

## **POLICE STAFF COUNCIL (PSC)**

### **2017 PSC HANDBOOK GUIDE**

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#### **1. Introduction**

This guide explains the changes which have been made to the Police Staff Council Handbook, and which will take effect from 1 April 2017. Throughout this guide, the new version of the Handbook will be referred to as the *2017 Handbook*, and references to the previous version as the *2004 Handbook*. The changes:

- Revise significant elements of the national terms and conditions of police staff in England and Wales, including:
  - Working time
  - Temporary higher responsibilities
  - Payments for working additional hours
  - Payments for short notice changes
  - First aider allowances
  - Payments for overnight allowances
  - Annual leave
  - Maternity leave/pay
  - Adoption leave/pay
  - Car mileage allowances
  
- Update the national terms and conditions in line with:
  - Changes to membership of the Council (e.g. NPCC replacing ACPO)
  - Changes in legislation concerning key statutory benefits which are part of the Handbook
  - New agreements/guidance published by the Council since the Handbook was last updated in 2004

The layout and order of the sections in the 2017 Handbook have also been improved. In future, it is not intended to print the Handbook, and it will be available as an electronic resource only. This will facilitate more regular updates in real time. This guide follows the order of the 2017 Handbook using the established section titles.

#### **Contents**

#### **Part 2: Pay and Conditions of Service**

#### **Section 1 – Working Time**

Working time was previously section 2, but in the 2017 Handbook it becomes section 1 in recognition of the importance of working time as the basis of all pay and allowances.

## **Section 2 - Pay**

Pay was previously section 1, so now it becomes section 2.

There is no change to the existing provisions in the Handbook relating to payment for working shifts, other than the qualification threshold for payment for working irregular hours is now pro-rata to hours worked, making this allowance equally accessible to part timers.

The reference to 'shift workers' is removed, from the following revised sections:

- payments for short notice changes to start times;
- payments for short notice requirements to work on a day not originally planned as a working day.

These provisions now apply equally to all police staff, not just shift workers, so the term 'rostered' to describe the working patterns of shift workers is replaced by the non-shift worker specific term 'planned'.

A new section on 'Payments for Overnight Allowances' has been added.

A new section on 'Holiday Pay' has been added.

## **Section 3 - Leave**

Surrogacy (added)

Shared Parental Leave (added)

## **Section 6 - Appointments and allied arrangements**

Membership of unacceptable organisations (added)

Standards of Professional Behaviour (added)

Management of Business Interests (added)

## **Part 3 - Guidance**

Management of Business Interests (added)

Police Staff Misconduct Procedures (added)

Use of Fingerprint and DNA Samples (added)

Substance Misuse and Testing (added)

National Workplace Learning and Development Agreement (added)

Standards of Professional Behaviour (added)

Membership of Unacceptable Organisations (added)

## **PART 1: Principles and Constitution**

### **Principles**

1. Amended to replace 'police authorities' with 'police and crime commissioners'. PCCs and Chief Constables are referred to collectively as '...the employers...' throughout the 2017 Handbook.

### **Constitution**

#### **3. Membership**

3.2 Amended to replace the Association of Police Authorities with the Association of Police and Crime Commissioners and replace ACPO with National Police Chiefs' Council (NPCC).

3.3 Amended to replace TGWU with Unite.

## **PART 2: Pay and Conditions of Service**

### **Section 1 Working Time**

This section was previously section 2, but has been brought forward in recognition of the importance of working time provisions as the basis of what follows in the rest of the Handbook.

#### **1. Working Time**

One of the main intentions behind the changes to the PSC Handbook was to ensure that all terms and conditions are available to all police staff and not restricted, as was the case with some key provisions in the 2004 Handbook, to shift workers only. This principle is an important one. In this section you will notice that references to 'rostered' patterns of work have been replaced with the term 'planned' to meet the terms of this principle.

#### **1. Working hours**

1.4 Reference to 'Advice on the application of these (Working Time) regulations in part 3 of the Handbook' has been removed, because it never existed in the first place.

#### **2. Planning working patterns**

2.1 Gives a new entitlement for police staff to know their rest days 12 months in advance, and brings police staff in line with police officers in this respect.

