

# DURHAM CONSTABULARY



*Altogether Better Policing*

## Leave Policy

<b>Application</b>	Police Officers and Staff
<b>Policy Owner</b>	Human Resources
<b>Version</b>	23
<b>Date of PUG approval</b>	12.05.14
<b>Last Review Date</b>	06.01.21
<b>Next Review Date</b>	06.01.24
<b>Protective Marking</b>	Official
<b>Publication Scheme Y/N</b>	Yes
<b>Durham Constabulary Freedom of Information Act Publication Scheme</b>	



## **1.0 LEAVE POLICY**

### **2.0 PURPOSE AND SCOPE**

- 2.1 The purpose of this policy is to provide information on the various leave options available to individuals and their entitlement to such leave including the option to interrupt careers for a period of time.
- 2.2 To maximise wellbeing of individuals managers should ensure police regulations / force policies are adhered to where possible.
- 2.3 Throughout the operation of this policy Durham Constabulary will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionally to achieve the proposed purpose.

## **3 THE LEGAL BASIS**

- 3.1 Durham Constabulary is required to comply with the requirements of the:
- Police Act 1996
  - Adoption Act 1976
  - Children's Act 1989
  - Employment Rights Act 1996
  - Employment Relation Act 1999
  - Employment Act 2002
  - Maternity and Parental Leave (Amendment) Regulations 2002
  - Regulation 33 of the Police (Amendment) Regulations 2004
  - The Paternity and Adoptive Leave Regulations 2002
  - The Maternity Pay and Statutory Sick Pay (Misc. Amendments) Regulations 2002
  - Civil Partnership Act 2004
  - Work & Families Act 2006
  - Police Regulations
  - National Vetting Policy.
  - Equality Act 2010
  - Police Staff Handbook 2017
  - Parental Bereavement Leave Regulations 2020 and Statutory Parental Bereavement Pay (General) Regulations 2020
  - The Working Time (Coronavirus) (Amendment) Regulations 2020

The Force recognises the contribution of its entire staff and is committed to creating a fully inclusive working environment. This will be achieved by making reasonable adjustments where appropriate, valuing the differences that a diverse workforce can bring and challenging unlawful and unfair discrimination, bullying, harassment, victimisation and other unfair treatment based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, sex and sexual orientation.

## **4 POLICY STATEMENT**

- 4.1 This policy has been designed to provide guidance to Police Officers and Staff on the different types of leave available.
- 4.2 Leave will be agreed taking into account Force and shift resilience alongside principles of wellbeing and fairness to all.

## **5.0 ANNUAL LEAVE**

### **5.1 Allocation - All staff**

- i) Annual leave will be subject to the exigencies of service. The leave year shall be 1<sup>st</sup> January to 31<sup>st</sup> December and any leave may only be taken with the prior agreement of line management. Individuals who commence or leave Durham Constabulary during the year are entitled to a proportion of their leave entitlement (see appendix A and F)
- ii) Line Managers are required to determine and apply appropriate discretion with regard to the number of individuals who may be on annual leave at any one time. Such discretion should be operationally expedient, demonstrate shift/team resilience alongside the principles of wellbeing and fairness to all. Staff absence from work due to sickness should not be regarded for the purposes of pre-planned annual leave lists.
- iii) All annual leave must be appropriately recorded by Line Managers on the Duty Management System (DMS)
- iv) Part-time staff are entitled to the same annual leave on a pro-rata basis.
- v) On transfer to a new Command or Department an individual's previously allocated annual leave will be honoured. However prior to any such transfer, or return from secondment, the dates of an individual's previously allocated annual leave should be explicitly considered and its timing should be a legitimate subject for negotiation prior to the transfer being finalised
- vi) Where an annual leave period is for 7 or more continuous days the final working day for the officer/police staff member will conclude no later than 12 midnight. However, if less than 7 days subject to the exigencies of the service, every effort should be made to ensure that an individual concludes their final shift before commencement of annual leave not later than 12 midnight.
- vii) Police Staff who have two or more roles will be allocated a specific amount of annual leave for each contract. Such allocated leave should be taken in each specific role and annual leave accrued in one role cannot be taken whilst working in another.

## **5.2 Police Officers**

- i) The annual summer leave period will commence on the last Saturday in May and end on the 30<sup>th</sup> September. The winter leave period will be from the 1<sup>st</sup> October till the last Friday in May. As a general rule not more 2/3<sup>rd</sup> of an officer's entitlement of annual leave should be granted in the annual summer leave period and the maximum period of leave which may be taken at one time will be 168hrs, inclusive of weekly rest days, time off in lieu of payment etc., which fall within that period, but there will be no stipulated minimum period. Any rostered weekly rest days which precede or follow the leave period will be treated as forming part of this period.
- ii) Once annual leave periods have been approved, applications for adjustment will be considered by the Head of Command/Department, via Line Managers, who will decide whether or not the reasons given merit the alterations.

