



POLICE STAFF COUNCIL

PAY AND CONDITIONS OF SERVICE HANDBOOK

APRIL 2004

EMPLOYERS' SIDE SECRETARY

Charles Nolda
Layden House
76-86 Turnmill Street
London
EC1M 5LG

TRADE UNION SIDE SECRETARY

Ben Priestley
1 Mabledon Place
London
WC1H 9AJ

Contents

Part 1 – Principles and Constitution	1
Part 2 – Pay and Conditions of Service	5
Section 2 – Working Time	11
Section 3 – Leave	12
Annual Leave	12
Public Holidays	12
Maternity Support Leave	12
Adoption Leave Scheme	14
Time off for Dependants	21
Time off for Medical Screening	23
Public Service Leave	23
Scheme Relating to Unpaid time off	23
Special and Other Leave	25
Time off in Lieu	25
Annual Leave and Accrual of Lost Rest Days	27
Section 4 – Sickness Provisions	29
Section 5 – Maternity Scheme	32
Section 6 – Appointments and Allied Arrangements	39
Section 7 – Travel and Subsistence	45
Section 8 – Payment to Staff in the event of Death or Permanent Disablement arising from Assault	49
Appendix 1	51
Appendix 2	56

PART 1 – PRINCIPLES AND CONSTITUTION

PRINCIPLES

1. The Police Staff Council represents police authorities, Chief Constables and the Home Secretary of England and Wales and the employees of police authorities. The Council's principal role is to negotiate a national scheme of pay and conditions of service for police staff. The constitution of the Council follows.
2. Part 2 of the Handbook sets out the nationally agreed pay spine and terms and conditions of service for police staff, which can be varied by local collective agreement. All references in this handbook to staff refer to employees of police authorities.
3. A guiding principle for both sides of the Council is the creation of a working environment that allows staff to give of their best in their work for police forces and the communities they serve. In this context both sides are committed to the following objectives:-
 - a) high quality service delivered by a well trained, motivated workforce with security of employment. To this end police authorities are encouraged to provide training and development opportunities for their employees;
 - b) health and safety in the workplace;
 - c) equal opportunities in employment; equality as a core principle which underpins both service delivery and employment matters; and both the removal of all discrimination and promotion of positive action;
 - d) a flexible approach to providing services to the community, which meets the needs of employees as well as employers; and achievement of best value in the police service;
 - e) stable industrial relations and negotiation and consultation between police authorities as employers and recognised trade unions.
4. The Council endorse that facilities to allow trade unions to organise effectively for individual and collective representation should be provided by police authorities at local level. Local machinery should be established with recognised trade union representatives of staff to discuss the application of the provisions of this Handbook, consider other conditions of service issues and, where possible, resolve any differences through local collective machinery.

CONSTITUTION

1. Title

The Police Staff Council (referred to as "the Council").

2. Scope

The scope of the Council shall relate to staff who are employees of police authorities in England and Wales, the National Crime Squad (NCS) and the National Criminal Intelligence Service (NCIS) who are subject to the direction and control of a Chief Constable or Director General. Later references to Police Authorities shall be taken to include NCS and NCIS.

3. Membership

3.1 The Council shall consist of 14 members, seven known as the Employer's side and seven as the Trade Union side.

3.2 The seven representatives of the Employers' side shall be appointed as follows:-

Association of Police Authorities	4
-----------------------------------	---

Association of Chief Police Officers of England and Wales	2
--------------------------------------------------------------	---

Home Office	1
-------------	---

3.3 The seven representatives of the Trade Union side shall be appointed as follows:-

UNISON	5
--------	---

GMB	1
-----	---

TGWU	1
------	---

3.4 If any of the appointing bodies fail to appoint the number of representatives provided for by the Constitution, this shall not invalidate the decisions of the Council.

3.5 The appointing organisations may appoint substitute members to attend meetings in the absence of their appointed representatives.

4. Purpose

The purpose of the Council is to:-

4.1 Negotiate

national agreements on the pay and conditions of service of employees within scope of the Council.

4.2 Consider

- (a) advice to the Secretary of State on general questions affecting police staff in England and Wales (excluding the Metropolitan Police).
- (b) draft regulations which affect police staff that the Secretary of State proposes to make with respect to matters other than those covered by 4.1 above.
- (c) any matter affecting police staff which has been referred to it by the Secretary of State and any of the constituent organisations.
- (d) advice on and interpretations of national agreements.

4.3 **Consult**

on issues of mutual interest and to report on such matters to the constituent organisations.

4.4 **Resolve Disputes**

by assisting police authorities, Chief Constables and recognised trade union representatives of their employees in resolving differences where the local parties jointly request assistance. Initially the Joint Secretaries of the Council will discuss the matter with the local parties.

5. **Conduct of Business**

- 5.1 At its annual meeting the Council shall appoint a Chair and Vice-Chair. When the Chair is a member of the Employers' side the Vice Chair will be a member of the Trade Union Side. The Chair and Vice-Chair shall be held in alternate years by a member of the Employers Side and a member of the Trade Union Side.
- 5.2 At its annual meeting the Council shall appoint two Joint Secretaries,
 - (a) the Employers' Side Secretary will be an officer of the Employers' Organisation for Local Government
 - (b) the Trade Union Side Secretary will be an officer of UNISON.
- 5.3 Ordinary meetings shall be held as often as necessary, notice of which shall be provided to members at least seven days in advance of the date of the meeting. The Joint Secretaries shall call a special meeting of the Council if requested by four members or all of the representatives of one of the constituent organisations. A special meeting shall be held within 14 days of receipt of the request to hold it and the notice summoning members to a special meeting shall state the purpose for which it has been called.
- 5.4 The quorum of the Council shall be eight members divided equally between the Employers' and Trade Union Sides provided that the constituent organisations of the Employers' Side are represented at the meetings. In the absence of a quorum, business shall finish and the matter then under consideration shall be the first business to be discussed at the next meeting.
- 5.5 The Council can co-opt non-voting members for specific purposes and may set up sub-committees and working parties as it considers appropriate. Any such sub-committees or working parties shall report to the Council.

5.6 The administrative expenses of the Council shall be divided equally between the Employers' and Trade Union Sides.

6. Resolutions of Disputes

The constituent organisations are committed to avoid disruption to the police service. National disputes will be resolved whenever possible by negotiation, conciliation or arbitration. Either side of the Council may refer a failure to agree on a subject that is covered by paragraph 4.1 above to ACAS for settlement by arbitration.

7. Amendments to the Constitution

The Constitution may be amended with the agreement of all the organisations referred to in paragraphs 3.2 and 3.3 above.

PART 2 – PAY AND CONDITIONS OF SERVICE

SECTION 1 – PAY

1. Pay Spine

1.1 The basic pay of each employee shall consist of either a single point or a scale of points selected from the national spine.

1.2 Adjustment to pay points will take place annually with effect from 1 September (unless otherwise agreed by the two Sides of the Council) negotiated by the Council having regard to:-

- pay movements in the public sector
- pay movements elsewhere in the economy
- movements in the retail price index
- recruitment and retention factors
- police service funding.

1.3 The pay and grading of jobs must be fair and non-discriminatory, complying with equal pay legislation and associated codes of practice. The Council recommends that forces adopt by local joint agreement an analytical job evaluation scheme to assist in fulfilling this requirement.

1.4 Pay Points (SSCC, August 1997)

The Authority will adopt salary scales consisting of a series of spinal pay points as determined by the Police Staff Council (PSC). The salary scales currently utilised by the Authority will be subject to review as and when a revised Job Evaluation Scheme is adopted following consultation between management and UNISON.

The Authority will retain the right to base pay on a single pay point as market forces dictate or circumstances require.

2. Individual Grading Appeals

An employee dissatisfied with the grading of his or her job shall be entitled to appeal for a reconsideration of that grading. Procedures to deal with such appeals should be agreed locally. (see Appendix 1)

3. Progression for Staff Appointed to a Scale of Pay Points (SSCC, August 1997)

3.1 Progression through a scale will be by one pay point each year on 1 April until the maximum of the salary is reached.

3.2 Incremental progression may be accelerated within the scale at the discretion of the Authority on the grounds of special merit or ability subject to the maximum of the scale not being exceeded. For example, an employee's success at post entry examination approved by the Authority may be recognised by the award of an

additional increment, unless benefit is otherwise provided by progression arrangements (ie career grade schemes). Any advancement under this provision shall not interrupt the payment of normal increments on 1 April.

- 3.3 Incremental progression may be withheld due to adverse performance of a member of staff. Any withholding of increments should only be undertaken following evidence of poor performance and steps taken to address the problem including any informal or formal disciplinary action. In particular, steps should normally have been taken through the PDR Scheme to address any training or development needs. The Head of Personnel must be involved in the decision to withhold incremental progression. Members of staff dissatisfied with a decision to delay progression may raise this through the Grievance Procedure.

Incremental progression may, of course, resume when the employee's performance becomes satisfactory.

- 3.4 Subject to consultation, staff may be required to obtain a specified qualification or level of professional competence before progressing to the maximum of the scale and this must be clearly stated in the recruitment documentation.
- 3.5 Employees with less than six months' service in the grade by 1 April shall be granted their first increment six months following their appointment, promotion or regrading (excepting (3.6) below).
- 3.6 Where an employee's salary on 1 April following appointment, promotion or regrading, is the same as the salary they would have received on 1 April on their old grade with the Authority, they will be entitled to further incremental progression on 1 April.

4. Temporary Higher Responsibilities (SSNCC May 2004)

Temporary higher responsibilities can be recognised by the payment of an additional pay point(s) as appropriate:-

- 4.1 An employee who is called upon at the request of management to undertake the full duties and responsibilities of a higher graded post for a continuous period of at least 15 calendar days is entitled to receive a salary in accordance with the post temporarily occupied. The salary to be paid is the salary which would apply where the employee promoted to the higher graded post. When the qualifying period of 15 calendar days has been satisfied, the higher salary will be paid with effect from the first day on which the employee was required to undertake the full duties and responsibilities of the higher post.
- 4.2 The provision in 4.1 applies only where an employee is required to undertake the full duties and responsibilities of a higher graded post. It cannot, therefore, be applied in cases where duties and responsibilities are shared between more than one employee, ie where two employees are undertaking the higher post but have been allocated different duties.

In such cases, the Authority may consider granting an honorarium (of an amount dependant upon the circumstances of each case) to such employees. There may also be other cases where an employee performs duties outside the scope of his/her post over an extended period, or carries additional duties and responsibilities which are exceptionally onerous. (see Appendix 2)

- 4.3 Additional payment will continue to be made to an employee who has been temporarily undertaking additional duties for a period of up to four weeks, whilst absent due to sickness. Payment of the additional salary after four weeks' sickness will cease.

5. Honoraria

Forces also have the discretion to pay honoraria, either as an addition to salary or as a lump sum, to recognise factors that are not reflected in the basic pay of an employee's job. Guidelines are at Appendix 2

6. Payments for Working Additional Hours

- 6.1 An employee paid at or below point 29 of the national salary spine who works in excess of an average of 37 hours per week shall be paid at the following rates for additional hours:-

Mondays to Saturdays - time and a half

Sundays and public holidays - double time

- 6.2 For the purposes of paragraph 6.1, periods of work of 30 minutes or more should be aggregated and complete periods of half an hour paid at appropriate rate
- 6.3 Alternatively, an employee who works a regular pattern of hours in excess of an average of 37 per week may be paid a locally agreed salary supplement.

7. Payments for Working Unsocial or Irregular Hours

- 7.1 Weekend work shall be paid at the rate of time and a half for all hours worked.
- 7.2 Night work shall be paid at the rate of time and a third for all hours worked between 2000 and 0600.
- 7.3 The following allowances shall be paid to employees working irregular hours (which are defined as hours before 0700 or after 1830):-

An average of at least four but less than eight hours per week calculated over the working cycle 7.5% of salary

An average of at least eight hours per week calculated over the working cycle 10% of salary

- 7.4 The allowance for working irregular hours shall not apply to work which qualifies for allowances at 7.2 or 8.1 or where the employee works those hours voluntarily under a flexible working arrangement.

