

DETERMINATIONS OF THE SECRETARY OF STATE UNDER THE POLICE REGULATIONS 2003

The Secretary of State, in exercise of the powers conferred by regulations 22, 24, 25, 26, 29, 34 and 35 of the Police Regulations 2003 (SI 2003/537), as amended, makes the following determination.

In accordance with the requirements of regulation 46 of the Police Regulations 2003, the Secretary of State has taken into consideration the recommendations made by the Police Negotiating Board and supplied that Board with a draft of this determination, and has supplied the Police Advisory Board for England and Wales with a draft of this determination and taken into consideration the representations made by that Board.

This determination has effect from 1st April 2012, save that the amendment to the determination made under regulation 29 of the Police Regulations 2003 (Annex L – Maternity Pay) has effect in relation to any period or periods of maternity leave for which the expected date of birth is 1st April 2012 or a later date.

The Secretary of State has determined that—

1) In the determination under regulation 22 of the Police Regulations 2003 (Annex E – Duty), in paragraph (2) (variable shift arrangements), for sub-paragraph (a) there shall be substituted the following:

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

- i) announce that he intends to bring into operation variable shift arrangements for all or any particular class of members below the rank of inspector (below the rank of superintendent for part-time members); and
- ii) bring the arrangements into operation not less than 30 days after the announcement.”.

2) In the determination made under regulation 24 of the Police Regulations 2003 (Annex

F – Pay) —

a) after Part 1 (gain from promotion) there shall be inserted the following:

“ANNEX F (Part 1A)

**SUSPENSION OF INCREMENTAL PROGRESSION FOR
CONSTABLES, SERGEANTS, INSPECTORS AND CHIEF
INSPECTORS**

1) Save as set out in the remaining paragraphs of this Part, no member in the rank of constable, sergeant, inspector or chief inspector shall move to a higher pay point in the relevant period.

2) A member who completes initial training in the relevant period shall move to the relevant pay point in the table in Part 2 (constables’ pay with effect from 1st September 2010).

3) A member who completes two years’ service as a constable in the relevant period shall move to pay point 2 in that table.

4) A constable on pay point 2 in that table who completes a further year’s service in the relevant period shall move to the next pay point on doing so.

5) In this Part “the relevant period” means the period from 1st April 2012 to 31st March 2014.”;

b) in Part 6(i) (superintendent’s pay with effect from 1 September 2010) —

i) under the heading “*Incremental Progression*”, before the paragraph beginning “Protected pay arrangements with effect from 1 January 2002”, there shall be inserted the following words:

“Incremental progression and the award of non-pensionable payments under the preceding paragraphs is suspended in the period from 1 April 2012 to 31 March 2014, save as follows. Those paragraphs continue to apply in relation to a PDR rating awarded in respect of a reporting year ending before 1 April 2012 which has not yet resulted in any increment or

payment being awarded by that date.”;

ii) after the paragraph headed “performance-related bonus” there shall be inserted the following words:

“The award of performance-related bonuses under the preceding paragraph is suspended in the period from 1 April 2012 to 31 March 2014, save as follows:

a) That paragraph continues to apply in relation to a PDR rating awarded in respect of a reporting year ending before 1 April 2012 which has not yet resulted in any bonus being awarded by that date. In this circumstance the member will be entitled to the full bonus under the preceding paragraph.

b) That paragraph continues to apply in relation to a PDR rating awarded in respect of a reporting year beginning before 1 April 2012 and ending after that date. In this circumstance the member will be entitled to a sum calculated by multiplying the full bonus under the preceding paragraph by $N/12$, where N is the number of full months in the period beginning with the start of the reporting year and ending on 31 March 2012.”;

g) in Part 6(ii) (superintendent’s pay with effect from 1 September 2010 – Range 2 protected pay scale)—

i) before the heading “central service posts” there shall be inserted the following words:

“Incremental progression and the award of non-pensionable payments under the preceding paragraphs is suspended in the period from 1 April 2012 to 31 March 2014, save as follows. Those paragraphs continue to apply in relation to a PDR rating awarded in respect of a reporting year ending before 1 April 2012 which has not yet resulted in any increment or payment being awarded by that date.”;

ii) at the end of the Part there shall be inserted the following words:

