

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

The Secretary of State, in exercise of the powers conferred by regulations 12, 24, 27, 29, 33 and 34 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 of the Police Negotiating Board and supplied that Board with a draft of this determination.

Home Office  
2012

Minister of State

The Secretary of State has determined that for paragraph (5)(e) of Annex C of the Determinations under the Police Regulations 2003 there shall be substituted the following paragraph (5)(e). This substitution shall have effect from 5th October 2008.

“e) in reckoning service in the case of a female member of a police force who has taken one or more periods of maternity leave -

- (i) where that leave has been for 52 weeks or more, the first 52 weeks whilst on maternity leave shall be treated as if it were service in the police force; and
- (ii) where that leave that leave has been for less than 52 weeks, any period spent on maternity leave shall be treated as if it were service in the police force.”

The Secretary of State has determined that for Annex F of the Determinations under the Police Regulations 2003 there shall be substituted the following Annex F. This substitution shall have effect from 1 February 2012.

**“ANNEX F (Part 9)**

**Regulation 24**

**COMPETENCE RELATED THRESHOLD PAYMENT FOR CONSTABLES, SERGEANTS, INSPECTORS AND CHIEF INSPECTORS**

1) With effect from 1 April 2003, a member in the rank of constable, sergeant, inspector or chief inspector whose service as reckoned under regulation 24 or, where applicable, section 97(3) of the Police Act, has entitled him for at least one year to be at the top of the scale applied to his rank as shown in Parts 2, 3, 4 and 5, and who makes an application in accordance with paragraph (3), shall receive a competence related threshold payment at the appropriate rate a year, provided that his determining officer has determined that he has demonstrated high professional competence under each of the following national standards:

- Professional competence and results
- Commitment to the job
- Relations with the public and colleagues
- Willingness to learn and adjust to new circumstances.

2) High professional competence is reached under a national standard by demonstrating competence against each of the following criteria listed under the standard to which they are related-

- Professional competence and results
  - effective organisation of work to meet the demands of the applicant’s role;
  - commitment to Police Service values;
  - commitment to health and safety requirements; and
  - compliance with the Code of Conduct.
- Commitment to the job
  - commitment to achieving Force objectives;
  - commitment to personal and professional development; and
  - commitment to achieving high levels of attendance.

- Relations with the public and colleagues
    - promoting equality, diversity and human rights in working practices;
    - contributing to the Force's response, recognising the needs of all relevant communities; and
    - working as part of a team.
  - Willingness to learn and adjust to new circumstances
    - making best use of available technology; and
    - demonstrating an openness to change.
- 3) The member in his application shall use the appended form, or a form to like effect. The member, except as provided in paragraph (12) or (13), shall include examples relating to performance over the two years prior to the date of the application. The completed form shall be submitted to the member's assessing officer. The assessing officer shall complete in the relevant sections of the form his assessment as to whether or not the examples contained in the application are indicative of high professional competence against each of the four national standards. The assessing officer shall then submit the form to the member's determining officer.
  - 4) The member's determining officer shall consider the assessing officer's assessments and determine whether or not payment should be made under this Part of this determination.
  - 5) The assessment and the determination shall be completed, and the applicant notified in writing of the decision, by no later than 21 days after receipt of the completed application by the assessing officer. In exceptional cases, this period may be extended to 30 days if either the assessing officer or determining officer requires more information.
  - 6) Successful applicants, including those who are successful on appeal, shall receive the payment with effect from the date at which they become eligible or the date of application, whichever is the later. Unsuccessful applicants shall be entitled to receive written feedback on their application from the determining officer and oral feedback from their assessing officer, and shall be entitled to appeal the decision not to award the payment. If appealing, the member shall explain in writing the reasons for disputing the decision. The member's appeals officer shall undertake the review of the decision.

Grounds for appeal shall be restricted to one or both of the following:

- the assessing officer or determining officer did not properly take account of the material presented;
- the assessing officer or determining officer took account of irrelevant or inaccurate factors.