2.2 Gives a new entitlement for police staff to know the start and finish times for their working days three months in advance.

2.4 Changed to: 'Changes to agreed working patterns shall be subject of full consultation with the Trade Union Side'.

2.5 Changes the criteria whereby police forces can change shift patterns with less than three months' notice, which can only happen as the result of the 'exigencies of duty', or by agreement.

2.6 Includes a proper definition of 'exigencies of duty' into the PSC Handbook for the first time, in line with the agreement which applies to police officers. The definition of 'exigencies of duty' is as follows:

'...situations of exceptional organisational demand, where a pressing staff requirement arises which could not be reasonably anticipated and which necessitates a change of working pattern...by way of example...unforeseen public order situations, major disasters, extraordinary levels of sickness and other non-planned events...'

2.7 This means, for example, that the following will not qualify as 'exigencies of duty':

- Repeating regular events which can be planned for in advance, like New Year, Halloween, Bonfire Night etc.;
- Major festivals and sporting events which can be planned for in advance;
- Customary levels of sickness absence.

Many of the changes to the working time provisions in the Handbook were aimed at encouraging more effective planning of working patterns and improving the work-life balance of police staff. This includes the publication of rest days 12 months in advance and the new definition of Exigencies of Duty.

The following applies where forces are, either seeking to change published working patterns, or make ad hoc changes to individual rest-days 3 – 12 months in advance of any particular working day:

- Where forces propose a change to a published working pattern in a department or unit, this should be done in the normal way, via full consultation with the Trade Union Side in each force. The Police Staff Council expects full consultation to provide for Trade Unions to consult their members via the normal channels;
- Where forces request that police staff move to a different shift within a published working pattern, the Police Staff Council expects full consultation to take place with the individual(s) and their Trade Union;
- Under these circumstances set out in the two above bullet points, staff will not be eligible for the premium payments set out in clause 10 of Section 2 Pay;
- Where forces would like police staff to vary their individual working arrangements within a published working pattern, by working on a day not originally published/scheduled, the following apply:
  - The force requests that the employee works on a day not originally published/scheduled;
  - The employee decides whether to agree, or not, to the request;
  - If the request is agreed, the provisions set out in clause 10 of Section 2 Pay then apply;
  - If the employee does not agree, volunteers may be sought elsewhere.

The provisions set out at Section 2, clause 10.2 apply to all cases where staff agree to work on a day not originally published/scheduled.

## **Section 2 – Pay**

### **1. Pay spine**

The current Police Staff Council pay spine is included in the Handbook in its entirety.

### **4. Temporary higher responsibilities**

The threshold for police staff to become eligible for pay at a higher grade if they are acting up in a role is shortened from 15 to 10 working days, and non-consecutive days of acting up can be aggregated towards the 10 day threshold in any one financial year.

### **6. Payments for working additional hours**

The previous system of overtime, in which pre-authorized additional hours (overtime) were paid at a premium rate, is changed to one in which additional hours will be paid at either, plain time rate, or premium rate, depending on the time of the day/week that the hours are worked.

The following table sets out what rates apply:

	07:00 – 19:00	19:00 – 07:00
Monday – Friday	0	0.5
Saturday	0.5	0.5
Sunday	0.5	0.5
Public Holiday	1	1

0 = plain time

0.5= time and a half

1= double time

Flexi-time will not normally count towards additional hours unless permitted under the rules of the force's flexi-time scheme.

### **7. Payments for working unsocial or irregular hours**

Clauses 7.3.1 and 7.3.2 have been amended so that the thresholds to qualify for the allowances are pro-rata to hours worked, thereby allowing part-timers to access these payments.

### **9. Payment for short notice changes to start times**

This clause has been changed to:

- Require the agreement of the member of staff to the short notice change to start time;

- Make the premium payment available to all staff, whether shift workers, or 9-5 workers;
- give an employee who agrees to change his/her published start time by three hours or more at less than 5 days' notice, an additional payment for the actual number of hours worked up to a maximum of 7.4 hours.