“The award of performance-related bonuses under the preceding paragraph is suspended in the period from 1 April 2012 to 31 March 2014, save as follows:

a) That paragraph continues to apply in relation to a PDR rating awarded in respect of a reporting year ending before 1 April 2012 which has not yet resulted in any bonus being awarded by that date. In this circumstance the member will be entitled to the full bonus under the preceding paragraph.

b) That paragraph continues to apply in relation to a PDR rating awarded in respect of a reporting year beginning before 1 April 2012 and ending after that date. In this circumstance the member will be entitled to a sum calculated by multiplying the full bonus under the preceding paragraph by $N/12$, where N is the number of full months in the period beginning with the start of the reporting year and ending on 31 March 2012.”;

h) in Part 7 (chief superintendent’s pay)—

i) before the heading “central service posts” there shall be inserted the following words:

“Incremental progression and the award of non-pensionable payments under the preceding paragraphs is suspended in the period from 1 April 2012 to 31 March 2014, save as follows. Those paragraphs continue to apply in relation to a PDR rating awarded in respect of a reporting year ending before 1 April 2012 which has not yet resulted in any increment or payment being awarded by that date.”;

ii) after the paragraph headed “performance-related bonus” there shall be inserted the following words:

“The award of performance-related bonuses under the preceding paragraph is suspended in the period from 1 April 2012 to 31 March 2014, save as follows:

a) That paragraph continues to apply in relation to a PDR rating

awarded in respect of a reporting year ending before 1 April 2012 which has not yet resulted in any bonus being awarded by that date. In this circumstance the member will be entitled to the full bonus under the preceding paragraph.

b) That paragraph continues to apply in relation to a PDR rating awarded in respect of a reporting year beginning before 1 April 2012 and ending after that date. In this circumstance the member will be entitled to a sum calculated by multiplying the full bonus under the preceding paragraph by $N/12$, where N is the number of full months in the period beginning with the start of the reporting year and ending on 31 March 2012.”;

i) After Part 9 (competence related threshold payment for constables, sergeants, inspectors and chief inspectors), there shall be inserted the following:

“ANNEX F (Part 9A)

Regulation 24

SUSPENSION OF AWARD OF COMPETENCE RELATED THRESHOLD PAYMENT

1) Subject to the remaining paragraphs of this Part, no new applications for a competence related threshold payment shall be entertained in the relevant period.

2) The only applications made before 1st April 2012 that shall continue to be dealt with in accordance with Part 9 during the relevant period are those in the case of which the member’s relevant service had entitled him to be at the top of the pay scale for his rank for at least one year by that date.

3) For the avoidance of doubt, a re-application by an officer who was in receipt of a competence related threshold payment as at 31st March 2012 is not a new application for the purposes of paragraph (1).

4) In this Part “the relevant period” means the period from 1st April 2012 to 31st March 2014”.

3) In the determination under regulation 25 of the Police Regulations 2003 (Annex G – Overtime)—

a) in paragraph (1), sub-paragraph (h)(iii) shall be omitted;

b) in paragraph (3), sub-paragraph (f) shall be omitted.

4) In the determination made under regulations 24 and 26 of the Police Regulations 2003 (Annex H – Public Holidays and Rest Days)—

a) in paragraph (1) (rostered rest days and public holidays)—

i) for sub-paragraphs (c) to (e) there shall be substituted the following:

“c) The fraction is three sixty-fourths.

d) A member of a police force of the rank of constable or sergeant shall, if required to do duty on a day which is a public holiday, be granted:

i) where he receives less than 8 days’ notice of the requirement:

- 1) an allowance at the appropriate rate and, in addition,
- 2) another day off in lieu thereof, which shall be notified to him within 4 days of the notification of the requirement, and which shall be treated for the purposes of this determination as a public holiday;

ii) in any other case, an allowance at the appropriate rate.

e) A member of a police force of the rank of constable or sergeant who is required to do duty on a day which is a public holiday or a rostered rest day may, within 28 days of the day in question, elect to receive, in lieu of an allowance as mentioned in sub-paragraph (a)(i) or (d), time off equal:

i) in the case of a day which is a public holiday, to double, and

ii) in the case of a rostered rest day, to one and a half times,

the period of completed quarters of an hour of duty on the day in question.”;

ii) after sub-paragraph (j) there shall be inserted the following:

“k) A member of a police force shall not be given less than 15 days’ notice of a requirement to do duty on a day which is a public holiday without the authorisation of a member of a police force of a rank above that of chief superintendent.”;

b) in paragraph (2) (part-time constables and sergeants), for sub-paragraph (b) there shall be substituted the following:

“b) The fraction is one eighth.”.