8. Payments for Working Shifts

- 8.1 The allowances set out below shall apply where a shift pattern meets all of the following criteria:-

a span of 11 hours or more between start time of the earliest shift and finish time of the latest shift

at least four hours between the starting time of the earliest and latest shifts

at least half of the shifts in the shift cycle include some unsocial hours

<i>Period covered by shifts</i>	<i>Proportion of basic pay</i>
11-14 hours	12.5%
over 14 and less than 18 hours	14%
18 hours or more	20%

8.2 For the purposes of paragraph 8.1, unsocial hours shall be weekends, nights and irregular hours, as defined in 7 above.

9. Payment for Short Notice Changes to Rostered Shifts

Where management changes the planned starting times of a shift, this should be notified to employees as soon in advance of the intended change as possible. Where a shift change that alters the original starting time of a shift by three hours or more is notified to the employee less than five days in advance of the planned starting time, the employee shall be paid an additional day's pay at basic salary rate.

10. Payment for Short Notice Requirements for Shift Workers to work on a day not originally rostered as a working day

10.1 An employee required, at less than five days' notice, to work on a day not originally rostered as a working day shall be paid at the appropriate overtime rate and receive a day off in lieu.

10.2 An employee required, at less than 15 days' but more than five days' notice, to work on a day not originally rostered as a working day may elect to be paid at the appropriate overtime rate or receive a day off in lieu.

10.3 Where an employee's working day is changed to a weekend then the employee is entitled to take any consequential day off in lieu at a weekend where this is possible.

10.4 Re-rostered rest days should usually be taken within a two week period. Where a re-rostered day has not been taken within three months from the date it was originally rostered a claim for payment can be made.

11. Separate Entitlements and Methods of Calculation

It is possible for an employee to have a concurrent entitlement to more than one of the payments set out in paragraphs 6 to 8 inclusive but not to night work, shift work or irregular hours at the same time. Where concurrent entitlements exist, each payment should be calculated separately on the basis of the basic salary rate.

12. Payments for working on a Public Holiday

An employee required to work on a public holiday as part of his or her rostered working week shall, in addition to the normal pay for the day, be entitled to payment at single time plus time off in lieu at single time.

13. Payment for Standby Duty and Call-outs

Where employees are regularly required to remain at home on standby duty outside their normal working hours in order to respond to recalls to work, so far as is practicable a roster of such standby duty should be completed.

13.1 For the purposes of this paragraph a period of standby duty is defined as either of the following:-

any period from the end of normal office working hours to the beginning of normal office working hours the next day

a 12 hour period at weekends or on a public holiday.

13.2 This payment covers the requirement to be available to deal with work issues either away from or at the work place and the completion of all necessary paperwork arising from the standby period.

13.3 An employee who is called out shall be paid at the rates set out in paragraph 6.1 for all time necessarily spent working. The normal restriction on overtime payments for staff above pay point 29 shall not apply.

14. Part-Time Employees

14.1 Part-time staff will receive (on average) two rest days each week. A day which is neither a rostered working day, a rest day or public holiday is referred to as a Free Day.

14.2 Overtime allowances set out in paragraph 6 shall only apply where the total hours worked are in excess of the average working week of a full-time employee. Additional hours worked below this figure will be paid at plain time rate only.

14.3 Allowances set out in paragraphs 7 to 13 inclusive shall apply to part-time staff.

14.4 Allowances set out in paragraph 10 shall apply to a re-rostered rest day or free day.

15. First Aider Allowance

Forces shall pay an allowance to qualified and recognised workplace first aiders or employees required to hold a First Aid qualification.

16. Payment to Interpreters/Translators

Forces should ensure that employees who are asked to translate during the course of their duties are members of the National Register of Interpreters/Translators and paid the appropriate rate set out by the Register.

SECTION 2 – WORKING TIME

1. Working Hours

- 1.1 The normal working hours of full-time employees shall be an average of 37 per week. The pattern of working hours of employees should be determined locally in consultation with recognised trade unions.
- 1.2 In determining working arrangements forces should take into account the needs of individual employees and groups of employees. Working arrangements should avoid:-
 - a) split shifts as part of a regular shift pattern
 - b) short notice changes to rostered or expected patterns of work
 - c) excessive hours in any one week, and
 - d) unnecessarily long periods over which the weekly hours are arranged. Where short notice changes to rostered shifts or working days are unavoidable, the provisions of Section 1 paragraphs 9 and 10 shall apply.
- 1.3 In determining working arrangements forces should have regard to the Working Time Regulations 1998. Advice on the application of these Regulations is contained in Part 3 of this handbook.

2. Shift Working and Planning Rosters

- 2.1 Shift rosters covering at least three months should be drawn up and published locally by Force management. At the same time, it is good practice to plan Annual Leave up to a year in advance, in the interests of both staff and managers. These rosters shall provide for an interval of not less than 11 hours (or such other period determined by local collective agreement) between the end of an employee's planned period of duty and the beginning of his or her next planned period of duty.
- 2.2 Changes to agreed shift patterns should be subject to full consultation with the trade unions.
- 2.3 Forces should publish a standby roster for employees regularly required to perform such duty outside their normal working hours.
- 2.4 Where, owing to the exigencies of duty, the Force has to change the planned starting time of a shift, this should be notified to employee as soon in advance of the intended change as possible. In all cases, changes should be achieved through the use of volunteers in the first instance with due regard to work-life balance considerations.

SECTION 3 – LEAVE

1. Annual Leave

- 1.1 The minimum paid Annual Leave entitlement shall be 24 days. For employees who, have not less than five years' continuous service (in accordance with the provisions of Section 6, paragraph 4), the minimum paid leave entitlement shall be 29 days. The additional Annual Leave pro-rata to service in the leave year in which the fifth anniversary of appointment falls, should be granted. The additional leave will be expressed in whole days, rounded to the nearest whole day where necessary.
- 1.2 Employees starting or leaving employment during the year shall be entitled to leave proportionate to the number of completed months of service during the year. Leave should be taken at times agreed between managers and employees.
- 1.3 Any arrangements for the carrying forward of Annual Leave from one leave year to the next shall be determined by local agreement with the recognised trade unions.
- 1.4 Maternity Leave (including unpaid additional Maternity Leave up to a maximum of 26 weeks' duration) should be regarded as service for the purpose of calculating an employee's entitlement to Annual Leave after five years' continuous service. Maternity Leave (including unpaid additional Maternity Leave up to a maximum of 26 weeks' duration) should not affect the length of an employee's Annual Leave entitlement in the leave year(s) in which Maternity Leave falls.
- 1.5 In the event of an employee falling sick during a period of Annual Leave, he or she should be regarded as being on sick leave from the date of the medical certificate and further Annual Leave should be suspended from that date.
- 1.6 The following annual leave now applies to relevant police staff roles:-
 - up to and including salary point 29 – 24 days
(plus additional five days after five years' service)
 - salary points 30 – 35 inclusive – 26 days
(plus additional five days after five years' service)
 - salary points 36 and above – 27 days
(plus additional five days after five years' service).

2. Public Holidays

Employees are entitled to paid leave on each public holiday. Where such leave cannot be granted for operational reasons on a particular public holiday then the employee shall be covered by the arrangements at Section 1, paragraph 12.

3. Maternity Support Leave (SSCC 30.10.00)

Derbyshire Police Authority recognises the parental childcare role as a joint responsibility in the initial stages of parenthood without adversely affecting continuity of employment.

The following scheme applies to Police Staff within the Police Authority whose partners are pregnant.

Reporting Procedures

To be eligible for Maternity Support Leave employees must:-

1. notify their Line Manager as soon as possible of the partner's pregnancy and forward, when available, a copy of the maternity certificate (normally Form Mat B1 issued by a doctor or midwife) showing the expected date of confinement.
2. give at least three weeks' notice of the date their absence is due to begin, or if this is not possible, as soon as is reasonably practicable (it is accepted that in many cases the leave period will be tied to the actual date of the birth and that accordingly the employee may wish to alter at short notice, the date originally notified).
3. in respect of antenatal appointments, produce if requested the appropriate appointment card.

Ante-natal Care

Time off with pay up to a maximum of five half days may be taken by employees for the specific purpose of accompanying their partners to antenatal appointments. This provision includes attendance at medical examinations, relaxation classes and parentcraft classes.

Where possible, staff should try to make arrangements outside normal working hours. Where this is not possible, time off with pay may be allowed. A certificate of pregnancy and an appointment card or some other documentation should be produced showing that an appointment has been made.

Birth Leave

Time off with pay up to a maximum of two working weeks of the member of staff may be taken at any time during the period commencing 11 weeks prior to the expected week of confinement and ending six months after the date of confinement. This time off need not involve consecutive working days. If, however, the employee knows the requirement for leave, this should be indicated in the initial letter of notification and wherever possible, reasonable notice should be given of each absence. The payment will incorporate an element of Statutory Paternity Pay.

Maternity Leave

Where both partners are employed by the Police Authority and the mother is entitled to Maternity Leave, the unpaid element of such leave may be shared by both partners provided suitable arrangements can be made in the respective employing departments. If such arrangement is to be considered, the employees should discuss the arrangements at the earliest opportunity. The simpler the arrangement, the more

likelihood the request will be considered for approval (for example, mother to return from Maternity Leave at the end of the 20th week following confinement; partner to take remaining nine weeks unpaid entitlement). The approval of both departments (if applicable) is required before the Maternity Leave may be shared.

If shared Maternity Leave is taken, the requirement of the mother to return to work for a period of three months (six months if returning on part-time / job share basis from a full time role) to retain the entitlement to 12 weeks half pay will count from the date of her return, not the date of her partner's return.

If shared Maternity Leave is not granted, the individual concerned has the right to invoke the Grievance Procedure.

Maternity Support Leave

Maternity support leave is available to an employee who has been nominated as the primary carer of a dependant who is due to give birth. (Dependant is defined as a person who reasonably relies upon the employee for assistance). Time off with pay may be approved for the purpose of assisting in the care of the child and to provide support for the dependant at or around the time of the birth.

The Line Manager may approve time off with pay of up to five days. A copy of the certificate of pregnancy should be produced, together with other documentation to show that the employee has been nominated as the main carer at or around the time of the birth (ie letter from doctor or midwife).

4. Adoption Leave Scheme (SSCC 30.11.00)

The following conditions of service are applicable to Police Staff intending to adopt children. The provisions will be available to any member of Police Staff who is nominated as the primary carer of the adopted child.

Eligibility

All Police Staff, irrespective of hours of work, are eligible for consideration under the scheme subject to the following:-

1. they are planning to adopt a baby or child under the age of 18
2. they can provide confirmation from Social Services or an adoption agency of their intention to adopt and of the proposed placement of a child with them.

The scheme does not apply to cases of adoption by stepparents in respect of children previously living with the adoptive parents.

Notification Procedures

1. The employee should report, in writing, to their supervisor of the intention to adopt to identify future requests for Adoption Leave. Where possible, 21 days' notice should be given of a request for either paid or Unpaid Leave. Head of Department / Divisional Commander can approve the request. In rare cases where notice is not possible within the 21 days, an adoptive parent should give notice as soon as reasonably practicable.

Details of paid and any unpaid Parental Leave should be retained on the individual's personal file for pay and record keeping purposes.

2. The employee should notify of their intention to return to work following Adoption Leave in writing giving at least one week's notice.
3. Other periods of leave (Annual Leave, Parental Leave, Unpaid Leave etc) should be applied for in the normal manner through the Line Manager.

Entitlement

1. The primary carer, at the time of adoption, will be entitled to Ordinary Adoption Leave and will receive full pay for a period of four weeks (Force scheme) and the Statutory Adoption Pay for a further 22 weeks (or 90% of earnings if these are less than the rate of SAP).
2. The paid leave may be followed by a further 26 weeks unpaid Additional Adoption Leave.
3. Where both partners are current employees they may apply to share the period of paid Adoption Leave, provided suitable arrangements can be made in the respective employing sections.