## **5.3 Increase to Annual Leave - Continuous Service**

- i) Police Officers  
In the leave year in which a Police Officer completes 5, 10, 15 or 20 years relevant service, annual leave will be calculated at the rate of a twelfth of the period of annual leave for each complete month of service in the leave year in question (part month shall be regarded as a complete month) and part days will be expressed as whole days, (See Appendix 'B').
- ii) Police Staff  
When staff achieve 5 years continuous Police/Public Authority/PCC service as a member of the Police Staff annual leave allocation will be increased accordingly on the anniversary of appointment and part days will be expressed as whole days. (See Appendix 'D')
- iii) Those members of staff who take a Career Break are reminded that such an absence will not count towards continuous service.

## **5.4 Part Days Leave**

- i) Staff are able to take an agreed amount of hours from their leave allocation and no refreshment break will be taken if the remainder of the working day equates to less than 6 hours.

## 5.5 Carry-Over

- i) It is expected that annual leave will be taken before the end of the current leave year, however, with the Head of Command/Department approval leave may be carried over from the current leave year to the next; a request for such must be approved before the end of the current leave year. Police Officers may carry over up to 40 hours and, Police Staff 37 hours, leave to the following year. Similarly, up to 40 hours leave for Police Officers and 37 hours leave for Police Staff may be "borrowed" from the next leave year subject to the exigencies of the service. Job share and part time staff will be able to carry over or borrow leave pro rata to the hours they work.

This paragraph outlines the permanent arrangements in force, however for the temporary arrangement to support annual leave during COVID-19 please see paragraph v) below.

- ii) If an individual is absent due to sickness during the current leave year and are unable to take their accrued annual leave, due to insufficient time available to take such leave, they will be allowed to carry over the statutory 20 days (160 hours for Police Officers and 148 hours for Police Staff) leave minus any holidays actually taken or as outlined above at 5.5 (i) whichever is the higher. Such leave cannot be carried forward indefinitely and will be limited to an 18 month carry forward period from the end of the leave year in which the leave was accrued.
- iii) All staff with the assistance of Line Managers, should attempt where possible to manage their leave balance to an appropriate level when they resume from sick leave.
- iv) For staff who are leaving the service, please refer to the Retirement, Medical Retirement and Resignation Policy with regard to untaken leave and carry-over arrangements.
- v) Due to the impact of COVID-19, if the individual is prevented from taking their leave in the current leave year when it is not reasonably practicable to do so due to insufficient working days left in that year, then they are entitled to carry forward untaken leave up to the statutory maximum of 20 days (160 hours for Police Officers and 148 hours for Police Staff) minus any holidays actually taken during the 2020 annual leave year only and such must be taken by the end of 2022. However, every effort where possible must be made for police officers and staff to take such leave and Line Managers are required to ensure such leave is managed appropriately.

## **6.0 STATUTORY 20 DAYS ANNUAL LEAVE PAY**

- i) For the purposes of the four week, (20 days which equates to 160 hours for Police Officers and 148 hours for Police Staff)) annual leave payment under the Regulation 13 of the UK Working Time Regulations the below will be reckoned as 'normal remuneration' for payment:-
- All forms of non-contractual overtime for both full time and part time workers (including plain time overtime where applicable) including that payable as part of rest working compensation:-
  - Standby
  - Acting Up allowances

## **7.0 RECALL FROM ANNUAL LEAVE**

### **7.1 Police Officers**

- i) An officer, below the rank of Superintendent, who is either recalled from annual leave or is required to work on a day scheduled for annual leave will be compensated by electing either compensatory leave only or a combination of compensatory leave and additional pay.

See appendix E for levels of compensation

- ii) For Superintendents and above who are either recalled from annual leave or are required to work on a day scheduled for annual leave will be compensated by one day compensatory leave for every day of annual leave.

### **7.2 Police Staff - Hours Worked as a Result of Recall to Work from Annual Leave**

- i) Any member of staff who is either recalled from annual leave or is required to work on a day scheduled for annual leave will be paid at plain time rate and any untaken annual leave will be reimbursed. If more than the scheduled hours of duty for that day are worked, payment for those additional hours will be at the appropriate overtime rate as outlined in the Overtime and Additional Payments Policy.

### **7.3 Compensatory Leave – carry over**

All compensatory leave as outlined above at 6.1 and 6.2 should be taken by the end of the current leave year. If this is not possible, approval will be given for such leave to be carried over to the following leave year