The appeals officer shall reconsider the decision in the light of the information provided. The outcome of the appeal shall be final. If necessary, the appeals officer may seek additional information from any party to the process. The applicant shall be notified of the decision in writing within 21 days of submitting the appeal.

7) Where a force identifies, under any formal management procedures, including any performance assessment process operated by the force, concerns with respect to the maintenance of high professional standards by a member in receipt of the payment, the member's entitlement to the payment shall be re-assessed. In these circumstances, the member, having been notified in writing of the causes for concern, may resubmit an application as outlined in paragraph (3) and it shall be considered as outlined in paragraphs (4) and (5), and the right of appeal as outlined in paragraph (6) shall apply.

8)

a) Subject to (b) and (c), when a member in receipt of the payment is promoted to a higher rank, the payment shall be discontinued with effect from the date the promotion takes effect, except that, where, at any time on or after that date the annual rate of pay of a member in the higher rank is lower than the total of

- i. the member's annual rate of pay at the lower rank, and
- ii. the rate of the payment made under this Part, and
- iii. an annual sum of £450

he shall be paid at the same annual rate of pay and rate of payment under this Part as if he had not been promoted, plus an annual sum of £450 per annum.

b) A member who is reduced in rank otherwise than as mentioned in subparagraph (c) shall receive the payment from the date at which he returns to the lower rank

c) A member who was in receipt of the payment before promotion to a higher rank and has been reduced in rank as a result of formal action under the Police

(Efficiency) Regulations 1999 or the Police (Conduct) Regulations 2004 shall not be entitled to the payment when returned to the lower rank, but may resubmit an application as outlined in paragraph (3) and the application shall be considered as outlined in paragraphs (4) and (5) and the right of appeal as outlined in paragraph (6) shall apply.

9) When a member in receipt of the payment is temporarily promoted to a higher rank, the payment shall be discontinued with effect from the date the temporary promotion takes effect until the period of temporary promotion ends, except that, where, at any time during the temporary promotion the annual rate of pay of a member in the higher rank is lower than the total of

- a) the member's annual rate of pay at the lower rank, and
- b) the rate of the payment made under this Part, and
- c) an annual sum of £450

he shall be paid at the same annual rate of pay and rate of payment under this Part as if he had not been promoted, plus an annual sum of £450 per annum.

10) Paragraphs 8 and 9 shall to apply to part-time members with the following modifications:

- a) every reference to "member" shall be read as a reference to "part-time member",
- b) every reference to "annual rate of pay" shall be read as a reference to "hourly rate of pay",
- c) the words "rate of the payment under this Part" and "rate of payment under this Part" shall be read as "hourly rate of payment under this Part, calculated in accordance with paragraph 12",
- d) the words "annual sum of £450" shall be read as "additional hourly rate calculated by multiplying by 6/12520 the sum of £450".

11) Subject to paragraph (7), where a member in receipt of the payment is seconded, he shall receive the payment from the date of his return to the seconding force.

12) The hourly rate of pay of a part-time member entitled to this payment shall be increased by a sum obtained by multiplying by 6/12520 the appropriate rate.

13) A member who, at the time of her application, is on maternity leave in accordance with Regulation 33(4) and any determination thereunder shall in her application cite examples relating to performance from the two year period ending with the start of her maternity leave.

14) A member who, at the time of his application, is absent from duty on account of injury or illness in accordance with Regulation 33(2) and any determination

thereunder shall in his application cite examples relating to performance from the two year period ending with the start of his absence under that Regulation.

15) In this determination-

“appropriate rate” means:

From 1 <sup>st</sup> April 2003	£1002 per annum
From 1 <sup>st</sup> September 2004	£ 1032 per annum
From 1 <sup>st</sup> September 2005	£ 1062 per annum
From 1 <sup>st</sup> September 2006	£ 1095 per annum
From 1 <sup>st</sup> September 2007	£ 1122 per annum
From 1 <sup>st</sup> September 2008	£ 1152 per annum
From 1 <sup>st</sup> September 2009	£1182 per annum
From 1 <sup>st</sup> September 2010	£1212 per annum

“assessing officer” means the person who has the immediate supervisory responsibility for the member concerned;

“determining officer” means a person who has supervisory responsibility within the police force concerned and who is senior in rank or grade to the assessing officer;

“appeals officer” means the person who has, for the time being, supervisory responsibility for the person who is, in relation to the member concerned, the determining officer.