If the secondary carer is a Police Staff member with the Force, support leave of five days with pay is granted to assist in the care of the child at or around the time of the adoption (refer to Paternity Leave and Maternity Support Scheme). The secondary carer will also be entitled to Parental Leave.

4. The primary carer is also entitled to unpaid Parental Leave of up to 18 weeks (see Parental Leave Scheme – Police Staff). This may be taken immediately after the adoption provided this is requested prior to the employee commencing Adoption Leave.
5. The period of Parental Leave can also be taken by the employee in blocks of one week or more, up to a maximum of four weeks in a year for each child. Parents of children who have been awarded disability living allowance can take the leave in individual days, up to a maximum of 20 days in any 12 month period. A year is defined as a 12 month period, which starts when the employee commences the first period of Parental Leave.
6. The unpaid Parental Leave can be postponed for up to one month due to exigencies of duty. The Line Manager should discuss the postponement with the employee and give notice of the postponement and the reasons why, in writing, no later than seven days after the employee's request.

New dates for the leave should be discussed and confirmed in writing to the employee. However, the unpaid Parental Leave cannot be postponed if it is to be taken immediately after the paid Adoption Leave.

If employee's request for adoption or Parental Leave has been unreasonable, postponed or refused the employee may submit a grievance.

7. Part-time employees are entitled to Adoption Leave on a pro rata basis.
8. During the adoption process it may be necessary for the adoptive parent(s) to attend sessions which cannot be arranged outside normal working hours. In such

cases the Line Manager, on request, may grant time off with pay from the employee.

Contractual Position of Employee during Adoption Leave

Employment Rights

The period of Adoption and Parental Leave counts as a period of continuous employment for the purposes of statutory employment rights.

Pay

Full pay is paid for the first four weeks of Adoption Leave. Pay will cease for the duration of the unpaid Parental Leave. Incremental progression will be maintained.

Pensions

In respect of the first 30 days of an approved absence, it is obligatory for an employee to pay contributions (even if the leave is unpaid). For a period of more than 30 days' absence, the employee has the right to decide whether or not to pay contributions. However, employees should be aware that unless contributions are paid, a loss of reckonable service will be incurred. Occupational pension rights that have accrued prior to the commencement of the leave are frozen until the employee returns to work.

Statutory Sick Pay

Employees in lower earnings categories should be aware that average pay during the eight weeks prior to commencement of sick leave must be equal to, or exceed, the National Insurance minimum earnings limit to be eligible for Statutory Sick Pay. A period of Unpaid Leave reduces the average pay and may disqualify an employee from SSP.

Statutory Maternity Pay

As with SSP an employee could be disqualified from receiving SMP.

National Insurance Related Benefits

Once again a possible loss of benefit, such as invalidity, could be incurring during any Unpaid Leave. Employees should contact the DSS for further advice prior to making a request under the scheme.

Annual Leave

Periods of Unpaid Leave will count as service for determining additional days leave – ie after five years of service. A period of absence does not affect the employees' entitlement to paid leave.

Essential Car User

Where the employee is receiving a monthly lump sum payment as an Essential Car user, the payment will cease for the periods of Unpaid Leave of one month or more. Payments will be made up to the month end in which the Unpaid Leave commences.

Trade Union Subscriptions

It is the employee's responsibility for the payment of trade union subscriptions during any period of Unpaid Leave.

Return to Work

The primary carer must undertake to return to work following the period of absence for a minimum of two months in order to retain pay for the period of leave (four months if returning on a part-time basis from a full-time role).

In the event of employees not returning to work following Adoption Leave, they will have forfeited their right to adoption pay, and the Force will recover such payment.

The option of a return to work on part-time or job share basis by the primary carer will be considered on request.

Parental Leave (SSCC 30.11.03)

The right to Parental Leave is contained in the Maternity and Parental Leave Regulations 1999 made under the Employment Relations Act 1999.

Parental Leave is the right to take time off to look after a child or to make arrangements for a child's welfare. It can be used by parents who spend more time with their children or to strike a balance between work and family commitments.

Eligibility for Parental Leave

The scheme is available to all Police Staff. There is no qualifying period of employment. Both parents, whether the natural or adoptive parents, can qualify for Parental Leave, if the Police Authority employs both.

The parent must be named on the birth certificate or have parental responsibility under the law for the child. In some cases the legal responsibility will have passed to a guardian. If an employee has acquired parental responsibility for the child, they will be entitled to Parental Leave under the terms of the policy. This covers:-

- the mother of the child
- the father of the child
- the father if he has acquired parental responsibility under the Children's Act 1989. This is either done by a court order or an agreement between the mother and father that complies with certain legal requirements

- a guardian appointed under Section 5 of the Children's Act 1989
- adoptive parents (see Adoption Leave Scheme).

Parental Leave must be taken to care for a child. This scheme provides for Parental Leave to be taken for children up to the age of 18. The leave may be taken for a number of reasons and examples of the way leave may be used are as follows:-

- to spend more time with the child in early years
- to accompany a child during a planned stay in hospital
- setting the child into new childcare arrangements
- to spend more time with the employee's children.

If leave is to be taken for any other purpose than to care for a child, this should be approved through Annual Leave, flexi-leave or the Unpaid Leave scheme. If the leave is used for any other purpose, this may be dealt with through the Police Staff Disciplinary Procedure.

Leave under the Scheme

Each parent can take 18 weeks Unpaid Leave under the scheme for each child. Parental Leave is an individual right and cannot be transferred between the parents. The leave is pro-rata for employees working on a part-time / job share basis.

The leave may be taken in blocks of one week or more, up to a maximum of four weeks in a year for each child.

One week's Parental Leave is equal to the length of time that an employee is normally required to work.

Parents of disabled children (defined as children for whom disability living allowance has been awarded) may take leave in individual days, up to a maximum of 20 days in any 12 month period. This is to cater for any specialist needs for the child.

A year is a 12 month period which starts when the employee commences the first period of Parental Leave.

Mothers can take the entitlement to the full 18 weeks unpaid Parental Leave immediately after a period of Maternity Leave, provided this is requested prior to the employee commencing Maternity Leave (exceptional circumstances will be considered if notice cannot be given prior to commencing Maternity Leave). Parental Leave requested following Maternity Leave cannot be postponed by the Force.

Applying for Parental Leave

Employees should apply in writing to their Line Manager at least 21 days before the commencement of the leave. The dates that the leave will start and finish should be provided. Evidence of the employee's parental responsibility should be provided with the first request for Parental Leave, eg copy of Birth Certificate, Court Order or legal documentation.

If the Parental Leave is to be taken by a father immediately after a child is born, this can be taken following the entitlement to paid Paternity Leave. The request for Parental Leave must be submitted with the request for Paternity Leave.

The Line Manager can approve Parental Leave. A report authorising the Unpaid Leave should be forwarded to Headquarters Personnel Services Section in order that amendments can be made to salary and maintain a record on the personal file of Parental Leave taken. A register will be maintained of all Parental Leave applications for monitoring purposes.

If the Line Manager can evidence that the employee's absence would result in problems within the section/department – ie other staff absences at peak holiday times, work issues, the Parental Leave can be postponed for a period of one month after the beginning of the period that the Parental Leave was originally to commence.

(NB: this cannot be postponed if the leave is to immediately follow Maternity Leave – see above.)

The Line Manager should discuss the reasons for the postponement with the employee and give notice of the postponement and the reasons why, in writing, no later than seven days after the employee's request. New dates for the leave should be discussed and confirmed in writing to the employee.

If the employee is dissatisfied with the reason for the postponement, he/she has recourse to the Grievance Procedure.

Contractual position of Employee during Parental Leave

Employment Rights

The period of Parental Leave counts as a period of continuous employment for the purposes of statutory employment rights.

Pay

Pay will cease for the duration of the leave. Incremental progression will be maintained.

Pensions – Force Occupational Pension Scheme

In respect of the first 30 days of an approved absence it is obligatory for an employee to pay contributions (even if the leave is unpaid). For a period of more than 30 days' absence the employee has the right to decide whether or not to pay contributions. However, employees should be aware that unless contributions are paid, a loss of reckonable service would be incurred during the period of Unpaid Leave. Occupational pension rights that have accrued prior to the commencement of the leave are frozen until the employee returns to work.

Statutory Sick Pay

Employees in the lower earning categories should note that the average pay during the eight weeks prior to commencement of sick leave must be equal to, or exceed, the National Insurance minimum earnings limit. A period of Unpaid Leave reduces the average pay and may disqualify an employee from SMP.

Statutory Maternity Pay

As with SSP, an employee could be disqualified from receiving SMP.

National Insurance Related Benefits

Once again a possible loss of benefit, such as invalidity, could be incurred during any periods of Unpaid Leave. Employees should contact the DSS for further advice prior to making a request under the scheme.

Annual Leave

Periods of unpaid Parental Leave will count as service for determining additional days leave – ie after five years' service. A period of absence does not affect the employee's entitlement to paid Annual Leave.

Essential Car User

Where the employee is receiving a monthly lump sum payment as an Essential Car user, the payment will cease for the periods of Unpaid Leave of one month or more. Payments will be made up to the month end in which the Unpaid Leave commences.

Trade Union Subscriptions

It is the employee's responsibility for the payment of trade union subscriptions during any period of Unpaid Leave.

Return to Work

At the end of the Parental Leave period, the employee has the right to return to the same job as before if the period of leave was four weeks or less.

If the period of Parental Leave is longer than four weeks, the employee is entitled to the same job, or if this is not reasonably practicable, a similar job that has the same terms and conditions as the previous job.

An employee returning to work after Parental Leave is entitled to benefit from any changes to the terms and conditions of the post.

6. Time off for Dependants

6.1 Bereavement Leave (SSCC 30.11.00)

In the event of the death of a relative or dependant (a dependant is defined as a person who reasonably relies upon the employee for assistance), Police Staff are entitled to the following paid leave of absence approved by the Line Manager, according to individual circumstances:-

- (a) one day to attend the funeral
- (b) between three days and five days to attend the funeral and to make arrangements for the funeral or the affairs of the deceased. The time required will depend upon individual circumstances and the relationship of the deceased to the employee.

In cases where more than five working days are requested, requests should be considered by the Head of Department/Divisional Commander.

Any period of absence need not involve consecutive working days.

6.2 Leave for Urgent Personal and Domestic Circumstances (SSCC 30.11.00)

Leave under the procedure is granted in accordance with the definitions of urgent personal and domestic circumstances.

Planned events where reasonable notice has been given, ie hospitalisation of partner or child is not covered by the procedure. For planned events Police Staff may use Annual Leave, flexitime or unpaid/parental (if appropriate) leave subject to the agreement of their Line Manager.

There is no qualifying period of service in order for members of staff to take time off for urgent personal or domestic circumstances.

Definition of Terms

Circumstances will vary but the overriding principle is to ensure that reasonable consideration is given to each application taking account the role of the employee. It is not possible to provide a definitive list of qualifying circumstances but the following are guidelines:-

(a) Urgent Personal

"Dependant" in the context of the scheme includes any member of the household or immediate family, eg spouse, partner, children, in-laws or a person who reasonably relies upon the employee for care.

(b) Urgent Domestic

An unforeseen domestic emergency requiring immediate attendance or attention, eg property damage due to fire, flood, burglary etc.

Events that can be foreseen or planned do not qualify for leave under this scheme.

Leave

The Head of Department/Divisional Commander can approve leave of absence **with pay** up to and including five working days depending upon individual circumstances:-

- (a) to attend to the care of dependant where no other care is immediately available and to make arrangements for any continuing care to be undertaken by an alternative agency
- (b) unforeseen domestic emergency.

A further five working days' leave of absence **without pay** may be granted to an employee where the above responsibility remains with the employee. Alternatively, the employee may take Annual Leave during this period.

Requests for more than ten days total leave available under this scheme should be forwarded to Policy and Employee Relations Section for consideration and approval by the Head of Personnel.