**8.0 PUBLIC HOLIDAY WORKING – ALL STAFF**

- 8.1 The pro-rata calculation will be based on 8 public holidays in a normal year representing a maximum of 64 hours for Police Officers and 59 hours 12 minutes for Police Staff. Job Share and Part time staff will receive an allowance of public holidays pro rata to the hours they work.
- 8.2 If a Police Officer or member of Police Staff works on a public holiday they will be compensated by way of payment or time off in lieu to the number of hours worked. (See Overtime and Additional Payments Policy)
- 8.3 For full-time staff, including those working compressed hours, if a public holiday falls on a rest day or free day, then they will be compensated by way of 8 hours for Police Officers and 7.4 hours for Police Staff. For those staff working part time or job share they will be compensated on a pro-rata basis. No compensation will be given to staff who are on special leave, compassionate leave, parental leave, maternity support leave, disability leave, religious cultural leave or sick leave. This TOIL credit cannot be requested for payment.
- 8.4 Police Officers and Police Staff who are rostered to perform duty on a public holiday but are not required to work, or request not to work, will be afforded 8 hours or 7.4 hours respectively. Pro-rata adjustments will be made to TOIL for those individuals who normally work compressed hours and would have worked more or less than the aforementioned 8 hours for Officer and 7.4 hours for staff, had they been at work.
- 8.5 Manual methods of compensation should not be used, as the Duty Management System, which is programmed in accordance with Police Regulations, will be updated and amended to reflect the above agreement. Any adjustments in hours will be made to TOIL via the Duty Management System. Annual leave entitlements will not be affected. Any TOIL adjustment in respect of public holidays will be updated annually in retrospect by the Origin Admin team and must be managed appropriately by a supervisor. (See Appendix G for examples of Public Holiday – DMS Adjustments). Supervisors should manage balances within the following 12 month period by converting from annual leave, allowing the hours to be worked or by agreeing a deduction to the individuals pay.
- 8.6 A public holiday is deemed to be a day when an individual is not required to work. Therefore an individual who is on special leave, compassionate leave, parental leave, maternity support leave, disability leave, religious cultural leave or sick leave when a public holiday falls will not be entitled to any recompense.
- 8.7 Those individuals who are on maternity leave, paternity leave or adoption leave WILL be entitled to receive public holidays as per paragraph 8.1 above on a pro rata basis.
- 8.8 Police Officers will be able to reallocate up to seven public holidays to coincide with specific personal requirements. A public holiday is defined as any such day

as recognised by the Chief Constable. For shift workers this will also include public holidays which fall on a weekend. Christmas Day cannot be reallocated.

## **9.0 STARTERS / LEAVERS**

- 9.1 Individuals starting or leaving employment during the year are entitled to annual leave proportionate to the number of completed days of service during the year. The calendar days will be calculated using DMS. (See Appendix A and C).
- 9.2 Individuals taking more than their pro-rata allocation will have the relevant amount deducted from their salary.
- 9.3 Individuals who leave the Force should refer to the Retirement, Medical Retirement and Resignation policy regarding outstanding leave.

## **10.0 SPECIAL LEAVE**

- 10.1 Any application for leave in excess of the authorised period of annual leave must be submitted via special report to the Head of Command/Department for approval.
- 10.2 If an individual has not exhausted their annual leave allocation, any special leave granted will be unpaid for the full duration of the special leave period. This is irrespective of whether the individual is ill during this period and would ordinarily report unfit for duty due to sickness. Sick pay will be paid if the individual continues to be unfit for duty due to sickness once the authorised special leave period has ended.
- 10.3 Special leave with pay may be granted once an individual has exhausted their full annual leave entitlement subject to the discretion of the Head of Command/Department.
- 10.4 Annual leave is accrued during paid special leave but is not accrued whilst an individual is on a period of unpaid special leave.
- 10.5 Individuals may request to buy back a period of annual leave. The cost of this will equate to the rate of pay that the individual would have received on the date (s). Pension contributions will also be required to be bought back. Individuals should first contact pay and pensions section regarding the implications of buying back annual leave prior to making any application.

### **10.6 Special Leave to care for dependants**

- i) Special leave will always be granted in the following circumstances:-
- o where a dependant falls ill unexpectedly or suffers an injury and the individual is required to either care for or make appropriate care arrangements for the dependant. (A dependant is an individual's

spouse, partner, child or parent or another person who lives in the same house as the individual other than as a tenant, boarder or lodger and those who reasonably rely on the individual for assistance e.g. grandparent or frail neighbour)

- where care arrangements have unexpectedly been disrupted or terminated providing the individual advises of the reason for their absence as soon as practicable.
- This leave is intended to deal with short term difficulties or to make arrangements to deal with long term difficulties. Such leave will normally be restricted to one or two days paid leave per annum

#### 10.7 **Cancer Treatment Support**

Staff will be afforded up to 2 days paid time off, which can be taken in hours, to accompany a spouse/partner, parent/grandparent or child who are undergoing cancer treatment.

#### 10.8 **End of Life Leave**

Leave with pay up to a maximum of 4 working weeks, may be granted at the discretion of the Head of Command/Department to individuals who are the primary carer for an individual in the final stages of life. Such leave is limited to the caring of a parent, spouse/partner or child. Applications should be made by special report giving the reason and circumstances of the application.

#### 10.9 **Special Leave for IVF/Fertility Treatment and other Fertility Treatment**

##### 10.9.1 **IVF Treatment**

- i) Support will be offered to all prospective parents who are undergoing IVF treatment. All managers should treat such matters with sensitivity.

