regulation 22(4) and Annex E Paragraph (5)(a)

26 Regulation 22(3)(a)

27 Regulation 26 and Annex H Paragraph 3(i)

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day and that duty continues into the next normal working day on which you are rostered to work early shift.

If you are required to do duty on a rest day with less than 5 clear days notice then you are entitled to claim a minimum of 4 hours plus relevant travelling time at double time ²⁸.

If you work for more than 4 hours then you are entitled to claim for all the hours that you work on the rest day plus relevant travelling time. However if the hours worked on the rest day + relevant travelling time exceeds 6 hours the portion of travelling time that exceeds 6 hours is disregarded ²⁹.

Your rostered shift the following day remains unchanged and any overtime at the end of that shift attracts compensation at the appropriate rate, ie time + 1/3.

Example. Assume the Force day is 0700-0700.

DAY 1: Rostered rest day;

DAY 2: 0700-1700 rostered shift

At 2100hrs on DAY 1 you are contacted at home and are required to report at 0500hrs on Day 2 for duty. You remain on duty until 2000 hours on Day 2. The period 0500-0700 is a recall to duty on a rostered rest day. You are entitled to a minimum of 4 hours plus one way travel time at double time. The period 0700-1700 remains your rostered tour of duty. The period 1700-2000 is ordinary overtime @ time+1/3. If you were informed prior to or on commencement of duty that it was likely to be an extended duty then the overtime is planned.

How many hours rest should I have between shifts?

Police Regulations state that a duty roster shall make provision for 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, that member's shifts) and the beginning of the next, unless the Joint Branch Board agrees otherwise, such agreement providing for an equivalent period of compensatory rest³⁰.

Police Regulations provide however that, 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) such that the member does not get at least 11 hours rest³¹.

The Working Time Regulations state that an adult worker is entitled to a rest period of not less than eleven consecutive hours in each 24-hour period during which he works for his employer³².

28 Regulation 26 and Annex H Paragraph (1)(c)(i)

29 Regulation 26 and Annex H Paragraph (3)(i)(i) and (ii)

30 Regulation 22 and Annex E Paragraph (3)(e)

31 Regulation 22 and Annex E Paragraph (3)(f)

32 Working Time Regulations 1998, Regulations 10(1)

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INTERPRETATION: Police Regulations make it clear that when devising a duty roster provision must be made for 11 hours between daily periods of duty (rostered shifts). This restriction affords officers greater protection than the WTR. Quick-changeovers of less than 11 hours are not permitted under Police Regulations.

Police Regulations also acknowledge that "exigencies of duty" may arise which require the duty roster to be altered. However, on such occasions the Force must still endeavour, so far as is practicable, to give officers 11 hours between tours of duty or shifts. The Force cannot plan to breach the Working Time Regulations. Officers are entitled to not less than 11 hours rest in each 24 hour period. However, where undue circumstances or necessity arises, the Force may require you to return to duty with less than 11 hours rest to continue an ongoing and essential enquiry, provided an equivalent period of compensatory rest is given.

EXAMPLE: You are late shift and deal with a sudden death or fatal road accident. You are required to attend a post mortem at 0900hrs the next day. It is not practicable to be able to give you 11 hours rest before attending the post mortem. An equivalent period of compensatory rest should be given to you as soon as possible thereafter³³. Such occasions must be the exception and not the rule. Staffing issues alone are not an acceptable reason for requiring an officer to return to work with less than 11 hours rest.

Most shift patterns provide officers with 11 or more hours rest each day. The period in excess of 11 hours can be used for the purposes of providing compensatory rest where necessary.

What am I entitled to when my rest day is re-rostered and then re-instated?

If your rest day is re-rostered in anticipation of an operational need for which, in the event, you are not required to attend for duty, where you are told with more than 7 days notice that you will not after all be required to work on your rest day, you will take that rest day with no compensation. Where you are given less than 8 days notice, you can choose between taking the rest day with no compensation or working on the rest day with compensation in accordance with Regulations.³⁴

Where you are given less than 8 clear days notice that you will not after all be required to work on your rest day the date of notification will be treated, for the purposes of calculating the rate of compensation, as if it were the date that you were notified that your rest day was cancelled. So:

If you are told with less than 5 clear days notice, you have the choice to take the original rest day with no compensation OR to work and claim the hours worked at double time³⁵.
If you are told with 5 or more but less than 8 clear days notice, you have the choice to take the original rest day with no compensation OR to work and claim the hours worked at time and half³⁶.

Where you are told with 8 or more clear days notice you will take the original rest day with no compensation³⁷.