The period of absence need not involve consecutive days. The policy is intended to cover genuine emergencies. There is no limit to the number of times a member of staff can be absent from work under this policy but can only take a maximum of ten days (five paid and five unpaid) in any 12 month period. If it is established that a member of staff is abusing the right to time off within the terms of the policy, this will be dealt with under the terms of the Disciplinary Procedure for Police Staff.

Where the Force employs more than one family member as Police Staff employee, then only one employee is allowed the above leave unless there are exceptional circumstances.

Reporting of Leave

Members of staff should report to their Line Manager, as soon as practicable, the reason for their absence and how long they expect to be away from work. It may not always be possible to give written notice due to the circumstances which the policy covers. There may be exceptional circumstances where an employee returns to work before it was possible to contact the Line Manager. The employee should report on the reason for the absence upon return.

Further guidance on the scheme is available from the Policy and Employee Relations Section.

Any grievance related to the application of the scheme should be referred to the Head of Personnel.

7. Time off for Medical Screening

Necessary paid time off shall be granted for the purpose of cancer screening.

8. Public Service Leave (SSCC 5.12.98)

The Time Off provisions apply to Police Staff who have approval to undertake public duties – ie Local Councillor or who are Parent Governors or other members of the Governing Bodies of Special Schools and Colleges of Further or Higher Education. They do not apply to election duties for which employees should take Annual Leave.

Time Off with pay is allowed up to a maximum of ten days (20 half days) in any 12 month period in order to fulfil duties which must unavoidably be performed during their normal working hours. Approval can be given by the Head of Department/ Divisional Commander.

Notification of the Time Off required should be forwarded to the employee's Line Manager on a regular basis, or at least one month in advance, where this is possible. Time Off should be authorised and recorded by the Line Manager. Due to exigencies of duty, there may be occasions when leave for Public Duties may not be authorised. The reasons for this should be recorded by the Line Manager.

Should the requirement for Public Duty leave extend over a 12 month period, a further request for paid leave should be submitted.

9. Scheme Relating to Unpaid Time Off

The Scheme provides for Police Staff to take time off to complement the paid leave provisions, ie Annual Leave, Adoption, Parental, Maternity and Urgent Domestic Leave provisions. The Scheme covers special absence for personal or family reasons, eg to visit relatives abroad or provide care for a dependant.

The Scheme will be available to all Police Staff. There is no qualifying period of employment. Each request will be considered on an individual basis and will be subject to exigencies of the service. However, some sections may be less able to accommodate the Scheme due to the essential/immediate nature of the service provision. Unpaid Leave cannot always be granted and staff should not make arrangements prior to approval being obtained.

The Scheme applies:-

- (a) For Unpaid Leave not covered by specific agreement for Police Staff (ie maternity, urgent domestic, career break scheme)
- (b) In other appropriate circumstances, eg:-
 - (i) childcare during the school holidays
 - (ii) care for dependent or ill relative
 - (iii) to take an extended holiday (see (b) below)
 - (iv) leave for undertaking leisure/development purposes.

Requests for Unpaid Leave which exceed six months will be considered under the career break scheme.

In considering requests, the Line Manager should:-

- (a) be satisfied that the efficiency of the service will not be impaired and that arrangements be made to cope with the absence.
- (b) check the position regarding the employee's Annual Leave entitlement as this may be used with instead of or as part of the leave required as this may be more appropriate in individual circumstances.

Heads of Departments/Divisional Commanders will have the authority to approve applications for unpaid time off. Applications which are refused should be endorsed with a reason for refusal. Individuals have recourse to the Grievance Procedure if they feel the request has not been fully considered.

Contractual Position of the Employee

Employment Rights

There will be no effect on the employee's continuous service rights.

Pay

Pay will cease for the duration. Incremental progression will be maintained.

Pensions

In the respect of the first 30 days of an approved absence, it is obligatory for an employee to pay contributions. For a period of more than 30 days absence, the employee has the right to decide whether or not to pay contributions. However, the employee should be aware that unless contributions are paid, a loss of reckonable service will be incurred.

Statutory Sick Pay/Insurance Related Benefits

Employees in the lower earnings categories should note that the average pay during the eight weeks prior to commencement of sick leave, must be equal to, or exceed, the National Insurance minimum earnings limit. A period of Unpaid Leave reduces the average pay and may consequently disqualify an employee from SSP.

Statutory Maternity Leave

As with SSP, an employee could similarly be disqualified from receiving SMP.

National Insurance Related Benefits

Once again a possible loss of benefit, such as invalidity, could be incurred. Thus, individuals should contact the DSS for further advice prior to making a request under the Scheme.

Annual Leave

Employees who take Unpaid Leave of one month or more will lose the provision of Annual Leave for the month (1/12th) any subsequent months of Unpaid Leave. However, the period will count as service for determining additional days leave, ie after five years service.

Essential Car User

Where the employee is receiving a monthly lump sum payment as an Essential Car user, the payment will cease for the periods of Unpaid Leave of one month or more. Payments will be made up to the month end in which the Unpaid Leave commences.

Trade Union Subscriptions

It is the employee's responsibility to make arrangements for the payment of Trade Union subscriptions during Unpaid Leave.

Employees should submit a report requesting Unpaid Leave as soon as reasonably practicable but at least one month prior to the commencement date requested for time off. They should decide whether or not they wish to continue making superannuation contributions.

10. Special and Other Leave

Additional leave with or without pay may be granted in special circumstances.

11. Time Off in Lieu (SSCC June 99)

Time Off in Lieu is compensation for the time worked in addition to the contractual hours or flexitime band width of the employee. The time off can be deferred for the mutual benefit of the Division/Department and the employee.

The TOIL scheme is not to be confused with the Scheme of Flexible Working in that:-

- (a) it will apply to operational Police Staff who are not always covered by the Flexible Working scheme.
- (b) Time Off in Lieu and Credit Hours under the Flexible Hours scheme are distinct and therefore separate records should be maintained.

Employees with prior authority to work additional hours can be paid in accordance with the appropriate conditions of service. Time Off in Lieu of payment can be considered.

Approved additional hours should not, however, be confused with the time worked by an employee at their own volition within the Flexible Hours scheme. TOIL should be authorised in advance whereas flexitime is largely generated by an individual.

Principles of the Scheme

1. The scheme applies to all Police Staff.
2. Prior approval must be given by the appropriate Line Manager. The time worked can either be taken as time off or payment or split between the two with the approval of the Line Manager and in accordance with the employee's terms and conditions of service.

For employees paid on SCP 30 or above overtime payments cannot be made unless the employee is contracted to a call-out agreement. Therefore, enhanced rates of TOIL can only be accrued if the employee is subject to call-out. For employees paid on SCP 30 or above who are not contracted to a call-out arrangement, TOIL can only be accrued at plain time rates.

In certain circumstances, prior approval cannot always be obtained – ie operational requirements and the manager is not available. In such cases the requirement to undertake additional hours must be for operational reasons.

3. The minimum period that can be credited for TOIL is 30 minutes.
4. TOIL should be accrued at the appropriate enhanced rate for the period of time worked and relevant to the terms and conditions of service of the individual employee, ie a part-time employee could not accrue TOIL at enhanced rate until he/she had completed 37 hours in the working week.
5. The hours worked should be recorded on the Time Off card and authorised accordingly (Form 331 – Cumulative Casual Overtime Record Card).
6. Employees should not accrue more than 37 hours and TOIL must be cleared within the Annual Leave year in which it occurs.

However, if due to operational commitments or exigencies of duty, TOIL needs to be carried over into the next Annual Leave period, this must be agreed with the Head of Department/Divisional Commander and the reasons recorded on the Time Off card. Employees should be aware that any time carried over will not form a financial liability on the Force by way of a request for payment. This will be identified on the Form 331. A waiver must be signed to this effect.

7. When any member of the Police Staff leaves the service of the Force or transfers between Departments/Divisions, any outstanding TOIL must be taken during the notice period. No payment will be made in respect of any TOIL outstanding.
8. If TOIL is taken during any period when the employee would normally have been on standby, any standby payments relating to the post will not be paid. The member of staff who actually undertakes the standby duty would receive the allowance.
9. For employees who work within the Flexitime Scheme but who are, on occasion, required to be called out from the workplace, time should be recorded as follows:-

All hours worked within the Band Width hours (8.00 am to 6.00 pm) should be recorded under the Flexitime scheme. Time worked outside these Band Width hours by the employee when called out from work should be recorded as TOIL.

10. For reasons of Health and Safety, employees should not accrue TOIL for their own advantage by working through their meal breaks. Although it is not possible for employees to take a meal break during the usual lunch period (12.00 pm to 2.00 pm), a break should always be undertaken at some point during the day and recorded on the appropriate records for the employee.

12. Annual Leave and Accrual of Lost Rest Days (SSCC 08.09.99)

Annual Leave

Probationary Period

A new employee serving the period of probation (six months) is entitled to take Annual Leave proportionate to the remaining number of complete months within the leave year. Should the employee leave the service of the Force before qualifying for a period of leave taken, then an appropriate salary adjustment will be made.

For example, a new employee commencing employment in December is entitled to 3/12ths of the Annual Leave entitlement – six days, two per month. Should the employee take six days in January and then resign of their own accord, terminating employment in February, they would owe the Force two days pay.

Retirement

Police Staff due for retirement, either through age limit or ill-health, are entitled to take their full Annual Leave entitlement in the year which they retire, provided there are sufficient working days prior to the due date of retirement for the leave or a proportion of leave to be taken. The date of ill-health retirement will be extended by adding the full annual entitlement and/or any carried forward from the previous year (a maximum of ten days).

Carrying Forward of Annual Leave

Subject to the approval of the Line Manager and exigencies of duty:-

- (a) a maximum of five days carried forward to the next leave year
- (b) To aggregate this over a period of two years (making a total of ten days) to be added to the normal Annual Leave entitlement in the third year
- (c) Aggregate leave from one year to the next over a period of five years provided that the total amount of leave does not exceed one and a half times the normal Annual Leave entitlement for that final year (eg employee with 24 days Annual Leave can only have a maximum of 36 days Annual Leave in the fifth year).

In those instances where employees are unable to take their Annual Leave in any year, the following provisions apply: -

- (i) Subject to an employee being unable to take their Annual Leave during the month of March because of illness or industrial injury, the limit of Annual Leave permitted to be carried forward is ten days. In exceptional circumstances, it may be possible to carry forward more than ten days. Line Managers should discuss such circumstances with the Personnel Department.

- (ii) Where an employee, at the request of management because of the exigencies of the service, is unable to take their Annual Leave in any year, all the remaining Annual Leave will be carried over to the next year.

Bringing Forward Annual Leave

An employee who has completed their probationary period may be entitled, subject to exigencies of duty and the reason for the request, to bring forward a maximum of ten days which will be deducted from the employee's Annual Leave entitlement over the following two years. If the employee leaves the service of the Derbyshire Constabulary for any reason, before the balance has been recovered, then the value of any outstanding leave shall be repaid by the employee. The employee will be required to sign a statement to that effect.

Accrual of Lost Rest Days

Lost rest days accrued should be taken in the same Annual Leave period in which they are accrued, unless due to operational reasons this is not possible and approval has been given by the Line Manager to carry days forward into the next Annual Leave period.

If lost days are carried forward, into the next Annual Leave period, these must be taken within six months.

Should an employee be appointed/transferred to a role within another formation, any accrued rest days should be taken prior to the transfer. If all the accrued rest days cannot be taken prior to the transfer, due to exigencies of duty and at the request of the Line Manager, a maximum of five days should be carried over, to be taken within six months of taking up the new role.

SECTION 4 – SICKNESS PROVISIONS

1. Sickness Payments

- (a) The scheme is intended to supplement Statutory Sick Pay or any short term or long term incapacity benefit under the Social Security (Incapacity for Work) Act 1994(a) including any increase for adult and child dependants or State Insurance Benefits so as to maintain pay.
- (b) Employees should be entitled to sick pay in accordance with the table below in respect of absence from work due to sickness, disease or disablement.