16) Where neither the assessing officer nor the determining officer nor the appeals officer as defined in paragraph (14) is a member of a police force, then the chief officer shall appoint a suitable member of the police force to be the appeals officer for the member concerned.”

The Secretary of State has determined that for Annex I of the Determinations under the Police Regulations 2003 there shall be substituted the following Annex I. This substitution shall have effect from 1st February 2012.

## **“ANNEX I**

## **Regulation 27**

### **TEMPORARY SALARY**

- 1) After 28 consecutive days of being required to perform the duties normally performed by a member of the force of a higher rank than his own, an officer of a substantive rank of or above assistant chief constable will be paid at a rate equivalent to 90% of the higher rank's basic pay or receive an honorarium of an amount determined by the police authority.
- 2) Where a member of a police force-
  - (a) is entitled to 46 days of acting up allowance in respect of one continuous period of performing the duties normally performed by a member of the force of a higher rank than his own (under the determination under regulation 34 (Annex UU – acting up allowance));
  - (b) and at the end of such period of 46 days is required to continue to perform such duties,  
  
he shall be paid in respect of the period after the 46<sup>th</sup> day at a rate equal to the rate of pay of the member in that higher rank, if paragraph (3) applies.
- 3) This paragraph applies if-
  - (a) the member is a constable or sergeant and is not qualified for promotion; or
  - (b) the chief officer is required to respond to an overwhelming operational emergency that requires an immediate application.
- 4) A member shall not receive a temporary salary under paragraph (2) in respect of any day for which he is entitled to an acting up allowance under the determination made under regulation 34 (Annex UU – acting up allowance).
- 6) Where:
  - a) a member of a police force below the rank of inspector is entitled to be paid under paragraph (2),
  - a) the higher rank is that of inspector or above, and
  - a) the day on which the member is required to perform the duties referred to in paragraph (2) is not a public holiday or rostered rest day,

there shall be no entitlement to an allowance or time off under regulation 25 and any determination thereunder in respect of such duties.

- 7) Paragraph (2) shall not apply where:
  - a) a member of a police force below the rank of inspector is required to perform the duties normally performed by a member of the force of the rank of inspector or above, and
  - b) the day on which the member is so required to perform such duties is a public holiday or rostered rest day.

The Secretary of State has determined that for Annex J of the Determinations under the Police Regulations 2003 there shall be substituted the following Annex J. This substitution shall have effect from 1st February 2012.

**“ANNEX J**

**Regulation 27**

**TEMPORARY PROMOTION**

- 1) Subject to paragraph (2), where a member of a police force-
  - (a) is entitled to 46 days of acting up allowance in respect of one continuous period of performing the duties normally performed by a member of the force of a higher rank than his own (under the determination under regulation 34 (Annex UU – acting up allowance));
  - (b) and at the end of such period of 46 days is required to continue to perform such duties,  
  
he shall be temporarily promoted to the higher rank at the end of such period of 46 days, unless he is entitled to a temporary salary under paragraph (2) of the determination under regulation 27 (Annex I, temporary salary).
- 2) Where the member is-
  - (a) a constable, he shall not be temporarily promoted to the rank of sergeant;
  - (b) a sergeant, he shall not be temporarily promoted to the rank of inspector, unless he is qualified for the promotion under regulation 3 of the Police Promotion Regulations 1996.
- 3) While a member is temporarily promoted under this determination, he shall be paid at the pay point for the higher rank which he would receive if the promotion had been permanent.
- 4) A member temporarily promoted under this determination shall revert to his former rank when he is no longer required to perform the duties of the higher rank.

The Secretary of State has determined that for Annex L of the Determinations under the Police Regulations 2003 there shall be substituted the following Annex L. This substitution shall have effect from 1st February 2012.