- ii) **Treatment requirements**

There are certain medical procedures as part of IVF which must be undertaken on particular dates during the IVF cycle. As such they require careful planning. Individuals should notify their line manager of their proposed treatment as soon as possible to enable any time off to be planned.

Evidence of appointments may be requested by line managers.

- iii) **Time off for treatment**

While undergoing or recovering from IVF treatment female Officers / Staff may be granted up to two days paid leave per cycle of treatment.

This time can be taken to suit individual treatment plans e.g. time can be taken as a single block, separate days, half days or hours.

Individuals may also choose to consider:

- Annual leave;
- Flexi leave (where applicable);
- Time off in lieu;
- Reallocated rest days; or
- A pattern of temporary flexible working arrangements agreed in conjunction with line managers.

Where no remaining leave is available, individuals may borrow a maximum of five days from the following leave year, take unpaid leave or purchase additional annual leave.

iv) Time off for a spouse / partner

Where a spouse or partner is receiving IVF treatment individuals will be allowed 2 days unpaid leave per cycle of treatment to support their spouse / partner through the treatment.

This may be taken in a block, individual days, half days or hours. Alternatively annual leave or time off in lieu may be granted for this purpose.

v) Flexibility

Individuals may require some degree of flexibility in their day to day working pattern to help facilitate the required treatment. Line managers should discuss individual requirements. Consideration will be given to flexible working options e.g. swapping shifts or amending start and finish times where possible.

vi) IVF donation

Anyone involved in IVF donation to anyone other than their spouse/ partner may choose to take annual leave, flexi leave (where appropriate), rest days in lieu or reallocated rest days. Consideration will also be given to a temporary flexible working pattern to allow for donation. For donation to a spouse / partner see paragraph 10.8

vii) Sickness absence

For the purpose of the protection of the Equality Act 2010 you will be deemed to be pregnant from the point at which the embryos are implanted.

Any sickness absence which may occur after this point relating to your pregnancy will be recorded accordingly

#### 10.9.2 Other Fertility Treatment

While undergoing or recovering from other fertility treatment, female Officers / Staff may be granted up to two days paid leave per cycle of treatment. This time can be taken to suit individual treatment plans e.g. time can be taken as a single block, separate days, half days or hours.

Individuals may also choose to consider:

- Annual leave;
- Flexi leave (where applicable);
- Time off in lieu;
- Reallocated rest days; or
- A pattern of temporary flexible working arrangements agreed in conjunction with line managers.

Where no remaining leave is available, individuals may borrow a maximum of five days from the following leave year, take unpaid leave or purchase additional annual leave.

#### 10.10 Special Leave for Transplant Donors

- i) Special Leave with pay will be granted to individuals who act as a donor which includes invasive surgery e.g. kidney, bone marrow (transplant) for a maximum period of 14 days from the date of the surgery.

#### 10.11 Attendance at Tribunal

- i) Unpaid leave will be granted to attend a tribunal unless a member of staff is a representative or witness for the Chief Constable/Durham Constabulary

#### 10.12 Cosmetic Elective Surgery

- i) Individuals electing to undergo cosmetic surgery will be required to take their own time or unpaid special leave unless the surgery is as a direct result of a recommendation from a GP for psychological reasons.
- ii) However in the event of complications arising out of such surgery individuals will be eligible for paid sick leave

#### 10.13 Jury Service

- i) Paid leave will be granted for jury service which is usually for a period of two weeks however it is noted that on occasion the trial may last longer which will be stated in the notification to undertake jury service. Jurors will be required to continue until the trial finishes.

- ii) Upon receipt of a summons for jury service, staff should inform their manager of the dates and discuss any implications for their work over the anticipated period. The organisation cannot require the member of staff to be excused, although where the organisation's business would suffer from a prolonged absence, the organisation can ask the trial judge for a deferral.
- iii) In some instances an individual on jury service may not be required every day for the whole day. The individual should return to work for any periods where they are not required by the court. Where it is not practicable to return to work, e.g. where the jury service is taking place at a court away from the area in which they work, the individual must obtain approval not to return to work from their line manager.

#### 10.14 **Retirement Leave**

- i) An individual who is nearing retirement may apply to be considered for up to 12 months unpaid leave. Individuals are advised to contact Pay and Pensions with regard to pension implications before any such application is submitted.

#### 10.15 **Special Leave for Tutoring**

- i) Police Officers will be afforded 1 x 8 hour day as special leave per student/ICIDP trainee they train

This will be allocated by an individual's Inspector and will be added to DMS as special leave – tutor

- ii) Police Staff acting as a mentor to a new appointee within the Communications Centre or newly appointed PCSO where portfolios are required to be signed off, will be afforded an increase in TOIL where applicable, up to a maximum of 7.4 hours.