Length of Continuous Service*	Amount of Sick Pay
During 1st year of service	one month's full pay and (after completing four months' service) two months half pay
During 2nd year of service	two months full pay and two months half pay
During 3rd year of service	four months full pay and four months half pay
During 4th year of service	five months full pay and five months half pay
After five years of service	six months full pay and six months half pay

*See Section 3(4) of this handbook for the definition of continuous service.

Note – The Force shall have discretion to extend the application of the foregoing scale in the exception circumstances and should review the position of staff at an early opportunity and before their entitlements to paid sick leave expires.

- (c) "Full pay" in the table above shall be calculated as the total of (a) Statutory Sick Pay or any short term or long term incapacity benefit under the Social Security (Incapacity for Work) Act 1994(a) including any increase for adult and child dependants and State Insurance Benefits receivable and (b) the sum (if any) by which (a) falls short of full pay.
- (d) "Half pay" in the table above shall be calculated as a sum equal to half pay plus Statutory Sick Pay or any short term or long term incapacity benefit under the Social Security (Incapacity for Work) Act 1994(a) including any increase for adult and child dependants and State Insurance benefits, so long as the total sum does not exceed full pay.
- (e) Full pay includes all the guaranteed earning that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

Note: For occupational sick pay entitlement record purposes (and without prejudice to the arrangements for self-certification days [paragraphs (5)(a) below] and to any local provisions on "qualifying days" for statutory sick pay purposes) "one month" should be deemed to be equivalent to 26 working days. Saturday being reckoned in all cases as a working day.

2. Calculation of Sick Pay

- (a) The rate of allowance and the period for which it should be paid in respect of any absence due to illness should be ascertained by deducting from the period of benefit appropriate to a member of staff's service on the first day of his/her absence to aggregate of the periods of absence. Unpaid absence on sick leave should be disregarded. Service in a temporary capacity should be recognised.
- (b) All members of staff should declare to the Force their entitlement to benefits described in paragraph 2(a) above and any subsequent alteration in such entitlement. If they do not, the Force should determine the benefit by reference to the maximum benefit obtainable. So far as widowed and widowed mothers are concerned, regard should be paid in calculating the amount of sickness payment only to such part of the statutory sick pay or National Insurance benefit received as is in excess of the amount received by the member of staff from the Department of Social Security in weeks of full normal employment.
- (c) Where a member of staff is receiving sickness pay, he/she should continue to receive such pay if a public holiday occurs during the sick leave. Where a member of staff has exhausted his/her period of entitlement to sickness pay, no payment should be made (other than SSP if applicable) in respect of a public holiday occurring during his/her period of sick leave.

3. Grant of Sick Pay to Victims of Crime and Violence

- (a) Where a member of staff is absent from work because of an injury in respect of which a claim will lie to the Criminal Injuries Compensation Board and the member of staff is otherwise qualified to receive sick pay, such sick pay should be provided without any requirement to refund any proportion of it from the sum which the Compensation Board may award.
- (b) Where an award has been made by the Compensation Board, the whole part of the period of sick leave occasioned by the injury may be discounted from calculation of sick pay entitlement.

4. Conditions

- (a) A member of staff who is prevented by illness from reporting for duty should notify this immediately to his/her supervisor. If absence continues after the third day, further notification should be provided as to the nature and probable duration of the illness. A doctor's statement should be provided not later than the eighth calendar day of absence. Subsequent doctor's statements should be submitted to cover any absence that extends beyond the period covered by the initial statement, at the same intervals as required for National Insurance purposes and at similar intervals in respect of the period for which SSP is payable. In an exceptional case, a requirement to submit statements at more frequent intervals may be stipulated. In cases where the first doctor's statement covers a period exceeding 14 days or where more than one statement is necessary, a final statement as to his/her fitness to resume duties should be obtained by the member of staff.

On return to work where the absence has continued beyond three days, a member of staff should certify, in writing, if required, the reasons for all such absences up to and including seven days.

- (b) A member of staff entering a hospital or similar institution should submit a doctor's statement on entry and on discharge in substitution for periodical statements.
- (c) Special consideration should be given in a case of a serious character, in which a period of sick leave on full pay in excess of the period of benefit under paragraph 2 would, be relieving anxiety, materially assist a recovery of health.
- (d) An allowance should not normally be paid in a case of accident due to active participation in sport as a professional, nor in a case in which the absence arises from or is attributable to a member of staff's own misconduct.
- (e) A period of absence due to injury sustained by a member of staff in the actual discharge of his/her duty and without his/her own default should not be recorded for the purposes of this handbook.
- (f) A member of staff who is absent as a the result of an accident should not be paid an allowance if damages may be receiveable from a third party. In this event a sum not exceeding the sickness allowance provided under this handbook may be advanced, subject to the member of staff undertaking to refund the total amount of such allowances or the probation thereof represented in the amount of damages received. Any period of absence in such a case where a refund of the monies advanced is made should not be recorded for the purposes of this handbook. Where, however, the refund is made in part only the period of absence may be so recorded.
- (g) A member of staff who is unable to work as a consequence of illness may be required to submit to an examination by a medical practitioner nominated by the Force subject to the provisions of the Access to Medical Reports Act 1988. Any expenses incurred in connection with such and examinations shall be met by the Force.
- (h) If a member of staff fails to observe the conditions of this handbook or is considered to have prejudiced his/her recovery in some way, the payment of the allowance may be suspended.

SECTION 5 – MATERNITY SCHEME

POLICE STAFF

The following sets out the Force policy relating to Maternity Leave and pay. The Occupational Maternity Scheme applies to all pregnant Police Staff employees regardless of the number of hours worked per week.

1. Time off for Ante-Natal Care

Employees are entitled to take reasonable time off with pay during normal working hours to receive ante-natal care. This includes appointments with the doctor, hospital clinic, relaxation and parentcraft classes. Wherever possible, appointments should be made at the start or end of the working day. As much notice should be given as possible of appointments and an appointment card should be provided.

2. Maternity Leave Entitlement

Statutory Requirements

Legislation requires that all employees have the right to a minimum of 26 weeks ordinary Maternity Leave which is paid regardless of the number of hours worked or the length of service. Women entitled to Statutory Maternity pay will also be entitled to Additional Maternity Leave of a further 26 weeks which is unpaid.

Force Occupational Scheme

The amount of Maternity Leave will depend upon qualification for Statutory Maternity pay. The leave is calculated from the 11th week before the expected week of confinement (EWC).

- (a) Ordinary Maternity Leave – All women, regardless of length of service will be entitled to a period of 26 weeks ordinary Maternity Leave and will be entitled to SMP at an enhanced rate for the whole of that period.
- (b) Additional Maternity Leave – Employees who have completed 26 weeks' continuous service by the 15th week before the Estimated Week of Confinement (EWC) will also be entitled to a further 26 weeks Unpaid Leave. This will start at the end of the Ordinary Maternity Leave period. Employees will be entitled to leave of 52 weeks in total.

3. Commencement of Maternity Leave

Employees can commence Maternity Leave at any time after the start of the 11th week before the EWC (Sunday is deemed the start of the week) but no earlier than the 11th week. If the employee is absent from work due to a pregnancy related illness at any time after the 4th week before the EWC, Maternity Leave will start automatically on the first day of illness. If the employee is absent from a non-pregnancy related illness, the employee will be regarded as being on sick leave either until the baby is born, or if the employee has notified the commencement of her Maternity Leave, that date, when Maternity Leave will then commence.

4. Maternity Pay

Occupational Maternity Pay and Statutory Maternity Pay

To qualify for SMP an employee must:-

- have been continuously employed for 26 weeks by the qualifying week (15th week before the week of confinement).
- have average weekly earnings for the eight weeks ending with the qualifying week not less than the lower earnings limit for the payment of National Insurance Contributions.
- still be pregnant at the 11th week before the expected week of birth or, have given birth by then.
- have stopped work.

Employees who do not qualify for SMP may still qualify for Maternity Allowance. The Authority will provide the employee with the relevant form to take to the Social Security office.

SMP is payable for 26 weeks for those who qualify.

Maternity Payments

- (a) Payment for employees who have less than one year's continuous service at the beginning of the 11th week before the EWC but over 26 weeks (as above) will be: -
- six weeks at 9/10ths of normal or average pay followed by
 - 20 weeks at SMP rate (or 9/10ths of pay if this is less).
- (b) Payments for employees who have completed not less than one year's continuous service at the 11th week before the EWC shall be as follows:-
- for the first six weeks of absence an employee will be entitled to 9/10ths of a week's pay offset against payments made by way of SMP or Maternity Allowance for employees not eligible for SMP.
 - for employees not intending to return to work payments during the following 20 weeks will be paid at SMP rate
 - for employees intending to return to work then for 12 weeks the employee will be paid half a week's pay without deduction except by the extent to which the combined pay and SMP (or Maternity Allowance and any dependants' allowances if the employee is not eligible for SMP) exceeds full pay. This forms part of the Occupational Scheme.

(This payment is made on the understanding that the employee will return to work for a period of at least three months or 13 weeks (six months if returning on a part-time basis from a full-time role). If the employee does not return she will be required to refund the 12 weeks half pay including National Insurance Contributions. In addition any car loans and excess Annual Leave taken may also have to be repaid. Payments made to the employee by way of SMP are not refundable. Employees may request that the half pay payments be withheld whilst on Maternity Leave until a decision to return to work has been made).

SMP can only be paid in whole weeks starting from midnight between Saturday and Sunday morning. Therefore Maternity Leave should always start on a Sunday (although there may be exceptional circumstances when Maternity Leave may start on another day). The Qualifying week and EWC will always start on the Sunday.

Employees will be ineligible for SMP if the following apply:-

- (a) they go outside the EEC at any time during the maternity pay period.
- (b) they work after the birth for any employer who they were not working for in the 15th week before the EWC.
- (c) they are in legal custody at any time during the maternity pay period.
- (d) the employee's average earnings in the calculation period are below the lower earnings level for National Insurance purposes.
- (e) the employee gives late notification to claim SMP and the reason is not acceptable.
- (f) the employee does not give medical evidence within an acceptable time.
- (g) the employee starts work in her Maternity Pay Period after confinement for another employer from the one she was working for during her qualifying period.

5. Notification Requirements and Employees Obligations

The employee should provide, in writing, notification that she is pregnant and the date Maternity Leave will commence at least 28 days before her absence begins, or as soon as is reasonably practicable to the HR Manager, via her Head of Department or Divisional Commander. This is to ensure that SMP can be received.

The notification should include:-

- (a) that she is pregnant and the expected week of confinement. The Force will request a certificate MAT B1 signed by the employee's doctor or midwife to confirm this.
- (b) The date the employee wishes to commence ordinary Maternity Leave. This cannot be earlier than the 11th week before the expected week of confinement.
- (c) If appropriate, whether the employee wishes the 12 weeks' half pay to be withheld or paid whilst on Maternity Leave.
- (d) if she intends to return to work.

In exceptional circumstances, notification can be given after the child is born but failure to serve notice at the relevant time without good reason could mean the loss of the right to take Maternity Leave. For example, if the employee gives birth before the date notified (or before she had notified a date) her Maternity Leave period starts automatically on the date of the birth. As soon as is reasonably practicable she must notify the date of birth.

6. Right to Return to Work

All pregnant employees have the right to return to work after their Maternity Leave to the job in which they were employed under the original contract and on terms and conditions not less favourable than those which would have applied if the employee had not been absent from work (*job for this purpose means the nature of the work which she is employed to do and the capacity and place in which she is so employed*).

Where it is not practicable by reason of redundancy for return to work in her job as defined above, the employee should be offered a suitable alternative vacancy where one exists. The work to be done in that post, however, must be suitable to her and appropriate to the circumstances. Also the capacity and place in which she is to be employed and her terms and conditions of employment should not be substantially less favourable to her than if she had been able to return to the job in which she was originally employed.

Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (eg general re-organisation), which would have occurred if the employee had not been absent, necessitating a change in the job in which she was employed prior to her absence. The work to be done should be suitable to her and appropriate to the terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed.