**“ANNEX L**

**Regulation 29**

**MATERNITY PAY**

- 1) Subject to the following provisions of this determination, a female member of a police force who satisfies the conditions in paragraph (2) is entitled to be paid as respects the first three months of any period or periods of maternity leave in any one maternity period (as defined in the determination on maternity leave made under regulation 33) taken in accordance with the determination on maternity leave made under regulation 33, but is not entitled to be paid thereafter.
- 2) The conditions referred to in paragraph (1) are that:
  - a) at the beginning of the week in which the expected date of birth (as defined by the determination on maternity leave made under regulation 33) occurs, the female member of a police force will have served continuously for a period of not less than sixty three weeks in that or any other police force; and
  - b) on the date (“the relevant date”) fifteen weeks before the expected date of birth (as so defined) she either:
    - i. remains pregnant, or
    - ii. has given birth prematurely to a baby who is alive on the relevant date.
- 3) In this determination “week” means a period of seven days beginning with such day as is fixed by the chief officer.
- 4) For part-time members
  - a) A part-time woman member who satisfies the conditions in paragraph (2) is to be

treated for the purposes of regulation 24 (1) and any determination thereunder as having been on duty for the number of hours determined by multiplying the number of her determined hours by the length in days of the paid leave period and dividing the result by the length in days of the relevant period.

- b) For the purposes of paragraph (4)(a) the “determined hours” are the number of hours which the chief officer has determined under the determination under regulation 22(1)(a) (Annex E) as the member’s normal period of duty in a relevant period.
- 5) The pay to which a female member of a police force is entitled under this determination is to be reduced, in respect of any week for which she receives statutory maternity pay, by an amount equal to the statutory maternity pay that she receives for that week.
- 6) For the purposes of paragraph (5), “statutory maternity pay” means any payment made in accordance with Part XII of the Social Security Contributions and Benefits Act 1992 or any later enactment which replaces those provisions and is to the same or substantially similar effect.”

The Secretary of State has determined that for Annex R of the Determinations under the Police Regulations 2003 there shall be substituted the following Annex R. Part 1 of the new Annex R shall have effect from 5th October 2008, part 2 of the new Annex R shall have effect from 1st September 2006 and part 3 of the new Annex R shall have effect from 1st January 2011.

**“ANNEX R**

**Regulations 24 and 33**

**MATERNITY LEAVE AND ADOPTION LEAVE**

**Part 1 – Maternity Leave**

1) In this part of this determination:

“expected date of birth” means, subject to paragraph (4), the date given in accordance with paragraph (2)(b));

“maternity leave” means leave taken in accordance with the provisions of this part by a qualified member of a police force during the maternity period;

“maternity period”, in relation to such a member, means a fifteen month period which is elected by the member and which falls wholly within the period which :

(a) begins six months before the expected date of birth of the member’s child as given under paragraph (2) (b) or, as the case may be, paragraph (4) and

(b) ends 12 months after the date so given.

“qualified member” means a member of a police force who qualifies under paragraph (2).

2) Subject to the following provisions of this part of this determination and part 3, a female member of a police force qualifies for maternity leave when she has given to the chief officer of police notice stating:

- a) that she is pregnant;
  - b) the expected date of birth of her child; and
  - c) the date on which she intends to commence maternity leave or, where she proposes to take more than one period of maternity leave, the proposed dates of those periods.
- 3) A female member of a police force does not qualify for maternity leave where the chief officer of police has requested a certificate from a registered medical practitioner, registered midwife or registered health visitor setting out the matters referred to in paragraph (2)(a) and (b) and she fails to produce such a certificate.
  - 4) Where a certificate produced under paragraph (3) sets out a different date as the expected date of the birth of the child of the female member of a police force from the date given in accordance with paragraph (2)(b), the date given in the certificate shall have effect in place of the date given in the notice.
  - 5) A female member of a police force who is pregnant shall give the notice required by paragraph (2) as soon as reasonably practicable after she becomes aware of the expected date of birth of her child.
  - 6) The date or dates given in accordance with paragraph (2)(c) may be amended by a subsequent notice to the chief officer of police, provided that not less than 21 days' notice is given of the qualified member's intention to return to duty.
  - 7) A qualified member shall commence maternity leave no later than the date given in accordance with paragraph (2)(b) and, subject to paragraphs (8) and (9), the leave shall continue until the last day of the maternity leave.
  - 8) Where a qualified member intends to return to duty before the end of the maternity period after taking maternity leave, she shall give to the chief officer of police not less than 21 days' notice of her intention.