#### 10.16 **Leave for Medical Appointments**

- i) Medical appointments made with the Health Management Unit will be made during normal working hours (wherever possible) and individuals can attend without loss of time or annual leave, as will any medical/counselling/physiotherapy appointment made via and subsequently paid for by the Health Management Unit.

The Force will reimburse any excess travelling expenses incurred in connection with such an appointment, from the appropriate Command budget. These travelling expenses will be from the individual's normal place of work to the location of the appointment. If an individual is on sick leave at the time of attending such an appointment, excess travelling

expenses will be paid i.e. the shorter distance from either home or the normal place of work to the location of the appointment. However, no travelling expenses will be paid when an individual makes a request for an earlier Selected Medical Practitioner appointment and attends the clinic located at Leeds. Overtime/flexi leave will not be accrued whilst attending these appointments.

- ii) Necessary time off with pay will be granted to individuals for the purposes of medical screening for cancer or subsequent recalls, antenatal care and disability related appointments (as defined under the Equality Act -advice can be sought from an HR Manager or Occupational Health Nurse). Individuals must obtain permission to attend such appointments from their line manager and if requested to do so they must provide appointment details and an appointment letter or card.
- iii) All other appointments should be attended in an individual's own time. On occasions these appointments may be during normal working hours but managers should, where possible, allow their staff to take flexi leave, time off in lieu or unpaid time off to attend

#### **10.17 Special leave – time off for disability related appointments**

- i) Paid time off will be granted to individuals to attend hospital for disability related appointments with their child who are aged 18 years or below. Individuals will be required to produce evidence of such appointments if required.

#### **11.0 DISABILITY LEAVE**

- 11.1 Under the Equality Act 2010, disability leave is to be used to enable a member of staff to adjust to changes caused by the development of a new disability or to manage an existing disability. The leave is only to be used for the purpose of rehabilitation, treatment and assessment and is for a fixed period only or periods of time which must include an end date. This leave should be agreed between the individual, the Head of Command/Department and Force Medical Advisor, depending on individual circumstances, before the leave commences. Individuals will remain on full pay for the duration of disability leave.

#### **12.0 COMPASSIONATE LEAVE**

- 12.1 Leave may be granted at the discretion of the Head of Command/Department for compassionate reasons. Applications should be made by special report giving the reason and circumstances of the application and can be with or without pay. Unpaid leave should be notified to Pay and Pensions. A record of all compassionate leave must be entered onto DMS by Command/Department Admin.

- 12.2 In the case of bereavements, where a member of staff or their partner loses a member of their immediate family, the period of paid leave granted will be a maximum of 80 hours for Police Officers and 74 hours for Police Staff.
- 12.3 Compassionate Leave taken will be based upon 8 hours for a police officer and 7.24 for police staff
- 12.4 For other family members one day paid compassionate leave will be granted. Supportive guidance documents are available on the force intranet:- Intranet Menu>Personnel and Development>HMU>Bereavement Support and Guidance and Bereavement Booklet
- 12.5 Compassionate leave for job share/part time members of staff should be pro rata.
- 12.6 If additional time off is required individuals should take annual leave, flexi leave or time off in lieu.
- 12.7 Bereaved parents of a child under the age of 18 years, who dies on or after 6 April 2020 are entitled to take parental bereavement leave with pay, pro rata to the hours worked. Such leave will be 80 hours for Police Officers and 74 hours for Police Staff. This entitlement also applies to stillbirths occurring after 24 weeks of pregnancy.

Whatever the length of service, a member of staff can take this type of leave if they are:-

- the parent of the child who has passed away,
- the partner of the child's parent.
- have parental responsibility for the child.
- are an adoptive parent.

Parental Bereavement Leave arrangements, pro rata to the hours worked:-

- leave can be taken as a single block of 80 hours for Police Officers and 74 hours for Police Staff; or
- two separate blocks of 40 hours for Police Officers and 37 hours for Police Staff at different times.
- leave can be taken at the time(s) a member of staff chooses within 56 weeks after the bereavement.
- leave cannot be taken as individual days/hours.

### **13.0 RELIGIOUS / CULTURAL LEAVE**

- 13.1 Durham Constabulary supports the diversity of its workforce and recognises that staff may have varying needs in relation to religious and cultural fulfilment. Local arrangements should be made with the line manager to enable staff to adhere to religious events and protocols. Such approval will only be granted subject to exigencies of service. Staff wishing to take time off for specific events may be granted annual leave, time off in lieu, flexi leave, change of rest day or taking time to be made up at a later date.