7. Exercise the Right to Return to Work

(a) Employees should provide notification in writing **of the date of the intended return** at least 21 days prior to that date. The return to work may be postponed until a date not more than 28 days after the notified return date. To do this notification should be given to the employee before the notified date of return and should give the reasons for postponing the return until a later date.

(b) All employees:-

1. An employee may postpone her return after the end of the Maternity Leave period by submitting a doctor's statement, stating that she will be incapable of work, before the notified date of return or if no date has been notified the expiry of the Maternity Leave period. The sickness scheme should apply to such absence.
2. where, because of an interruption of work it is unreasonable to expect an employee to return on the notified day, she may instead return when work resumes, or as soon as reasonably practicable.
3. Where no date of return has been notified by an employee, and there is an interruption of work which makes it unreasonable to expect her to return to work before the end of the Maternity Leave period, and in consequence she does not notify a date of return, she may exercise her right by giving at least seven days' notice that she intends to return at any time before the end of 14 days from the date of interruption.
4. employees must not work during the two weeks immediately following the day of the birth.
5. The Force can request confirmation from the employee whilst on Maternity Leave that she intends to return to work. This request can occur at any time

after the 21st day before the end of the 26 week Ordinary Maternity Leave period.

8. Relationship with Sickness

- (a) Maternity Leave should not be treated as sick leave and should not be taken into account for the calculation of the period of entitlement to sickness leave.
- (b) Where absence due to illness connected with the pregnancy occurs after the 4th week before the expected date of birth, the payment of SMP and the commencement of Maternity Leave will automatically commence. Absence due to illness not connected with pregnancy will still attract Statutory Sick Pay/ Occupational Sick Pay. The employee must notify her HR Manager in writing that she is absent through a pregnancy related illness.
- (c) All paid Maternity Leave and authorised unpaid Maternity Leave shall be regarded as service for the purposes of the sickness scheme.
- (d) Employees who are sick during their ordinary Maternity Leave period receiving SMP will not be entitled to receive Statutory Sick Pay (SSP).

9. Premature Births, Death of a Baby and Stillbirths

(a) Premature Birth

In cases of premature birth a period of Unpaid Leave equal to the number of weeks/days by which the baby is born prematurely will be provided at the end of the Maternity Leave period. Where further leave is requested the Unpaid Time Off scheme should be considered.

(b) Death of a Baby/Stillbirth

If a baby dies or is stillborn after 24 weeks the provisions of the Occupational Maternity Schemes will apply.

(Where this applies before 24 weeks sympathetic consideration should be given to the circumstances and, where necessary, special leave may be granted.

If a pregnancy ends other than by a live birth before the 28th week of pregnancy SMP is not payable. There may be an entitlement to SSP. However, if a stillbirth occurs later than the 28th week SMP will continue to be paid).

10. Rights During Maternity Leave

Employees are entitled during the 26 weeks ordinary Maternity Leave to receive contractual benefits, excluding remuneration, as though they were not absent. These include:-

- accruing holiday entitlement
- accruing other service related benefits (ie pension, incremental progression)
- employer's pension contributions
- certain other allowances / payments as appropriate
- Essential Car User lump sum – this should be paid in full during the 18 weeks Maternity Leave without any deductions for sickness absence which may have occurred in the 12 months preceding the first day's maternity absence.

All outstanding Annual Leave may also be carried forward from one leave year to the next.

Employees entitled to additional Maternity Leave (of up to a further 26 weeks Unpaid Leave) are also entitled to receive the above contractual benefits. However, pension can only be accrued if this is bought back, otherwise a break in pensionable service will occur. It must be ensured that pregnant employees do not receive less favourable treatment because of their pregnancy.

11. Health and Safety Considerations

Under the Management of Health and Safety at Work (Amendment) Regulations 1994 pregnant employees have a right to receive specific health and safety protection once they have notified the employer of their pregnancy. These protective measures must include the following:-

Risk Assessments – a specific risk assessment must be carried out to determine if any hazards exist within the workplace which could harm the employee or baby. To be effective this assessment should be undertaken at the earliest opportunity. The employee should inform her supervisor who should arrange for a risk assessment by the Health and Safety Advisor.

Protective Measures – if risk assessment identifies unacceptable hazards, measures must be introduced to protect the employee. The employee has the right to alteration of working conditions and/or hours of work if adequate protection cannot be provided. In rare cases suspension with pay can be undertaken. If the pregnant employee unreasonably refuses an offer of suitable alternative work then no remuneration is payable for the period during which the offer applies.

Night Work – where an employee works during the night and her doctor or midwife believes that the hours are unsuitable, the employer must consider providing alternative working arrangements upon receipt of a medical certificate.

Pregnancy and VDU's

Where a pregnant employee is concerned about working with VDU's she is advised to discuss the matter with the Occupational Health Physician. The employee may submit a request to transfer from VDU work at any time during pregnancy.

Sympathetic consideration will be given to either:-

- temporary reorganisation of employee's workload to avoid VDU work
- temporary redeployment to another post without VDU operation for the duration of the pregnancy. Such a transfer will be on the existing grade/salary and conditions of employment. In order to accommodate a request for such a transfer it may be necessary for the employee to transfer to another section or department.

12. Dismissal Protection

Employees, when they are pregnant or during their Maternity Leave, have a right not to be dismissed for a reason connected to their pregnancy. This protection right applies to all employees regardless of the hours worked or length of service. It is automatically unfair to dismiss a woman:-

- for a pregnancy or pregnancy related reason
- at the end of her general Maternity Leave because she has given birth or related reason
- after her Maternity Leave because she has received benefits
- within four weeks from the end of her Maternity Leave period where she is covered by a medical certificate (and the reason for dismissal is pregnancy related)
- where a requirement to suspend on health and safety grounds is the reason for dismissal.
- where a woman is prevented from exercising her right to return because of redundancy and she is not offered a suitable alternative job where available.

SECTION 6 – APPOINTMENTS AND ALLIED ARRANGEMENTS

1. Probation upon Appointment

The appointment of new entrants to the service of a Police Force should normally be subject to a period of probation not exceeding six months but may be extended in a particular case where a longer period is felt to be necessary. During this period the member of staff is expected to establish his/her suitability for this appointment. Procedures have been established to enable this to be done with regular reports throughout the period. By the end of the probationary period, employment should either be confirmed or terminated.

2. Period of Notice

The period of notice required to terminate a member of staff's appointment should be determined locally and clearly defined in his/her contract.

The minimum periods of notice currently provided by statute are as follows:-

Period of Continuous Employment	Minimum Notice
By the Force	
One month or more but less than two years	One week
Two years or more	One week for each year of continuous employment up to a maximum of 12 weeks
By the Employee	
Any period	The ordinary period from one payment to the next

The above periods may be increased by local determination.

3. Equal Opportunities

All members of staff should be afforded equal opportunities in the employment context, irrespective of sex, marital status, race, religion, disability, sexuality or age (subject to normal retirement age). In operating their recruitment and other personnel notices, Forces should develop and practice positively the concept of equal opportunities for all.

4. Continuous Service

4.1 An employee's period of continuous service will be from the date of commencement of employment with a force.

4.2 For the purposes of entitlements regarding Annual Leave, the Occupational Sickness Scheme, Parental Leave, Adoption Leave and the Occupational Maternity Scheme continuous service will include continuous previous employment with a police authority, Scottish Joint Board or NCS, NCIS,

CENTREX (or predecessor), PSNI (or predecessor), and non Home Office forces, also the Metropolitan Police.

- 4.3 If an employee has left a police authority for maternity reasons within the previous eight years and has not been in permanent full-time paid employment since, the above should also apply except for the calculation of Annual Leave entitlement. In the calculation of Annual Leave entitlement the eight year time limit should not apply, provided that no permanent full-time paid employment has intervened.

5. Calculation of Redundancy Pay

Previous continuous employment with an organisation(s) covered by the Redundancy Payments (Local Government) (Modification) Orders will be included in calculating entitlement to redundancy pay.

6. Conduct (SSCC 5 February 1998)

The Police Service expects of each member of staff conduct which is of the highest standard and which at all times will maintain public confidence in the conduct of Police Service employees.

Members of staff should not subordinate their duty to their private interests or put themselves in a position where duty and private interest conflict. Members of staff should be permitted to undertake additional employment or public duties, for example a Local Councillor, where this does not conflict with the interest of the Police Service or adversely affect their performance.

If it comes to the knowledge of a member of staff that a contract in which they have any pecuniary interest, whether direct or indirect (not being a contract to which they are themselves a party) has been, or is proposed to be, entered into by the Force, then that member of staff should as soon as is practicable give notice in writing to the Chief Constable of their interest. Members of staff are expected not to breach confidentiality in respect of the work of the Police Service either during the course of employment or subsequently.

Any member of staff who fails to comply may render themselves liable to disciplinary action.

Any indirect pecuniary interest for these purposes is as follows:-

- (i) if the member of staff or any nominee of the employee is a member of a company or other body with which the contract was or is proposed to be made.
- (ii) if the member of staff is a partner or is in the employment of a person with whom the contract is or is proposed to be made.
- (iii) in the case of married persons living together, the pecuniary interest of one spouse if known to the other is deemed to be the pecuniary interest of the other spouse.

A member of staff should not accept any fee or reward other than the proper remuneration.

7. Service as a Magistrate (SSCC 5 February 1998)

Justices of the Peace are appointed by the Crown. Once appointed, a Justice of the Peace should not sit in any proceedings:-

- (i) if they have a direct pecuniary interest in the outcome of the proceedings;
- (ii) if there is evidence of actual bias on their part, or
- (iii) it may be claimed that there may be "apparent bias".

It is necessary for justice not only to be done, but to be seen to be done. The vast majority of Police Staff would find it difficult to be appointed as a Magistrate as when sitting in the Criminal jurisdiction, they may be accused of bias or "apparent bias" in the discharge of their duties. This is no reflection upon the individuals concerned. The test is really not whether the bias arises but rather whether it is likely that such a claim may be made.

It is a condition of employment that Police Staff should not, during their period of employment with the Derbyshire Constabulary, discharge the office of Justice of the Peace.

8. Politically Restricted Posts (SSCC 13 November 1997)

The system of political restriction of Local Authority employees applies also to employees of the Police Authority. Section 2 of the Local Government and Housing Act 1989 required Authorities to prepare and maintain a list of politically restricted posts and to notify personnel whose posts fall into this category of their responsibilities under the Act.

The Local Government (Politically Restricted Posts) (No 2) Regulations 1990 (No 1447) sets the salary level at which political restriction applies for both full and part-time posts at spinal column point 45 of the Police Staff salary scales. Posts which also require the duties of the individual to involve speaking on behalf of the Authority on a regular basis to journalists or broadcasters are also included into this category of responsibilities under the Act.

Police Staff members holding such positions will be disqualified from membership of any Local Authority (excluding Parish and Community Councils), the House of Commons and the European Parliament. It is a condition that Police Staff members will not stand for election to a Local Authority (excluding Parish Councils), the House of Commons or European Parliament, hold office in a political party, act as an election agent or sub-agent for a candidate for election, canvas at elections and speak or write publicly, with an apparent intention to affect public support for a political party.

Police Staff who disagree with the designation of their post as a politically restricted post should, in the first instance, appeal to the Chief Constable and, if not satisfied, have the right of appeal to an Independent Adjudicator.

9. Traffic Wardens (SSCC 5 February 1998)

Section 95(6) of the Road Traffic Regulation Act 1984 provides that "a Police Authority shall not employ as a Traffic Warden any person who is a Constable". Home Office guidance to Forces advises that people in these capacities by Police Authorities should not be eligible for the Special Constabulary.

Traffic Wardens have been given specific duties by Parliament and that if attestation as Constables were allowed, their law enforcement powers during their hours of duty in their paid work would thereby be greater than Parliament had intended. Conflict may also arise between the two roles, ie responsibility as a Constable and those due to the Police Authority as a Traffic Warden.

In view of this, Traffic Wardens employed by the Police Authority may not be permitted to serve as a member of the Special Constabulary.

10. **Business Interest/Additional Employment (PSNCC 26.05.04)**

The definition of a business interest is where a police staff (support) member holds any office or employment for hire or gain (other than as an employee of Derbyshire Constabulary) or conducts a business interest.