- 9) A notice under paragraph (8) may be subsequently revoked; and any such revocation shall be without prejudice to the giving of another notice under that paragraph of an intention to return to duty before the end of the maternity period.
- 10) During any period of maternity leave, a qualified member shall not be entitled to any sick leave under regulation 33(2) and the determination on sick leave thereunder.
- 11) In paragraph (10) “period of maternity leave” means the period:
- a) beginning on:
    - i) the date given in accordance with paragraph (2)(c) as the date on which the qualified member intends to commence maternity leave or, where she proposes to take more than one period of such leave, the first of those dates, or
    - ii) where that date or, as the case may be, the first of those dates has been amended by a subsequent notice under paragraph (6), that date; and
  - b) ending on:
    - i) where a notice has been given under paragraph (8) and has not been subsequently revoked, the date so given; or
    - ii) where no such notice has been given or remains in force, the last day of the maternity period.
- 12) The first 52 weeks of maternity leave shall be treated as relevant service for the purposes of calculating annual leave entitlement in accordance with determinations made under regulation 33 (Annex O).

## **Part 2 – Adoption Leave**

- 13) In this part of this determination:

“adoption leave” means any leave taken in accordance with the provisions of this part

“qualified member” means a member of a police force who qualifies for adoption leave in accordance with the provisions of this part.

- 14) Subject to the following provisions of this part of this determination and part 3, a member of a police force qualifies for adoption leave when the member has given notice to the chief officer of police stating:
  - a) that the member has been matched with a child for adoption;
  - b) the date on which the child is expected to be placed with the member for adoption; and
  - c) the date on which the member intends to commence adoption leave.
- 15) A member of a police force must commence adoption leave within the period of 14 days ending with the date on which the child is expected to be placed with the member as notified under paragraph (16)(b).
- 16) A notice under paragraph (16) must be given within 7 days of the member of a police force being notified that they have been matched with a child for adoption. Where it is not reasonably practicable for the member to give such notice within 7 days, the notice should be given as soon as is reasonably practicable.
- 17) A member of a police force who is matched for adoption with a child who is a step-child or foster-child of the member, and was previously living with the member, does not qualify for adoption leave.
- 18) Where a couple are jointly adopting a child, a member of a police force does not qualify for adoption leave if the other person in the couple is also taking adoption leave whether in accordance with this part of this determination (where that other person is also a member of a police force) or otherwise.

- 19) A qualified member who has, at the end of the week in which he is matched with a child for adoption, served continuously as a member of a police force for less than 26 weeks is entitled to a one week's adoption leave ("standard adoption leave").
- 20) A qualified member who has at the end of the week in which he is matched with a child for adoption served continuously as a member of a police force for a minimum period of 26 weeks is entitled to 52 weeks' adoption leave ("ordinary and additional adoption leave").
- 21) Where a qualified member is matched for adoption with more than one child at the same time, this does not affect the member's entitlement to adoption leave under this part of this determination.
- 22) A qualified member intending to return to duty before the end of the period of ordinary and additional adoption leave shall give the chief officer of police not less than 28 days' notice of the date on which the member intends to return.
- 23) A qualified member is entitled to be paid as respects the first week of adoption leave at the member's normal rate of pay but, subject to paragraphs (24), is not entitled to be paid thereafter.
- 24) A qualified member who has served continuously as a member of a police force for one year or more at the end of the week in which he is matched with a child for adoption is entitled (in addition to the member's entitlement under paragraph 23) to be paid as respects the second to the 13<sup>th</sup> weeks of adoption leave at the member's normal rate of pay.
- 25) The pay to which a qualified member is entitled under paragraphs (23) and (24) shall be reduced, in respect of any week for which the member receives statutory adoption pay, by an amount equal to the statutory adoption pay that the member receives for that week.
- 26) For the purposes of paragraphs (23) to (25):

a) “normal rate of pay” means the pay to which the qualified member in question would be entitled if the member was not on adoption leave, and

b) “statutory adoption pay” means any payment made in accordance with Part XIIIZB of the Social Security Contributions and Benefits Act 1992 or any later enactment which replaces those provisions and is to the same or substantially similar effect.