5) In the determination made under regulation 29 of the Police Regulations 2003 (Annex L – Maternity Pay)—

a) in paragraph (1), for the words “three months” there shall be substituted “eighteen weeks”;

b) after paragraph (6) there shall be inserted the following:

“(7) A female member of a police force entitled to be paid as respects the first eighteen weeks of any period or periods of maternity leave may, with the agreement of the chief officer, elect to receive half pay in the fourteenth to the twenty-third weeks of the period or periods, instead of receiving full pay in the fourteenth to the eighteenth weeks.”.

6) In the determination made under regulation 34 of, and Schedule 2 to, the Police Regulations 2003 (Annex U – Allowances)—

a) in paragraph (1) (motor vehicle allowances), for sub-paragraph (g) there shall be substituted the following:

“g) **Motor Vehicle Allowances**

Rate, with effect from 1 April 2012

Essential users

Lump sum per annum	£846	£963	£1,239
Per mile - first 8,500 miles	36.9p	40.9p	50.5p
Per mile - after 8,500 miles	13.7p	14.4p	16.4p
Petrol element per mile	9.406p	10.366p	11.288p
Amount of VAT per mile in petrol element	1.567p	1.727p	1.881p

Casual users

Per mile - first 8,500 miles	46.9p	52.2p	65.0p
Per mile - after 8,500 miles	13.7p	14.4p	16.4p
Petrol element per mile	9.406p	10.366p	11.288p
Amount of VAT per mile in petrol element	1.567p	1.727p	1.881p”;

b) after paragraph (7) (special priority payments) there shall be inserted the following:

“7A) ABOLITION OF SPECIAL PRIORITY PAYMENTS

a) Special priority payments are abolished and, subject to sub-paragraph (c), paragraph (7) of this determination has no further effect.

b) Special priority payments paid on a monthly basis shall not be paid after 31 March 2012.

c) A member who, but for sub-paragraph (a), would have been entitled to receive a lump sum in December 2012 on account of a special priority payment paid on an annual basis, shall instead receive a lump sum of one quarter of the annual amount to reflect the member’s service in the qualifying post between 1 January 2012 and 31 March 2012.”;

b) after paragraph (9) (post-related allowances for chief superintendents) there shall be inserted the following:

“10) UNSOCIAL HOURS ALLOWANCE

a) A member of a police force in the rank of constable, sergeant, inspector or chief inspector shall be paid an allowance, to be known as the unsocial hours allowance, in respect of every full hour worked by the member between 8pm and 6am.

b) Subject to the transitional arrangements set out in sub-paragraphs (c) to (f), the unsocial hours allowance shall be paid at an hourly rate of 10% of the member's hourly rate of pay, calculated by multiplying by 6/125200 the member's annual rate of pay.

c) Until 1 January 2014 the unsocial hours allowance may be paid monthly in arrears at a fixed rate in respect of any month in which the member works any hours between 8pm and 6am, rather than by reference to the hours worked by the individual member.

d) The fixed rate for a full-time member working a standard eight-hour alternating shift system for a four team pattern is as follows:

- i) £100 for constables;
- ii) £125 for sergeants;
- iii) £160 for inspectors;
- iv) £175 for chief inspectors.

e) The rates in sub-paragraph (d) may be altered by the chief officer where different shift arrangements apply.

f) The fixed hourly rate for a part-time member shall be calculated by multiplying by 9/1565 the rate for the member's rank in sub-paragraph (d), or such other rate as the chief officer has determined under sub-paragraph (e).

11) AWAY FROM HOME OVERNIGHT ALLOWANCE

a) A member of a police force in the rank of constable, sergeant, inspector or chief inspector shall be paid an allowance of £50, to be known as the away from home overnight allowance, in respect of every night on which the member is held

in reserve.

b) Subject to sub-paragraph (c), a member is held in reserve for the purposes of this paragraph if the member is serving away from his normal place of duty (whether because the member has been provided for the assistance of another police force under section 24 of the Police Act 1996 or otherwise) and is required to stay in a particular, specified place rather than being allowed to return home.

c) A member is not held in reserve if the member is serving away from his normal place of duty only by reason of being on a training course or carrying out routine enquiries.