#### **10. Payments and other arrangements for an employee who works on a day not originally published/scheduled**

This clause has been changed in line with the principle that all allowances should be equally available to all police staff, whether shift worker or 9-5 worker, so references to 'rostered' have been removed from this section and replaced with 'published/scheduled'.

There are a number of changes in this clause, compared to the 2004 Handbook.

These are:

- References to 'requirements' to work on a day not originally rostered have been removed, so police forces will have to seek the agreement of staff to work on a day not originally planned/scheduled;
- The allowances for working on a day not originally planned/scheduled will now be available to Monday-Friday/9 – 5 staff as well as shift workers. So a member of staff who normally works Monday to Friday, and who is asked at short notice to work on a Saturday, will qualify for the allowances. The allowances will only be paid where the police force asks for the work to be undertaken on a day not originally planned/scheduled.
- Staff who agree to work under these arrangements will then be entitled to the following allowances:
  - 10.1 The allowances for working on a day not originally planned/scheduled at less than five days' notice will change from overtime and a day off in lieu to payment at the appropriate additional hours rate (see table above) for the actual hours worked and time off in lieu equal to the actual number of hours worked;
  - 10.2 The allowances for working on a day not originally rostered/planned at more than five days' notice will change from overtime, or a day off in lieu, to payment at the appropriate additional hours rate (see table above) for the actual number of hours worked, or time off in lieu equal to the actual number of hours worked;

During negotiations over the revisions to the Police Staff Council Handbook, the 15 day upper limit on eligibility for payment for short notice requirements to work on a day not originally published/scheduled was removed, so the new clause 10.2 means that whenever a force would like police staff to vary their individual working arrangements within a published working pattern, by working on a day not originally published/scheduled, during the 12 month period prior to the day in question, and the employee agrees, the employee affected can claim under clause 10.2.

- 10.4 A new provision is introduced here, namely if time off in lieu is not taken within a three month period it will be paid instead automatically in the next available pay run at the appropriate rate.

## **11. Separate entitlements and methods of calculation**

No change.

## **12. Payments for working on public holiday**

This clause has been changed as follows:

- The payments are now available to both shift workers and 9-5 workers
- Payment for the bank holiday will be as follows:
- ~~Pay for the actual number of hours worked;~~ **Normal pay for the day**
- An additional payment at basic salary rate for the actual number of hours worked;
- Time off in lieu for the actual number of hours worked.

## **13. Payment for standby duty and call outs**

13.2 Clause will include the current rate of standby allowance (£29.17 with effect from 1 September 2016). The allowance will be payable for all periods of standby, and is qualified by a new clause: ‘...which is outside of an employee’s normal contracted working hours.’

## **15. First aider allowance**

This clause is changed to make clear that the first aider allowance is only payable to staff who are ‘...qualified designated workplace first aiders...’ This means staff who have volunteered, outside of the requirements of their job description, to volunteer as workplace first aiders. Staff who are required to hold a first aid qualification as part of their job description will not be eligible for the allowance, unless they are also a volunteer workplace first aider. A job description requirement for the first aider qualification should be measured and rewarded via job evaluated basic pay.

## **16. Payment to interpreters/translators**

This clause has been amended to replace reference to the ‘National Register of Interpreters/Translators’ with ‘NRPSI - National Register of Public Service Interpreters.’

## **17. Payments for overnight absences**

This is a new section which introduces the same overnight allowance for police staff that police officers currently receive for overnight allowances on mutual aid etc. It is not meant to cover ordinary overnight absences, or absences arising as a usual part of an employee’s work, such as residential training courses, and will only be paid in

circumstances where police officers would also receive the allowance and the absence has been authorised in advance.

## **18. Holiday pay**

This is a new section which incorporates in the 2017 Handbook the Police Staff Council agreement that, for the purpose of the four weeks (20 days) annual leave payment, under Regulation 13 of the UK Working Time Regulations, police forces should reckon the following as 'normal remuneration' for payment:

- All forms of non-contractual overtime;
- Standby;
- Acting up allowances.

## **Section 3 - Leave**

Summary: new sections added/amended to bring the Handbook in line with the provisions of the 2015 Children and Families Act.