27) In the case of part-time member each day of paid adoption leave granted counts for the purposes of the determinations made under regulation 24 (Annex F) as a period of duty of 8 hours multiplied by the appropriate factor.

28) Adoption leave shall be treated as relevant service for the purposes of calculating annual leave entitlement in accordance with determinations made under regulation 33 (Annex O).

### **Part 3 – Keeping in Touch Days**

29)

(a) A member of a police force on maternity leave or adoption leave may, at the discretion of the member and with the agreement of the chief officer of police, carry out duty on up to 10 days (“Keeping In Touch Days”) without bringing the maternity leave or adoption leave to an end.

(b) A Keeping In Touch Day shall not count towards the period in respect of which a member of a police force is entitled to maternity pay in accordance with the determination made under regulation 29 (Annex L), or to be paid in respect of adoption leave in accordance with part 2 of this determination.

(c) Subject to the provisions of the determination made under regulation 25 (Annex G), duty on a Keeping in Touch day shall be paid at an hourly rate calculated by multiplying by 6/12520 the appropriate annual rate of pay for the member concerned,

(d) Where a member of a police force would be entitled to statutory maternity pay or statutory adoption pay for any week but for the fact that a Keeping In Touch Day falls in that week, neither the member's statutory maternity pay or statutory adoption pay (as the case may be) nor the member's pay in respect of the Keeping In Touch Day shall be reduced on account of the other.

(e) For the purposes of sub-paragraph (d), "statutory maternity pay" has the same meaning as in paragraph (6) of the determination made under regulation 29 (Annex L).

31)

a) In this determination and determinations made under regulations 22 and 25, "day", in relation to members of a police force, means a period of 24 hours commencing at such time or times as the chief officer shall fix and the chief officer may fix different times in relation to different groups of members.

b) In discharging his functions under sub paragraph (a) above, the chief officer shall have regard to the wishes of the joint branch board."

The Secretary of State has determined that for Annex S of the Determinations under the Police Regulations 2003 there shall be substituted the following Annex S. This substitution shall have effect from 1st September 2006.

**“ANNEX S**

**Regulations 24 and 33**

**MATERNITY SUPPORT LEAVE, ADOPTION SUPPORT LEAVE AND PARENTAL LEAVE**

**Part 1 – Maternity Support Leave and Adoption Support Leave**

- 1) So far as the exigencies of duty permit, a member of a police force who is the child’s father, the partner or the nominated carer of an expectant mother shall be granted, if the member so requires, two weeks’ maternity support leave at or around the time of birth.
- 2) For the purposes of paragraph (1), a nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.
- 3) So far as the exigencies of duty permit, a member of a police force who is an adopter’s spouse or partner shall be granted, if the member so requires, two weeks’ adoption support leave at or around the time of adoption.
- 4) A member of a police force on maternity support leave or adoption support leave is entitled to be paid at the member’s normal rate of pay as respects the first week of any such leave, but, subject to paragraph (5), is not entitled to be paid thereafter.
- 5) A member of a police force who has served in that or another force for a continuous period of at least 26 weeks ending with:
  - a) the week immediately preceding the 14<sup>th</sup> week before the expected week of the child's birth (in the case of a member on maternity support leave), or

- b) the week in which the adopter is matched with a child for adoption (in the case of a member on adoption support leave)

is entitled to be paid as respects the second week of any such leave at the statutory paternity pay rate.