33 Working Time Regulations 1998, Regulation 24

34 PNB Circular 85/9

35 Regulation 26 and Annex H Section 1(a)(i) and (c)(i)

36 Regulation 26 and Annex H Section 1(a)(i) and (c)(ii)

37 PNB Circular 85/9

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In calculating the period of notice given, the day that you were told and the day that was to have been a rest day are not counted in the total.

If you elect to work on your rest day, you will be required to do a minimum of 4 hours duty (refer to the page "What am I entitled to if I am required to work on a rest day?"), but you can choose to work for a normal daily period of duty of 8 hours ³⁸. The choice is yours however the Force can determine your shift start time and the nature of your duties.

By the very nature of variable shift arrangements, there is no 'normal' rostered shift to apply on a rest day. In the absence of such, the normal daily period of duty of 8 hours applies by default.

You are also entitled to claim relevant travelling time if applicable (refer to the page "When is travelling time treated as duty?").

What am I entitled to when my public holiday leave is cancelled and then re-instated?

If your public holiday leave is cancelled in anticipation of an operational need for which, in the event, you are not required to attend for duty, where you are told with more than 7 days notice that you will not after all be required to work on the public holiday, you will take the public holiday with no compensation.

Where you are given less than 8 clear days notice, you can choose between taking the public holiday leave with no compensation or working on the public holiday with compensation in accordance with Regulations ³⁹.

Compensation is payment at double time and another day in lieu which shall be notified within 4 days and will be treated as a public holiday should you be required to work on that day ⁴⁰.

In calculating the period of notice given, the day that you were told and the day that was to have been a public holiday are not counted in the total.

If you elect to work on the public holiday, you will be required to do a minimum of 4 hours duty (refer to the page "What am I entitled to if I am required to work on a public holiday?"), but you can choose to work for a normal daily period of duty of 8 hours ⁴¹. The choice is yours, however the Force can determine your shift start time and the nature of your duties.

By the very nature of variable shift arrangements, there is no 'normal' rostered shift to apply on a public holiday. In the absence of such, the normal daily period of duty of 8 hours applies by default.

You are also entitled to claim relevant travelling time if applicable (refer to the page "When is travelling time treated as duty?").

38 Regulation 22 Annex E paragraph (1)(b)

39 PNB Circular 86/2

40 Regulation 26 and Annex H Paragraph (1)(d)(i)(2)

41 Regulation 22 Annex E paragraph (1)(b)

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What am I entitled to if I am detained on duty into a rest day?

If you are detained on duty into a rest day you are entitled to claim a minimum of 4 hours overtime, except where a period of not more than one hour immediately follows a normal daily period of duty, in which case the period counts as the number of periods of 15 minutes actually completed⁴². Compensation is at the appropriate rate, ie. double time (refer to page "What am I entitled to if I am required to work on a rest day?").

You are also entitled to claim travelling time for returning from your place of duty on a rostered rest day⁴³.

If you work for more than 4 hours then you are entitled to claim for all the hours that you work plus one-way travelling time. If such period together with the travelling time exceeds 6 hours then the portion of travelling time in excess of 6 hours is disregarded.

EXAMPLE A:

DAY 1: normal rostered shift 2200-0700.

DAY 2: rest day

- 1) Detained on duty until 0715hrs on DAY 2. This is one completed period of 15minutes. Compensation is 15 minutes plus one-way travel time @ double time .
- 2) Detained on duty until 0745hrs on DAY 2. This is 3 completed periods of 15 minutes. Compensation is 45 minutes plus one-way travel time @ double time.
- 3) Detained on duty until 0800hrs on DAY 2. This is four completed periods of 15 minutes (but does not exceed one hour). Compensation is 1 hour plus one-way travel time @ double time.
- 4) Detained on duty until 0815rs on DAY 2. This exceeds one hour. Compensation is 4 hours plus one-way travel time @ double time.

EXAMPLE B:

DAY 1: normal rostered shift 1700-0300.

DAY 2: rest day

Detained on duty from 0300 until 0715hrs on DAY 2. The period 0300-0700 on DAY 1 is 4 hours overtime @ time +1/3 (part time Officers refer to⁴⁴). The period 0700-0715hrs on DAY 2 is one completed 15 minute period on a rest day, but does not immediately follow your normal period of duty (1700-0300). Therefore the 'one hour exception' does not apply and you are entitled to claim 4 hours plus one-way travel time @ double time. Total compensation = 4 hours @ time+1/3 + 4 hours plus one-way travel @ double time.

When a Public Holiday falls on a rest day what happens to the rest day?