### **1. Annual leave**

1.1 The minimum annual leave entitlement for police staff increases from 22 to 23 days on appointment, and from 27 days to 28 days after five years' service. This is an increase in annual leave entitlement for police staff in those forces which currently give 22 day's leave on appointment and 27 days after five years' service. This increase has no impact for staff in forces which currently give more than 22/27 days annual leave.

1.2 In the 2004 Handbook this clause read as follows:  
'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...'

In the 2017 Handbook, the reference to 'months' is changed to 'days' which will allow staff to count all service towards their annual leave entitlement, not just full months. This represents a small benefit to police staff in their first year of employment.

1.4 This clause in the 2004 Handbook has been split into two new sections: 1.4 and 1.5 to provide greater clarity for the reader; no change in content itself.

### **4. Adoption leave and pay**

This section has been updated in line with statutory changes to adoption leave entitlements from 5 April 2015. All employees are entitled to 52 weeks adoption leave.

Pay for police staff during adoption leave has been significantly increased to bring it in line with that of police officers. In the 2004 Handbook police staff were entitled to statutory adoption pay as follows:

- 90% of their gross average weekly earnings for the first 6 weeks;
- £139.58 a week or 90% of their gross average weekly earnings (whichever is lower) for the next 33 weeks.

In the 2017 Handbook, pay during adoption leave for police staff who have completed one year's continuous service, ending with the week in which the employee is notified of having been matched with a child is:

- 18 weeks at full pay.(Employees can elect, with the agreement of the employer, to extend their final five week's full pay to 10 weeks at half pay);
- 21 weeks at statutory adoption rate (see above);
- 13 weeks unpaid;
- The pay to which an employee is entitled shall be reduced, in respect of any week for which the employee receives statutory adoption pay by an amount equal to the statutory adoption pay;
- The half pay to which an employee is entitled shall be reduced, in respect of any week for which the member receives statutory adoption pay, by an amount equal to half of the statutory adoption pay that the member receives for that week.

In addition a provision included is that payments made by the employer shall be made on the understanding that the employee will return to work for the employer for a period of at least one month. This period may be varied by the employer on good cause being shown. In the event of the employee not returning to work for the one month period, he/she shall refund the monies paid, or such part thereof, if any, as the employer may decide. Payments made to the employee by way of Statutory Adoption Pay are not refundable.

## **5. Surrogacy**

There is a new section in the Handbook which takes into account statutory changes after 5 April 2015 as follows:

- Where a couple has a parental order in relation to a surrogate child, one of the parents can be eligible for adoption leave and pay and the other can be eligible for paternity leave and pay.

## **7. Shared parental leave**

This is a new section in the Handbook which provides a link to the Department for Work and Pensions guidance on the statutory entitlement to shared parental leave from 5 April 2015. Included in the new clause is the following:

'Employers and recognised Trade Unions agree are recommended to agree policies for shared parental leave.'

## **Section 4: Sickness provisions**

1.4 References to ‘...short or long term incapacity benefit...’are replaced by reference to ‘Employment Support Allowance’.

2.2 Reference to ‘Department for Social Security’ is changed to ‘Department for Work and Pensions’.

## **Section 5 - Maternity provisions**

### **4. Maternity leave entitlement**

This section of the 2017 Handbook has been significantly improved by bringing the maternity leave of police staff in line with the more generous maternity leave enjoyed by police officers.

In particular:

- Total maternity leave is increased from 12 months to 15 months;
- Maternity leave can be taken in one or more periods;
- Maternity leave can start up to 6 months in advance of the expected date of birth;
- The employee can return to work, for example to attend court or training, and then resume maternity leave;
- The employee can take annual leave during a break in maternity leave;
- The employee can carry over any unused annual leave to the following leave year.

4.3 New section as follows: ‘Leave taken as maternity leave will be reckonable for incremental pay, annual leave purposes and count as continuous service. An employee is entitled to buy back, for pension purposes, reckonable service in respect of any period of maternity leave.’

### **Keeping in Touch (KIT) Days**

4.4 This is a new section setting out the new statutory entitlement to keeping in touch days. An employee may work for up to 10 KIT days during maternity leave. Employers and trade unions are encouraged to agree policies for KIT days.