- 6) The pay to which a member of a police force is entitled under paragraphs (5) and (6) shall be reduced, in respect of any week for which the member receives statutory paternity pay, by an amount equal to the statutory paternity pay that the member receives for that week.
- 7) For the purposes of paragraphs (6) and (7), “statutory paternity pay” means any payment made in accordance with Part XIIZA of the Social Security Contributions and Benefits Act 1992 or any later enactment which replaces those provisions and is to the same or substantially similar effect, and the “statutory paternity pay rate” is the rate of such payment applicable to the member of the police force in question.
- 8) In the case of a part-time member, each day of paid maternity support leave or paid adoption support leave counts for the purposes of regulation 24 (1) and the determination thereunder as a period of duty of 8 hours multiplied by the appropriate factor.
- 9) In this part of this determination and in determinations made under regulations 22 and 25, “day”, in relation to members of a police force, means a period of 24 hours commencing at such time or times as the chief officer shall fix and the chief officer may fix different times in relation to different groups of members.
- 10) In discharging his functions under paragraph (9) above, the chief officer shall have regard to the wishes of the joint branch board.
- 11) Leave taken as maternity support leave or adoption support leave shall be treated as relevant service for the purposes of calculating annual leave entitlement in accordance with determinations made under regulation 33 (Annex O)..

## Part 2 - Parental Leave

12) A member of a police force who:

- a) has served continuously for a period of not less than a year; and
- b) has, or expects to have, responsibility for a child,

is entitled, in accordance with this determination, to be absent from work on parental leave for the purpose of caring for that child.

13) A member has responsibility for a child, for the purposes of paragraph (12), if:

- a) he has parental responsibility for the child; or
- b) he has been registered as the child's father under any provision of section 10(1) or 10A(1) of the Births and Deaths Registration Act 1953.

14) Subject to paragraph (15) below a member is entitled to thirteen weeks' leave in respect of any individual child.

15) A member is entitled to eighteen weeks' leave in respect of a child who is entitled to receive a disability living allowance.

16) Where the period for which a member is normally required to do duty in the course of a week does not vary, a week's leave for the member is a period of absence from duty which is equal in duration to the period for which he is normally required to do duty.

17) Where the period for which a member is normally required to do duty in the course of a week varies from week to week or over a longer period, or where he is normally required to work in some weeks but not in others, a week's leave for the member is a period of absence from duty which is equal in duration to the period calculated by

dividing the total of the periods for which he is normally required to do duty in a year by 52.

18) Where a member takes leave in periods shorter than the period which constitutes for him, a week's leave under whichever of paragraphs (16) and (17) is applicable in his case, he completes a week's leave when the aggregate of the periods of leave he has taken equals the period constituting a week's leave for him under the applicable paragraph.

19) Except in the cases referred to in paragraphs (20) and (21), a member may not exercise any entitlement to parental leave in respect of a child after the date of the child's 5<sup>th</sup> birthday or, in the case of a child placed with the member for adoption by him, on or after:

a) the 5<sup>th</sup> anniversary of the date on which the placement began, or

b) the date of the child's 18<sup>th</sup> birthday,

whichever is the earlier.

20) In the case of a child:

a) born before 15<sup>th</sup> December 1999, whose 5<sup>th</sup> birthday was or is on or after that date, or

b) placed with the member for adoption by him before 15<sup>th</sup> December 1999, the 5<sup>th</sup> anniversary of whose placement was or is on or after that date,

not being a case to which paragraph (21) applies, any entitlement to parental leave may not be exercised after 31<sup>st</sup> March 2005.

21) In the case of a child who is entitled to a disability living allowance, any entitlement to parental leave may not be exercised on or after the date of the child's 18<sup>th</sup> birthday.

- 22) A member of a police force shall give notice to the chief officer of his intention to take any part of the parental leave to which he is entitled. For the purposes of this paragraph, the notice required is notice which:
- a) specifies the dates on which the period of leave is to begin and end; and
  - b) is given to the chief officer at least 21 days before the date on which that period is to begin.
- 23) As far as the exigencies of duty permit, the chief officer shall grant the member parental leave where notice has been given in accordance with paragraph (22) above.”