Business Interests/Additional Employment – Guidelines

1. Any business interest/additional employment should not lead to any breach of the Police Staff Disciplinary procedure.
2. Any business interest/additional employment must not interfere with the impartial discharge of the Police Staff member's duties.
3. Any business interest/additional employment must not restrict the availability to respond to short notice duty changes where these are a condition of employment (Police Staff Handbook).
4. Any business interest/additional employment must not conflict with the police staff members employment with the Derbyshire Constabulary.
5. Any application must be considered in the light of the time available to conduct the business/employment. An assessment of the commitment in time should be included in the application in order to ensure Working Time Regulations are complied with.
6. The business interest/additional employment must require no time commitment or availability during the contractual hours of the member of staff.
7. The welfare of the Police Staff member will also be a consideration.

Application Considerations

Approval for the business interest/additional employment must be obtained from the Head of Personnel.

Applications must be accompanied by a recommendation from the Head of Department/Divisional Commander and HR Manager.

Each application will be decided on its merits.

Business interests/additional employment will be subject to annual review by the Divisional/Departmental HR Manager to ensure there is no conflict with the employee's role.

Application Procedure

1. The employee should submit a Form 627 "Registration of Business Interests" through their Line Manager to the HR Manager and Head of Department / Divisional Commander giving details of the business interest/additional employment. This will include the nature of the business, the location, the commitment or hours worked each week and any other relevant information.
2. The HR Manager will discuss the details with the employee and ensure that the business interest/additional employment will not be of detriment to the Force or to the ability to perform duty. Consideration will be given to the employee's sickness record and PDR. If there are attendance or performance issues which will be impacted upon by the additional employment these should be discussed.
3. The Head of Department / Divisional Commander in liaison with the HR Manager, will make a recommendation regarding approval and any special conditions that should apply. This should then be forwarded to the Head of Personnel within 28 days of receipt. If timescales cannot be met, this should be discussed with the employee and the reason given.
4. The Head of Personnel will consider the application and make a decision within 28 days. If these timescales cannot be met, the reason for this will be communicated to the employee.
5. The papers will be returned to the HR Manager to communicate the decision in writing to the employee, including the annual review date, if approval is given.
6. If approval is given, details will be recorded on the HR System, with the annual review date.
7. It is the responsibility of the employee to report any changes in circumstances that relate to the business interest/additional employment. This should be to the HR Manager who will review with the Head of Department/Divisional Commander.
8. Following the annual review, a Form 628; 'Business Interest – Annual Report' should be completed by the employee and sent to the Divisional Commander/ Head of Department and HR Manager for approval of continuation. The form should then be sent to the appropriate personnel section so that the HR System can be updated.

Conditions in respect of Approval

1. The employee must not appear at the business premises in Police uniform (if issued), or undertake any other non-police business in Police uniform.
2. Duties/commitments in connection with the business will be carried out in the employee's own time and away from Police premises.
3. The employee is responsible for compliance with the Working Time Regulations and Attendance Management Policy. They have a duty to take reasonable care for the health and safety of themselves and other persons who may be affected by their acts or omissions. Employees who make themselves unfit for duty may be subject to Disciplinary or Capability Procedures.

4. No special consideration will be given regarding tours of duty and the requirement to perform duty (even at short notice) will take precedent over any prior commitment to the business.
5. If, at any time following approval of the business interest, concerns are raised in respect of the employee's ability to discharge their duties and responsibilities, the situation will be reviewed by the Divisional Commander/Head of Department in liaison with the HR Manager.
6. Force resources including the telephone and stationary will not be used by employees pursuing outside business interests/additional employment.

Appeal Procedure

1. Within ten days of being notified of the decision, the employee may appeal to the Assistant Chief Constable (Support) by sending written notice.
2. The Head of Personnel will then submit a report setting out the reasons for the decision and copies of any documentation to the Assistant Chief Constable within ten days.
3. The Assistant Chief Constable will review the decision and notify the employee within 28 days.

11. Health, Safety and Welfare

1. It is the responsibility of the Force to make adequate provision for ensuring the health, safety and welfare of the staff, including the conditions under which they work. All members of staff also have a responsibility to ensure a safe and healthy workplace.

12. Identification (PSNCC 26.5.D4)

Police staff are required to wear a recognised form of identification (either Force name badges or the Force identity card with which they are issued) at all times whilst circulating on Force premises. If a name badge is worn then the wearer must carry their issued identity card or be prepared to prove their bona fides on any reasonable challenge.

SECTION 7 – TRAVEL AND SUBSISTENCE

1. Travelling Expenses

Expenses for authorised travel necessarily and reasonably incurred by members of staff in the performance of their official duties will be reimbursed by the Force.

2. Subsistence Allowances

Where members of staff are prevented by their official duties from taking a meal in their usual way or are required by their official duties to stay away from home and thereby incur additional expenses, such authorised additional expenses which have been necessarily and reasonably incurred will be reimbursed by the Force.

3. Car Allowances (SSCC May 04)

(a) Scope and Purpose

This policy specifies the motor car allowances and associated provision for Police Staff and is based upon the Police Staff Council Handbook.

(b) Eligibility to Claim Motor Car Allowances

- (i) Members of staff who are required to use their motor vehicle to undertake their official duties will be eligible to receive the appropriate allowance for the use of their car on business. The Police Staff posts attracting allowances will be reviewed on a regular basis to ensure these are relevant.
- (ii) Members of staff must ensure that their insurance policy covers them for using their vehicles in connection with undertaking their duties on police business.
- (iii) There will be no provision of mileage allowance for motor cycles.
- (iv) During the period when a car is unable to be used due to repairs being carried out and no other vehicle is available, reasonable expenses in respect of the most economical form of travel in all the circumstances will be borne by the Police Authority.

(c) User Definitions

- (i) Casual Car User – where the Force deems that it is always desirable and sometimes essential that the user provides a car for duty purposes.
- (ii) Essential Car User – where the Force deems that it is always desirable and always essential that the user provides a car for duty purposes.

An Essential User is entitled to receive a lump sum allowance and the appropriate mileage rate. Payments of the lump sum will be made in 12 equal instalments. The period in which car allowances are paid will be from 1 April in any year to the succeeding 31 March.

(iii) Other Car Users

For those members of staff who are not eligible to claim as Essential or Casual users but are required, on occasion, to use their car for duty purposes, reimbursement shall be at a mileage rate known as Public Service Vehicle (PSV) rate which is based on a rate of 10% below the lowest rate of Essential User allowance. Where passengers are carried, the claimant should be reimbursed at 2p per mile for the first passenger and an additional 1p per mile for any subsequent passenger. The names of the passengers must be recorded on the claim form for reimbursement.

(iv) Training Courses

Any travel costs to and from both internal and external courses will be paid at PSV rates. If the course is held at the employee's place of work no expenses are payable.

(d) Designation and Review of Car Users

Review of the posts will be a continuous process as:-

- (i) new posts are established
- (ii) Following an organisational review and changes to role requirements
- (iii) when either the manager or post holder identify that the requirements have changed.

The official list of designated posts attracting the allowances will be maintained by Financial Services and Personnel. Approval for the payment of the appropriate car allowance must be by the Head of Department / Divisional Personnel and Financial Services must be informed in order to detail contractual arrangements and the appropriate allowance payable.

The allowances for both the Essential and Casual user will be paid in accordance with the engine size of the car, as agreed through the appropriate Police Staff negotiating machinery.

Management have the right to restrict payments of the allowance within the bands, after full consultation.

Current rates of reimbursement are issued on the Chief Constable's Orders, as are any other adjustments throughout the year.

(e) Requirements and Conditions

Claims for mileage allowances should be made monthly with reimbursements being made through salary.

The most economical form of transport and route must be used for any journeys outside the Force area. Journeys should be authorised and claims approved by the relevant Head of Department / Divisional Commander or nominated officer. Members of staff should maintain an official record of their journeys (including the purpose of the journey and names of official passengers). Where possible, members of staff should travel in one car when attending the same meetings and seminars etc.

(f) Other Considerations

Entitlements to car user allowance will be indicated on person specifications and in contracts of employment.

The Force has an Assisted Car Purchase Scheme in operation for all staff who qualify, ie all Essential Users and Casual Users who travel 1800 miles per year in the course of their duties.

In respect of staff who work on a Job Share arrangement, it is the post which carries the car user status. Individual Job Sharers may qualify for the appropriate allowances, including the Assisted Purchase Scheme. The 1800 mile qualification would be applied to the post and each person would qualify for the Scheme.

Where a member of staff, who is an Essential user, is absent through long term sickness, or where the car is "off the road" for repairs for a prolonged period, the

lump sum shall be paid for the remainder of the month in which the car first became out of use and for a further three months thereafter. If the period of sickness continues after this time, payment shall be reduced to half of the normal lump sum payment for a further three months. After this period of six months the allowance will cease until the individual returns to work.

As the allowance is paid in arrears, when a member of staff leaves the employment of the Force, or is employed in a post not carrying the mileage allowance, any outstanding payments or adjustments will be made automatically.

The allowances for both Essential and Casual users should be paid in accordance with the engine size of a car determined by Force management save that the lowest category (451 – 999 cc) will only apply to members of staff actually using a car within this category.

Staff may be required to carry official passenger and where they are on a regular basis, this should be taken into account in determining the engine size category of allowance payable.

4. Additional Travelling Expenditure (SSCC 1999)

(a) Allowance

If at any time a member of Police Staff's principal place of work is altered (subject to the paragraph below) they should be reimbursed for additional travelling expenditure at PSV rate for a maximum period of four years. The expenditure payable will be based on the cost of travelling from home to the new place of work, less the cost of travelling for home to the previous place of work.

The allowance will be paid for a period of four years from the date of transfer and will be based on whether the additional mileage incurred paid at public transport rates / or the additional cost of public transport actually incurred / or mileage allowance for the additional mileage actually incurred.

If the employee moves home during the four year period, the payments will be reviewed based on the new distance between home to base. The payment will be no greater than the existing payment but will be reduced should the travelling distance have lessened.

The Force recognises the need for fair and consistent treatment of Police Staff and will reimburse additional expenditure in appropriate cases. However, the Chief Constable must reserve the right to negotiate allowances in relation to significant reorganisations.

(b) Taxable Allowances

The excess travel allowance is taxable and will, therefore, be paid with salary net of tax. It should be noted that excess travelling expenses incurred by and employee pending a house move at the request of the organisation are not taxable.

(c) Claiming and Payment of the Allowance

Employees should provide details of the journeys to the old and new place of work, together with the additional cost. The Director of Administration and

Finance will authorise a monthly payment with salary to reimburse the additional cost of travelling.

Should an employee be absent for one completed calendar month or more (due to sickness, Unpaid Leave, Maternity Leave etc), the additional travel cost will cease until the employee resumes work.

- (d) Problems arising from significantly different journey times to the new place of work, as compared to the old place of work, will be considered sympathetically, wherever possible through flexibility of working practices.

SECTION 8 – PAYMENT TO STAFF IN THE EVENT OF DEATH OR PERMANENT DISABLEMENT ARISING FROM ASSAULT

1. General

1.1 Payments shall be made in accordance with sub-paragraph (b) to any member of staff, or in the event of death, jointly to the dependants of an member of staff, in the event of death or permanent disablement of the member of staff arising from a violent or criminal assault suffered by the member of staff in the course, or as a consequence of their employment.

1.2 The amounts payable under sub-paragraph (1) are as follows:-

1. In the event of death within 12 months from the date of the assault and, in the opinion of the Force, by reason thereof, where the member of staff has one or more dependants, the equivalent of five years gross remuneration at the rate applying at the date of the assault or £35,000, whichever is the greater. Where the member of staff has left no dependants, the sum of £950 shall be payable.
2. In the event of permanent, total or partial disablement as a result of the assault the percentage specified in the scale set out in the sub-paragraph below of five time gross remuneration applying at the date of the assault or of £35,000, whichever is the greater, provided that such payments shall, at the discretion of the Force, be reduced by the amount of any damages or compensation recoverable in respect of the particular injuries.