12) HARDSHIP ALLOWANCE

a) A member of a police force shall be paid an allowance of £30, to be known as the hardship allowance, in the circumstances set out in sub-paragraph (b).

b) The allowance shall be paid in respect of every night when the member:

i) is held in reserve, within the meaning of paragraph (11), and

ii) is not provided with proper accommodation.

c) For the purposes of sub-paragraph (b)(ii) “proper accommodation” means a room for the sole occupation of the member, with an en suite bathroom.”

7) In the determination made under regulation 35 of the Police Regulations 2003 (Annex V – Expenses) -

a) For paragraph 2, Removal expenses, there shall be substituted the following:

“ANNEX V

Regulation 35

“EXPENSES

2) REMOVAL EXPENSES

- a) Where a member of the police force moves his home in circumstances to which this sub-paragraph applies, the police authority, in accordance with its published policy -
- i) shall either reimburse the reasonably incurred cost of removal or carry out the removal;
 - ii) shall, where the member was the owner of his former home, reimburse expenses reasonably incurred by him—
 - (1) in connection with the disposal thereof, or
 - (2) in a case where and to the extent that the chief officer of police so decides, in connection with the renting of that former home to tenants.
 - iii) shall, where the member is the owner of his new home, reimburse expenses reasonably incurred by him in connection with the acquisition thereof if-
 - (1) he was the owner of his former home, or
 - (2) the police authority, after consulting the chief officer of police, are satisfied that he could neither have been provided with a suitable house or quarters nor have been reasonably expected to find suitable rented accommodation within a reasonable distance of his normal place of duty,

so, however, that where the police authority are of opinion that the member could have acquired a suitable home for a consideration less than that actually paid, they may restrict the reimbursement of expenses directly related to the consideration paid by him to expenses which would have been reasonably incurred had he paid that lesser consideration;
 - iv) shall reimburse the member payments made by him to meet relevant liabilities in respect of the first 26 weeks following the move and may, if they think fit, reimburse him such payments in respect of such further period as they may determine so, however, that where the police authority are of opinion that the member has not taken all reasonable steps to reduce or terminate his liability to make such payments as

aforesaid they may restrict the reimbursement to payments which the member would have been liable to make had he taken all such steps; and

v) shall reimburse tax liabilities incurred by the member as a consequence of payments made by the police authority under this sub-paragraph.

b) Sub-paragraph (a)—

i) applies where the member moves his home on joining the force in the rank of assistant chief constable or a higher rank, and

ii) otherwise applies with the exception of sub-paragraph (a)(v) where the member moves his home, except as a consequence of joining the force otherwise than on being statutorily transferred thereto, and the removal is, in the opinion of the chief officer of police, due to the exigencies of police duty or is made at the request of the chief officer of police and is, in his opinion, in the interests of the efficiency of the force.

c) For the purposes of sub-paragraph (a)(iv) relevant liabilities are-

i) liabilities in respect of mortgage interest or rent payable in connection with his former home; and

ii) in respect of any days in respect of which he is liable to pay council tax in respect of his former home, the amount by which that tax and any council tax he is liable to pay in respect of his new home exceeds the council tax that he would have been liable to pay in respect of his former home if he had not moved from it.

d) Where the cost of removal is reimbursed or the removal is carried out by the police authority under sub-paragraph (a) the police authority shall reimburse

i) an item of expenditure incidental to the move and not otherwise covered in this determination if the member can satisfy the police authority of the necessity of the expenditure.

ii) where he satisfies the police authority that, in consequence of the move, he has failed to benefit, in whole or in part, from expenditure reasonably

incurred by him prior to the move (other than such payments as are referred to in sub paragraph (a)(iv)), the whole or the proportionate part of that expenditure so far as it is not recoverable by him.

- e) To qualify for reimbursement, an item of removal expenditure must be necessary, reasonable and backed by a receipt.
- f) In this determination-
 - i) any reference to an owner of any property is a reference to an occupier thereof whose interest therein is either a freehold interest or a leasehold interest which is neither a yearly or shorter tenancy nor a furnished tenancy, and
 - ii) any reference to expenses incurred in connection with the disposal or acquisition of any property shall be construed as including, in particular, estate agent's, auctioneer's, surveyor's and solicitor's fees, stamp duty and expenses in connection with the redemption, transfer or taking out of a mortgage; and any reference to expenses incurred in connection with the acquisition of any property shall be construed as also including expenses in connection with the contemplated acquisition of a property other than that acquired.”