When a duty roster covering at least three months is published it must set out an officer's rest days and those days being public holidays on which that officer may be required to

42 Regulation 26 and Annex H Paragraph 3(h)

43 Regulation 26 and Annex H Paragraph 3(i)

44 Regulation 25 and Annex G Paragraph C

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work ⁴⁵. When a public holiday coincides with a rest day the public holiday takes precedence. Another day granted in lieu of the rostered rest day is allocated to another date in the roster determined by the Force and is treated as a rostered rest day ⁴⁶. If the officer is subsequently required to work on the public holiday he is compensated accordingly ⁴⁷. This has no effect on the day granted in lieu which is a rostered rest day that the officer is still entitled to.

The day granted in lieu is treated as a rostered rest day. It is not a re-rostered rest day and is not negotiable as such.

I was cited for Court on a rest day which was re-rostered. On attending Court I learned that the accused had changed his plea / the trial was being postponed / I was no longer required. Can I go home?

No. If you were required to work on a rest day with 15 or more clear days notice and have been granted another rest day ⁴⁸ then the fact that you have attended Court means that you have commenced duty. The Force's position is that once excused from Court, you should report for or complete a normal daily period of duty as per your workforce agreement. You are not entitled to any compensation other than the re-rostered rest day.

I was cited for Court on a rest day with less than 15 days notice. On attending Court I learned that the accused had changed his plea / the trial was being postponed / I was no longer required. Can I go home?

Yes. Although you were not countermanded prior to the date of the trial you were cancelled with less than 15 days notice. You are entitled to claim a minimum of 4 hours plus 2-way travelling time @ time and a half, for attending Court ⁴⁹. As soon as the reason for the cancellation of your rest day no longer exists you are free to go home.

Can I request to work on a rest day or public holiday?

Yes. Where it is at the your own request that you work on a rest day or public holiday, or for a part time member, a free day, and this is agreed to by the Force, you shall not be treated as having been required to do duty on that day but shall be granted another day off in lieu, which shall be treated as a rest day, public holiday or free day as the case may be ⁵⁰.

In the first instance you should seek approval for your request.

Where, because of the need for extra staff on a specific day, officers who were rostered to be off duty are invited to volunteer to do duty on that day, the normal compensation arrangements for rest day or public holiday working will apply.

I have 10 years service on September 29th next year. How many annual leave days am I entitled to next year?

The Force 'year' for annual leave purposes is that period of 12 months beginning after 31 December.

45 Regulation 22 and Annex E Paragraph (3)(c)(ii)

46 Regulation 22 and Annex E Paragraph (3)(a)(ii)

47 Regulation 26 and Annex H Paragraph (1)(d)

48 Refer to the page " What am I entitled to if I am required to work on a rest day? "

49 JCC Circular 78/1994

50 Regulation 26 and Annex H Paragraph (3)(j)

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If you complete 10 years service on 29th September, then you will be treated as if you had completed 10 years service at the beginning of that month ⁵¹. Your entitlement is then worked out as follows:

An officer with 5 or more years relevant service is entitled to 25 days annual leave. An officer with 10 or more years relevant service is entitled to 27 days. So

For the months Jan to Aug you are entitled to $\frac{8}{12}$ th of 25 days = 16.66 days = 17 (a fraction of a day being reckoned as a day, ie rounded up); and

For the months Sept to Dec you are entitled to $\frac{4}{12}$ th of 27 days = 9.00 days = 9 (a fraction of a day being reckoned as a day, ie rounded up).

So you are entitled to $17 + 9 = 26$ days annual leave.

Annual leave in this Force is converted into hours, a day's leave being a period of 8 hours.

Part time Officers' entitlement is on a pro-rata basis dependant on hours worked.

What am I entitled to if I am recalled to duty from annual leave?

The first thing to establish is whether the day in question is an annual leave day or a rest day during a period of annual leave.

If the day in question is a rostered rest day during a period of annual leave, refer to the page "What am I entitled to if I am required to work on a rest day?"

The second thing to consider is the 'period of absence' from which you have been recalled ⁵².

Provided you have been recalled to duty from 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, days taken off in lieu of overtime, public holidays (or days taken off in lieu thereof) or monthly leaved days, or any combination thereof, then for each such day of annual leave or day taken off in lieu of overtime you are entitled to claim -

For each of the first 2 such days, an additional 2 days annual leave

OR

if you so elect, 1 day's annual leave and 1 day's pay at double time ⁵³.

For the 3rd and any subsequent such day, 1 and 1/2 additional days annual leave

OR

if you so elect, 1 days annual leave and 1/2 day's pay at double time, in lieu of each such day ⁵⁴.