Note: "Dependants" in this paragraph means: -

- a) a spouse residing with the member of staff at the date of death or, if not, residing wholly or substantially supported by the member of staff and / or
- b) a child who has not attained the age of 16 years at the time of death of the employed parent or guardian, or who had not attained the age of 19 years and is following a course of full-time education, or is regarded as an apprentice under the statutory provisions relating to family allowances; and / or
- c) where they are wholly or substantially supported by the member of staff, a parent, brother or sister, or a son or daughter of an age in excess of the limits referred to in (b) above.

1.3 This recommendation is not intended to prevent payment of amount exceeding those specified if it is considered reasonable to do so.

2. Scale of Compensation

2.1 Death, total and irrecoverable loss of all sight in one or both eyes, total loss by physical severance or complete loss of use of one or both hands or feet at or above wrist or ankle, occurring within 12 months from the date of the assault: 100%.

2.2 Permanent total and absolute disablement (other than as stated at paragraph 2.1) from engaging in or giving attention to a profession or occupation of any kind: 100%.

2.3 Permanent partial disablement (not otherwise provided for above). The percentage of the capital sum set against the degree of disablement in the following table:-

(a)	total loss of hearing in both ears	40%	
(b)	total loss of hearing in one ear	10%	
(c)	complete loss of use of hip or knee or ankle	20%	
(d)	removal of the lower jaw by surgical operation	30%	
(e)	fractured leg or foot with established non-union	25%	
(f)	fractured knee-cap with established non-union	20%	
(g)	shortening of a leg by at least three centimetres	15%	
(h)	loss by amputation or complete loss of:		
		Right	Left
		(to be reversed if employee is left-handed)	
(i)	one thumb	20%	17.5%
(ii)	one index finger	15%	12.5%
(iii)	any other finger	10%	7.5%
(iv)	one big toe	10%	10%
(v)	any other toe	3%	3%
(i)	complete loss of use of shoulder or elbow	25%	20%
(j)	complete loss of use of wrist	20%	15%

AGREEMENT OF JOB EVALUATION USING HR PROGRESS FOR POLICE STAFF

PART ONE: GENERAL OPERATING ISSUES

1. With effect from the agreed implementation date, HR Progress shall be used to determine the appropriate grading for all Police Staff posts within Derbyshire Police Authority.
2. The grading of each post shall be subject to analysis whenever any of the following circumstances arise:-
 - a) organisational reviews which result in changes to the role undertaken by Police Staff.
 - b) review of role instigated by management due to significant changes that have occurred
 - c) individual claim due to significant changes in the role
 - d) a post becomes vacant
 - e) a new post is created.
3. Any re-evaluation of a post may result in a change in grade that could go up or down. Any changes in grade will be backdated to the date the changes became substantive (subject to agreed protection arrangements).
4. Any reference to protection arrangements throughout the documentation will be to negotiated and agreed Force protection arrangements in relation to the Job Evaluation process.
5. Jobholders who are UNISON members have the right to UNISON representation at all stages of the Job Evaluation process.
6. Following all evaluation and appeals procedures, all relevant documentation will be retained on file in the Personnel Department for a minimum of two years.

PART TWO: IMPLEMENTATION ISSUES

1. The implementation date shall be 1 July 1999.
2. With effect from this date, (subject to protection arrangements) Police Staff shall be paid in accordance with the grade for the post. In the event of the initial job analysis and subsequent negotiations not being completed by the implementation date, any changes in grading resulting shall be backdated to the implementation date.

PART THREE: DETAILED ANALYSIS AND APPEALS PROCEDURES

ORGANISATIONAL REVIEW

- a) Whenever an organisational review takes place, a revised Jobholder questionnaire for each post is drawn up and agreed with the Jobholder(s) as appropriate. This MUST then be submitted to the Personnel Department for analysis and grading to be undertaken BEFORE the review is implemented. Where posts evolve or change significantly following an organisational review, the posts, on request, will be reviewed on the first anniversary of the relevant implementation date. The review will be undertaken by the Jobholder, Line Manager and appointed Job Analyst.
- b) The Jobholder, Line Manager or Head of Department / Divisional Commander, as appropriate, should complete the Jobholder Questionnaire. Where the post is occupied, the completed questionnaire must be agreed between the Jobholder and the Line Manager before the evaluation can proceed. A draft ICF role profile should also be completed at this stage by the Line Manager in conjunction with the HR Manager.
- c) Within 20 working days of receipt, the Job Analyst interviews the person who completed the questionnaire.
- d) Job evaluated by HR Progress.
- e) Within 15 working days of the interview, the Job Analyst or Employee Relations Manager will communicate results in writing to the Head of Department / Divisional Commander, HR Manager and Jobholder.
- f) ICF role profile is finalised by Line Manager and HR Manager.
- g) Jobholder has the right of appeal under Appeals procedure.

CHANGES IDENTIFIED BY MANAGEMENT

Whenever a Manager considers that, over a period of time, significant changes have occurred in the roles undertaken by Police Staff the following procedure must be followed:-

- a) Job Holder Questionnaire completed by Jobholder if in post or the Line Manager or Head of Department / Divisional Commander if the post is vacant. A draft ICF role profile should be prepared by the Line Manager in conjunction with the HR manager.
- d) Within 20 working days of receipt of completed questionnaire, Job Analyst interviews Jobholder.
- e) Job evaluated by HR Progress.
- f) Within 15 days of interview, results communicated in writing by Job Analyst or Employee Relations Manager to Head of Department / Divisional Commander, HR Manager and Jobholder.
- g) ICF role profile is finalised by Line Manager and HR Manager.
- h) Jobholder has right of appeal under the appeals procedure.

PROCEDURE FOR INDIVIDUAL CLAIM

If a Jobholder, or group of Jobholders working to a common ICF Role Profile believe that significant changes have occurred in the role which may affect the grading of their post(s) they may submit an Individual Claim.

- a) A claim may be made on the grounds that there are substantial changes from the data collected at the last job evaluation and the role now performed.
- b) The Jobholder(s) must make the claim in writing to the Employee Relations Manager.
- c) Within 15 working days of receipt of the claim, a Jobholder questionnaire will be sent to the claimant(s).
- d) The claimant completes the questionnaire and agrees this with the Line Manager.
- e) Within 15 working days of receipt of the completed questionnaire, a Job Analyst will interview the claimant.
- f) Job evaluated by HR Progress.
- g) Within 15 working days of the interview, the results will be communicated, in writing, to claimant(s) and/or their representatives.
- h) If necessary, the ICF Role Profile relating to the post is revised by the Line Manager in conjunction with the HR Manager and issued to the Jobholder(s).
- i) The Jobholder(s) has the right of appeal.

PROCEDURE WHEN A POST BECOMES VACANT

- a) When a manager is aware of an impending vacancy the post MUST be reviewed as soon as possible to prevent any delay in the recruitment process.
- b) If substantial changes are identified a Jobholder questionnaire should be completed by the Line Manager / Head of Department / Divisional Commander.
- c) Within 20 working days of receipt of the completed questionnaire a Job Analyst will interview the Line Manager.
- d) Job evaluated by HR Progress.
- e) Within 15 working days of the interview the results will be communicated, in writing, by the Job Analyst or Employee Relations Manager to the Head of Department / Divisional Commander and HR Manager.
- f) If an appointment is made prior to the completion of the Job Evaluation process, the advertisement and any subsequent letters of appointment must specify that the grade is under review.

PROCEDURE FOR EVALUATION OF A NEW POST

Whenever a new post is created, the Jobholder questionnaire MUST be submitted to the Employee Relations Manager for analysis and grading prior to advertising. New posts may be reviewed on the first anniversary of the Jobholder's date of commencement of the post. The Jobholder and Line Manager should instigate this if significant changes to the role have occurred.

- a) Questionnaire completed by individual developing the new post and agreed it with senior management. A draft ICF role profile should be completed by the manager in conjunction with the HR Manager.
- b) Within 20 working days, Job Analyst interviews appropriate individual with knowledge of job requirements.
- c) Post evaluated by HR Progress.
- d) Within 15 working days of the interview, results communicated in writing to the Line Manager, HR Manager and Head of Department / Divisional Commander.

APPEALS PROCEDURE

- a) The Jobholder(s) and/or their representatives should make appeals in writing, to the Employee Relations Manager within 20 working days of the evaluation results being notified to them. Any appeals received after this time scale will be considered in exceptional circumstances only.
- b) Receipt of the appeal will be acknowledged within 15 working days.
- c) The Employee Relations Manager will review the data from the original evaluation with the original Job Analyst and the Jobholder's Line Manager (if the Policy and Employee Relations Officer was the original analyst, a different Analyst will conduct the review). Each relevant factor is addressed.
- d) Within 28 working days of receive of appeal, a meeting will be held between the Jobholder(s) and/or their representative, the Job Analyst and the Employee Relations Manager or nominated analyst. Validity of the data is checked, and the Analyst and Employee Relations Manager agree with the Jobholder whether any amendments to the original data are necessary. If there is any disagreement with the amendments, the Employee Relations Manager (or nominated analyst) will make the final decisions.
- e) Any amendments to the original data are made by the Employee Relations Manager and the reason for each amendment recorded.
- f) After the amendments have been made the job is evaluated by HR Progress.
- g) Within 15 working days of the meeting, the results are communicated in writing to the Jobholder(s) and/or their representative, the Line Manager, HR Manager and the Job Analyst.
- h) If the claim is successful, the date of implementation will be either the date of the original claim, implementation date of review or the commencement of employment, as appropriate.

PART FOUR: PROTECTION ISSUES

Where a re-evaluation of a post leads to a decrease in the grade, the negotiated and agreed Force protection policy will apply.

**Guidelines for Honorarium Payments
Police Staff**

1. Honorarium payments should only be considered in exceptional circumstances, for example:-
 - the completion of a prolonged and exceptional piece of work
 - for occasions when acting up or overtime payments are not possible
 - where a member of staff has been working at a higher level over a prolonged period.

2. Prior to consideration of an honorarium payment, consideration must be given to other policies which may impact upon the payment. If the payment is to be paid to compensate for time off in lieu or Annual Leave not taken, the Time Off in Lieu Scheme and/or Annual Leave and Accrual of Rest Days should be considered in the first instance. Line Managers should plan with staff how any accrual of time off / Annual Leave will be taken, prior to any consideration of payment.

If the payment is to compensate for additional duties, payment for acting up arrangements and the relevant terms and conditions of service should be considered.

Overtime payment should also be considered if appropriate.

3. When consideration is being given to an honorarium payment, the appropriate Line Manager should submit recommendation to the Head of Department / Divisional Commander for local approval, together with supporting evidence and the reasons why payments / time off as at paragraph 2 would not be suitable.

Advice should be obtained from the Employee Relations Manager in respect of suitable payment options.

The report should include the reason for the honorarium, additional duties and responsibilities undertaken and the period of time that the additional duties have been undertaken.

4. Line Managers should ensure that staff are taking, and are able to take, their Annual Leave entitlement to ensure adequate rest periods. Further advice should be obtained from the Health and Safety Section when consideration is being given to allowing staff not to take their Annual Leave or carrying over more than ten days. This in practice will require a Line Manager to carry out a risk assessment in accordance with the Management of Health and Safety at Work Regulations 1999, with a possibility of restrictions being imposed for safety reasons to ensure that there is no injury to the employee's health.
5. Whilst a recommendation for payment may be discussed with individual members of staff, the actual payment should not be discussed as this can raise expectations.
6. Honorarium payments will not be considered for those Police Staff who do not meet the criteria under the Bradford formula as detailed in the Attendance Management Policy.

7. The Head of Department / Divisional Commander should then discuss the application with the Employee Relations Manager to ensure a consistent approach. The report with supporting evidence and recommendations should then be submitted.
8. Employee Relations Manager to submit to Head of Personnel, with recommendations, for approval.
9. The Personnel Department will forward approval to the Head of Department / Divisional Commander and the members of staff involved in writing.