- 13.2 Other flexible working arrangements should be considered such as a change of start/finish times for one-off tours of duties, or changes in hours of work for a defined period of time to accommodate individual specific religious/personal requirements e.g. participation in Ramadan (Islam) or Festival of Passover (Judaism).
- 13.3 It is important not to assume that an individual has specific religious/cultural beliefs. Staff should discuss with their line manager whether or not they have any specific requirements. Line managers will discuss any other religious/cultural needs that do not involve time off in a positive manner and endeavour to meet any identified needs. Advice may be obtained from a HR Manager - Diversity, or Durham Black and Asian Police Association.
- 13.4 An individual who wishes to reallocate a public holiday to support specific personal requirements should refer to paragraph 8.8

#### **14.0 MEMBERSHIP AND LEAVE – MILITARY TRAINING**

##### **14.1 For Police Officers**

- i) Subject to the approval of the Chief Constable, Officers may participate in Military Voluntary Reserve Forces. These are defined as The TA; the Royal Navy Reserve; the Royal Marine Reserves, the Royal Auxillary Air Force, the Royal Air Force Volunteer Reserve Training RAFVR(T), Air Cadet Organisation, Sea Cadets, Adult Warrant Officer (AWO) or civilian instructor.
- ii) Members who attend an annual training camp may be granted special leave with pay, up to a maximum of 80 hours per annum.
- iii) So far as the exigencies of duty permit, volunteers may be granted, at the discretion of the Chief Constable, up to nine Saturdays or Sundays a year for the purpose of attending weekend Training camps.

##### **14.2 For Police Staff**

Subject to the approval of the Chief Constable staff may participate in the Military Voluntary Reserve Forces. These are defined as The TA; the Royal Navy Reserve; the Royal Marine Reserves , the Royal Auxiliary Air Force, the Royal Air Force Volunteer Reserve Training RAFVR(T), Air Cadet Organisation, Sea Cadets, Adult Warrant Officer (AWO) or civilian instructor.

- i) 74 hours leave will be granted with pay

- iii) under the Reserve Forces Act, 1966 volunteers may be required to undertake training for up to 9 days per annum (usually on Saturdays and Sundays). Territorial Army Units should be in a position to offer alternative dates and the onus is, therefore, on the employee to try to arrange for training to be undertaken in off-duty time. If this is not possible the employee should furnish alternative dates to the Chief Constable so that mutual acceptable dates for absence may be arranged.

Applications from Police Officers and Police Staff for the granting of such leave should be made to the Head of Command/ Department and a copy of such forwarded to HR for inclusion on personal file

#### 14.3 Armed Forces Reservists

- i) Members of staff who are deemed to be Armed Forces reservists will be granted appropriate leave from the Force.

#### 15.0 **SPORTS/SOCIAL CAPACITY LEAVE**

- 15.1 If representing the Force at a national level, paid special leave up to a maximum of 40 hours for Police Officers and 37 hours for Police Staff per annum will be granted and approved by the Head of Command/Department; such leave may only be taken subject to the exigencies of the service. All other time off for the purpose of representing the Force will be in the individuals own time.

#### 16.0 **FLEXIBLE WORKING HOURS LEAVE (Police Staff only)**

- 16.1 Time off taken from accrued hours under this scheme should be recorded on the Flexible Working Hours Record Sheet. The maximum time off staff can take in a 4 week period is 22 hours. All staff must ensure that any flexi credit/debits are settled before they leave the Force. Flexi credit will not be subject to monetary reimbursement, however any flexi debit will be reclaimed from an individual's final salary. Please refer to the Modern Methods of Working Policy.

#### 17.0 **ACCUMULATION OF TIME OFF – Police Officers (applicable to PC and Sgt Ranks only)**

- 17.1 Overtime must be paid as per Police Regulations or may be retained as time off on an individual's DMS record. If this time off is not taken within a three months period, it will be submitted for payment (other than 40 hours which may be retained on the system). It is the responsibility of the supervisor to ensure that no officer is allowed to accumulate more than 40 hours' time off owed on their Duty Management System record. Accrued time off above these limits will only be permitted by the express sanction of the Officer's Command/Departmental

Chief Inspector. A similar restriction will be placed upon officers returning to the Force from secondment.

- 17.2 Accumulation of TOIL is not permitted for any rank above Sergeant.
- 17.3 Any rest days in lieu should be re-rostered according to regulations and may not be converted to TOIL.
- 17.4 All requests from Officers to take time off shall be considered in light of operational need and resilience.
- 17.5 All time off accrued in lieu of paid overtime should be accurately recorded by the officer's supervisor on the Duty Management System (DMS). The supervisor will also be responsible for ensuring that time taken off by the officer is deducted from the DMS system as appropriate. DMS is configured so that the oldest available TOIL is always deducted first.
- 17.6 On transfer to a new Command or Department an officer will only be allowed to carry over a maximum of 40 hours' time off. Commands and Departments should make every effort to ensure that time off is reduced well below the maximum prior to the transfer taking place.

## **18.0 SALARY SACRIFICE SCHEMES**

- 18.1 Salary sacrifice schemes will cease during any unpaid leave with the exception of maternity leave, maternity support leave or adoption leave.