The Secretary of State has determined that for Annex UU of the Determinations under the Police Regulations 2003 there shall be substituted the following Annex UU. This substitution shall have effect from 1st February 2012.

## **ANNEX UU**

## **Regulation 34**

### **ACTING UP ALLOWANCE**

- 1) Subject to the following provisions of this determination, a member of a police force of the rank of chief superintendent or below who, in any year, is required to perform the duties normally performed by a member of the force of a higher rank than his own for 10 complete days is entitled to an acting up allowance in respect of each further complete day in that year on which he is required to perform such duties.
- 2) An acting up allowance for a full-time member not working in accordance with variable shift arrangements shall be paid at a daily rate calculated in accordance with the formula

$$\frac{A - B}{365}$$

365

where A is the salary to which the member would be entitled on promotion to the higher rank; and B is the salary to which the member is entitled in his current rank (including any payment to which the member is entitled under part 9 of the determination under regulation 24 (Annex F – Pay)).

- 3) An acting up allowance for a part-time member and for any member working in accordance with variable shift arrangements shall be paid at an hourly rate arrived at by dividing by 8 the daily rate that would be applicable under paragraph (4) if the member was a full-time member not working in accordance with variable shift arrangements.
- 4) Where a member is absent from duty for one or more periods each of no more than two weeks he shall be entitled to an acting up allowance in respect of those periods if he would have been entitled to such allowance under paragraph (1) had he been on duty throughout the periods.
- 5) An acting up allowance shall only be payable for a maximum of 46 days in respect of

any one continuous period of performing the duties normally performed by a member of a police force of a higher rank (and for the purposes of this paragraph, any days on which the allowance is paid under paragraph (6) shall be treated as days on which the member is performing the duties normally performed by a member of a police force of a higher rank).

6) Where:

- a) a member of a police force below the rank of inspector is entitled to an acting up allowance under paragraph (1),
- b) the member is performing the duties of the rank of inspector or above, and
- c) the day on which the member is performing such duties is not a public holiday or rostered rest day,

there shall be no entitlement to an allowance or time off under regulation 25 and any determination thereunder in respect of such duties.

7) Paragraph (1) shall not apply where:

- a) a member of a police force below the rank of inspector is required to perform the duties normally performed by a member of the force of the rank of inspector or above, and
- b) the day on which the member is required to perform such duties is a public holiday or rostered rest day.

8) Where a full-time member of a police force not working in accordance with variable shift arrangements:

- b) on his last scheduled working day in any year is paid in respect of that day an acting up allowance, and
- c) on his first scheduled working day of the next following year continues for the complete day to perform such duties,

he shall be entitled to an acting up allowance in respect of the day mentioned in sub-paragraph (b) and any following complete day which together therewith forms a continuous period during which he is required to perform such duties, as if that day or days had formed part of the year mentioned in sub-paragraph (a):

provided that the said day or days shall be disregarded for the purposes of the application of paragraph (1) to that member in the year mentioned in sub-paragraph (b).

9) Where a part-time member of a police force or any member working in accordance with variable shift arrangements:

a) has a qualifying shift as his last rostered shift in any year, and

b) is paid in respect of that shift an acting up allowance, and

c) has a qualifying shift as his first rostered shift in the next following year,

he shall be paid in respect of the shift mentioned in sub-paragraph (c) and any qualifying shifts beginning on days that follow consecutively the day on which that shift began as if that shift or shifts had occurred in the year mentioned in sub-paragraph (a):

provided that the said shift or shifts shall be disregarded for the purposes of the application of paragraph (1) to that member in the year mentioned in sub-paragraph (c).

10) For the purposes of this determination “qualifying shift” means, in relation to a member of a police force, a rostered shift throughout which he is required to perform duties normally performed by a member of the force of a higher rank than his own.

11) For the purposes of this determination “year” means a period of 12 months beginning on 1 April.

12) For the purposes of this determination “day” means in relation to a full-time member of a police force below the rank of inspector, his normal daily period of duty.

13) “Full-time member” means a member of the force appointed otherwise than under regulation 5 and any determination thereunder.