### **5. Maternity pay**

5.2 This new section sets out the following increases in maternity pay for police staff, with one year’s continuous service at the 11<sup>th</sup> week before the expected week of confinement:

- Old maternity pay: 6 weeks @ 9/10ths of full pay and 12 weeks @ half pay;
- New maternity pay: 18 weeks @ full pay.

This is therefore an increase of just over 6 week’s maternity pay at full pay.

5.2.2 New clause which allows employees to extend their final five weeks of occupational maternity pay to ten week's at half pay, subject to the agreement of their employer.

5.3 The period of time that a woman has to return to work in order not to forfeit her 18 weeks full maternity pay has been shortened from three months to one month, to bring police staff in line with police officers.

5.4 New section as follows: 'The pay to which an employee is entitled to under paragraph 5.2.1 shall be reduced, in respect of any week for which the employee receives statutory maternity pay by an amount equal to the statutory maternity pay. The half pay to which an employee is entitled under paragraph 5.2.2 shall be reduced, in respect of any week for which the member receives statutory maternity pay, by an amount equal to half of the statutory maternity pay that the member receives for that week.'

## **7. Exercise of the right to return to work**

7.1 Return before the end of the maternity leave period

Section updates previous section in line with legislation, i.e. there no longer being any difference in the notice periods required to return before the end of maternity leave between ordinary and additional maternity leave. In both cases the notice required is now 21 days.

## **8. Relationship with sick leave and annual leave**

This is a new section in the Handbook which sets out the following provisions:

8.4 Confirms that employees on maternity leave continue to have entitlement to annual leave.

8.5 Confirms that if this annual leave cannot be taken in any one leave year due to maternity leave, it can be carried over into the next leave year.

## **Section 6: Appointments and Allied Arrangements**

### **3. Equality and diversity**

In this section the reference to 'Equal Opportunities' has been replaced with the term 'Equality'. The reference to the Police Staff Council statement on wider equal opportunities and diversity considerations, set out here in the 2004 Handbook, has been removed as it was never added to the Handbook.

### **4. Membership of unacceptable organisations**

New section which incorporates the Police Staff Council recommended adoption of the 2006 ACPO policy on unacceptable organisations (BNP, National Front, Combat 18): PSC Joint Circular 39 refers.

### **5. Standards of professional behaviour**

This is a new section which incorporates the 2008 Standards of Professional Behaviour in the main body of the Handbook.

## **6. Management of business interests**

New section, which incorporates the 2012 ACPO policy on the management of business interests for police staff into the main body of the Handbook.

## **7. Continuous service**

7.2 Revised section which contains an updated list of those associated police employers, with which continuous previous service will count for the purpose of entitlements to: annual leave, sick leave, and maternity scheme.

7.4 New section which incorporates the Police Staff Council agreement on protection of continuous service in the event of a voluntary job move back to police service employment following outsourcing under TUPE or Cabinet Office Statement of Practice on Staff Transfers in the Public Sector.

## **Section 7: Travel and Subsistence**

### **3. Car allowances**

3.1 There is no change to the essential car user lump sums and mileage rates, with the exception that the mileage rate for cars with an engine size 1200 – 1450 cc is reduced from 50.5p/mile to 45p/mile for the first 8,500 miles. This is to tie in with the proposals at 3.2 to revise the casual car user rates.

3.2 All existing casual car user mileage rates are replaced with a single rate, namely Her Majesty's Revenue and Customs approved mileage allowance, which is currently 45p/mile for the first 10,000 miles and 25p/mile thereafter.

### **4. Motorcycle and Bicycle allowances**

The following HMRC allowances have been agreed and included in the Handbook,

- **Motorcycles:** 24p/mile
- **Bicycles:** 20p/mile

## **Section 8: Payments in the event of death or permanent disablement arising from assault**

1.2.1 The compensation amounts have been increased from £35,000 to £60,000 or five years' gross remuneration (whichever is the greater and the time of assault). In addition, where the employee has left no dependants, the sum of £2000 shall be payable when previously it was £950. These changes reflect the annual pay increases since the last Handbook review in 2004.