## **19.0 PUBLIC DUTIES**

- 19.1 Leave will be granted as specified below to perform duties as:-
- a member of a Local Authority, for police staff only
  - a member of any statutory panel, tribunal or similar body, for all staff (please refer to point 26)
  - a member of any committee appointed by a Government Department or Local Authority, for police staff only
  - a member of a School's Governing Body, (for all staff).
- 19.2 In all cases the amount of leave granted must be reasonable in relation to the public duties in question and the operational requirements of the Chief Constable. The total amount of leave granted to an individual for any or all of these purposes will not exceed 80 hours for Police Office or 74 hours for Police Staff in any year. Individuals will receive the difference between normal pay and any allowances they are entitled to claim.
- 19.3 In cases where police staff are performing duties as a member of a Local Authority, leave will be with pay, on condition that no allowances will be claimed.

## **20.0 TRADE UNION DUTIES**

20.1 Durham Constabulary recognises the need to allow Trade Union Representatives time off to carry out duties and activities on behalf of the organisation and its members. Time off with pay, subject to the approval of the Head of Command/Department and the exigencies of the service, will be allowed for duties and activities including the following:-

- i) Terms and Conditions of Employment
- ii) Matters of Discipline and Grievances
- iii) Trade Union Membership or Non Membership
- iv) Basic training for new Trade Union Representatives in representational skills together with appropriate refresher courses and any training required following legislative changes which may affect future industrial relations
- v) Attending both internal and external meetings, including meetings with official bodies such as the National Police Sector Group.

20.2 Subject to the exigencies of the service and/or the requirements of the Head of Command, time off with pay for other Trade Union activities will be granted for Delegates to:-

- i) Regional or National meetings of Trade Union Bodies to discuss Trade Union business
- ii) Respective Trade Union/SOG Annual and Regional Conferences, with Delegates reflecting as far as possible UNISON National Rules on proportionality and fair representation, policies on sharer delegates, and guidance relating to visitors to National and Sector Conferences. Delegates/visitors to each event will be in accordance with the Rules and Constitution for that event, and paid time off will be agreed in advance in each case with Heads of Command.

20.3 Union Learning Representatives (ULR) are a type of lay union representative whose main functions are to carry out or provide information in relation to learning, training or development needs to qualifying members of the union. Qualifying members of the union are entitled to reasonable unpaid time off in working hours for the purpose of having access to the services of a ULR

## **21.0 APPEALS PROCEDURE**

If an individual wishes to appeal against any decision made in connection with this policy, they should write to or email, the Deputy Chief Constable at the below address within 14 days of receiving a decision. The appeal will be considered and consultation will take place with appropriate individuals to establish all facts before a decision with regard to the appeal is made. A response to the appeal will be provided in writing within 10 working days of receipt of the appeal. Should this period not be achievable the individual will be notified in writing when a decision will be communicated.

OFFICIAL

The Deputy Chief Constable  
c/o Human Resources  
Police Headquarters  
Aykley Heads  
Durham  
DH1 5TT  
Email [human.resources@durham.pnn.police.uk](mailto:human.resources@durham.pnn.police.uk)

**APPENDIX A**

<b>ANNUAL LEAVE HOURS - POLICE OFFICERS</b>						
<b>Months (full)</b>	<b>Under 2 Years</b>	<b>2 or more Years</b>	<b>5 or more Years</b>	<b>10 or more Years</b>	<b>15 or more Years</b>	<b>20 or more Years</b>
<b>1</b>	14.67	16.67	16.67	18.00	18.67	20.00
<b>2</b>	29.33	33.33	33.33	36.00	37.33	40.00
<b>3</b>	44.00	50.00	50.00	54.00	56.00	60.00
<b>4</b>	58.67	66.67	66.67	72.00	74.67	80.00
<b>5</b>	73.33	83.33	83.33	90.00	93.33	100.00
<b>6</b>	88.00	100.00	100.00	108.00	112.00	120.00
<b>7</b>	102.67	116.67	116.67	126.00	130.67	140.00
<b>8</b>	117.33	133.33	133.33	144.00	149.33	160.00
<b>9</b>	132.00	150.00	150.00	162.00	168.00	180.00
<b>10</b>	146.67	166.67	166.67	180.00	186.67	200.00
<b>11</b>	161.33	183.33	183.33	198.00	205.33	220.00
<b>12</b>	176.00	200.00	200.00	216.00	224.00	240.00

The above hours of annual leave are based on a 40 hours working week. If necessary advice should be sought from the appropriate Resourcing/Business Support Unit if you have any queries regarding your leave allowance in relation to your individual working pattern.