The compensation agreed applies not only to officers actually recalled from annual leave,

51 Regulation 33 and Annex O Paragraph (2)

52 Regulation 33 and Annex O Paragraph (5)(b)

53 Regulation 33 and Annex O Paragraph (5)(a)(i)

54 Regulation 33 and Annex O Paragraph (5)(a)(ii)

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but also to pre-booked scheduled annual leave ⁵⁵.

The above compensation does not apply to a period of absence of less than 3 days. At least ONE day must be Annual Leave. The others can be 'protected' rest days, time off etc. etc.

EXAMPLES

Day 1 Time Off In Lieu (full day)
Day 2 Annual Leave
Day 3 Rest Day
The compensation WILL apply.

Day 1 Rest Day
Day 2 Annual Leave
Day 3 Annual Leave
The compensation WILL apply.

Day 1 Late Shift
Day 2 Annual Leave
Day 3 Rest Day
The compensation WILL NOT apply.

In the last case the 'period of absence' is only 2 days. Therefore, compensation will be your annual leave back PLUS, if required to work on the rest day, the relevant rest day compensation for that day. If you were only to work the Annual Leave day for, let's say, Court then you would merely get your annual leave back.

A day's pay is to be defined as 8 hours, or the equivalent in respect of Officers working alternative shift systems or part time ⁵⁶.

Officers will be compensated for their scheduled hours both in payment and Annual Leave hours due.

I was off on sickness absence. Can I claim compensation for the public holidays, annual leave and rest days that I missed?

An officer on sickness absence on a public holiday or rest day is not entitled to any compensation. You are only entitled to be compensated for the annual leave that you missed.

A local arrangement is however in place that officers with less than 15 years service who have to use Public Holidays to achieve 28 days leave (as required by the Working Time Regulations 2008), will have such Public Holidays reallocated if they are missed due to sickness absence. ⁵⁷

⁵⁵ Regulation 33 and Annex O Paragraph (5)(a)(i)

⁵⁶ PNB Circular 01/10

⁵⁷ Tayside Police Annual Leave for Police Officers, Section 4

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If I am off sick do I have to attend Court?

Yes – unless you are deemed unfit to do so by means of a Soul and Conscience statement from your GP, submitted to the PF in advance of your appearance. Travelling expenses are recoverable, as are claims for meals/accommodation if incurred.

What is the current Police Public Transport Rate?

The Police Public Transport Rate is defined by the Force and published on the intranet - it is currently 36.9p per mile (as of 01 April 2010).

What am I entitled to claim for an overnight stay at Police College?

PNB Circular 05/7 refers:

Incidental expenses allowance for those attending residential training courses are frozen at £4.43 per night. The maximum allowance is £17.77 per week except where an officer has to attend for a week's course of training on the preceding Sunday night and will thus be in attendance for five nights.

What am I entitled to when I my start of duty time is advanced forward?

The duty roster sets out your shift start times for the next three months. Variable Shift Arrangement Workforce Agreements do however allow for a change of start time to take place in a shorter period than this but within certain constraints⁵⁸. It may however be necessary in the exigencies of duty⁵⁹ that your start time changes outwith this framework.

If you start earlier than your rostered duty time, your end time advances (earlier) too. If you are required to stay on duty until your normal finish time, any overtime would be claimed at the usual time and a third rate.

If your start time is brought forward to before 0700 hours, three scenarios apply;

- 1) The day immediately prior to the duty day is a rostered restday- this effectively is a recall to duty on a restday and an officer can claim a minimum of 4 hours at double time⁶⁰(no additional travel element added).
- 2) The day immediately prior to the duty day has been worked but less than 8 hours notification (due notice) was given of the start time, Overtime can be claimed from start time till 0700 hours at normal time and a third rate⁶¹ in addition to any overtime worked at the end of the adjusted shift.
- 3) The day immediately prior to the duty day has been worked and 8 hours or more notification (due notice) was given of the start time, No overtime is claimable (unless you are required to work till your normal finish time)

What am I entitled to when I work into a Public Holiday?

If you work into a rostered Public Holiday (delayed after 0700 hours) you are entitled to 4 hours pay at double time plus half an hour (max) travel time home.⁶²

58 For example, on the 2x2x2, an early shift can only be rostered to commence between 0700 and 1200 hours. Refer to the VSA Workforce Agreements for more information

59 See page 7 for Definition of Exigency of Duty

60 Regulation 26 and Annex H Paragraph (1)(c)(i)

61 Regulation 25(1)(c)

62 Regulation 26 and Annex H Paragraph 3(h)