**APPENDIX B**

<b>POLICE OFFICERS - ADDITIONAL HOURS LEAVE FOR SERVICE INCREMENTS</b>						
<b>Month of Change</b>	<b>2<sup>nd</sup> Year Increment</b>	<b>5th Year Increment</b>	<b>10th Year Increment</b>	<b>15th Year Increment</b>	<b>20th Year Increment</b>	
<b>Jan</b>	24.00	N/A	16.00	8.00	16.00	
<b>Feb</b>	24.00	N/A	16.00	8.00	16.00	
<b>Mar</b>	24.00	N/A	16.00	8.00	16.00	
<b>Apr</b>	24.00	N/A	16.00	8.00	16.00	
<b>May</b>	16.00	N/A	16.00	8.00	16.00	
<b>Jun</b>	16.00	N/A	16.00	8.00	16.00	
<b>Jul</b>	16.00	N/A	8.00	8.00	8.00	
<b>Aug</b>	16.00	N/A	8.00	8.00	8.00	
<b>Sep</b>	8.00	N/A	8.00	8.00	8.00	
<b>Oct</b>	8.00	N/A	8.00	8.00	8.00	
<b>Nov</b>	8.00	N/A	8.00	8.00	8.00	
<b>Dec</b>	8.00	N/A	8.00	8.00	8.00	

The above hours of annual leave are based on a 40 hours working week. If necessary advice should be sought from the appropriate Resourcing/Business Support Unit if you have any queries regarding your leave allowance in relation to your individual working pattern.

**APPENDIX C**

<b>ANNUAL LEAVE HOURS - POLICE STAFF</b>				
<b>Months (full)</b>	<b>Under 5 Years</b>	<b>5 or more Years</b>		
<b>1</b>	16.03	19.12		
<b>2</b>	32.07	38.23		
<b>3</b>	48.10	57.35		
<b>4</b>	64.13	76.47		
<b>5</b>	80.17	95.58		
<b>6</b>	96.20	114.70		
<b>7</b>	112.23	133.82		
<b>8</b>	128.27	152.93		
<b>9</b>	144.30	172.05		
<b>10</b>	160.33	191.17		
<b>11</b>	176.37	210.28		
<b>12</b>	192.40	229.40		

The above hours of annual leave are based on a 37 hours working week. If necessary advice should be sought from the appropriate Resourcing/Business Support Unit if you have any queries regarding your leave allowance in relation to your individual working pattern.

**APPENDIX D**

<b>POLICE STAFF - ADDITIONAL HOURS LEAVE FOR SERVICE INCREMENTS</b>					
<b>Month of Change</b>	<b>5th Year Increment</b>				
<b>Jan</b>	37.00				
<b>Feb</b>	33.92				
<b>Mar</b>	30.83				
<b>Apr</b>	27.75				
<b>May</b>	24.67				
<b>Jun</b>	21.58				
<b>Jul</b>	18.50				
<b>Aug</b>	15.42				
<b>Sep</b>	12.33				
<b>Oct</b>	9.25				
<b>Nov</b>	6.17				
<b>Dec</b>	3.08				

The above hours of annual leave are based on a 37 hours working week. If necessary advice should be sought from the appropriate Resourcing/Business Support Unit if you have any queries regarding your leave allowance in relation to your individual working pattern.

**APPENDIX E**

<b>Details of recall period</b>		
<b>Recall Period</b>	<b>Column A Leave Compensation</b>	<b>Column B Leave/Pay Compensation</b>
1 day	<b>16 hrs compensatory leave</b>	<b>8 hrs leave + 16 hrs pay</b>
2 days	<b>32 hrs compensatory leave</b>	<b>16 hrs leave + 32 hrs pay</b>
3 days	<b>44 hrs compensatory leave</b>	<b>24 hrs leave + 40 hrs pay</b>
4 days	<b>56 hrs compensatory leave</b>	<b>32 hrs leave + 48 hrs pay</b>
5 days	<b>68 hrs compensatory leave</b>	<b>40 hrs leave + 56 hrs pay</b>
6 days	<b>80 hrs compensatory leave</b>	<b>48 hrs leave + 72 hrs pay</b>
7 days	<b>92 hrs compensatory leave</b>	<b>56 hrs leave + 72 hrs pay</b>
8 days	<b>104 hrs compensatory leave</b>	<b>64 hrs leave + 80 hrs pay</b>
9 days	<b>116 hrs compensatory leave</b>	<b>72 hrs leave + 88 hrs pay</b>
10 days	<b>128 hrs compensatory leave</b>	<b>80 hrs leave + 96 hrs pay</b>

\* **NB** This above compensatory levels are irrelevant of the actual hours an officer would normally be rostered to work.

**APPENDIX F**

**TABLE OF ANNUAL LEAVE ALLOWANCES**

<b>ANNUAL LEAVE ALLOWANCE</b>	<b>DAYS</b>	<b>26</b>	<b>31</b>
<b>Annual Leave Allowance</b>	<b>Hours</b>	<b>192.4</b>	<b>229.4</b>
<b>Hours of Work</b>	<b>Annual Leave due in Hours</b>		
15		78	93
16		83.2	99.2
17		88.4	105.4
18		93.6	111.6
18.5		96.2	114.7
19		98.8	117.8
20		104	124
21		109.2	130.2
22		114.4	136.4
23		119.6	142.6
24		124.8	148.8
25		130	155
26		135.2	161.2
27		140.4	167.4
28		145.6	173.6
29		150.8	179.8
30		156	186
31		161.2	192.2
32		166.4	198.4
33		171.6	204.6
34		176.8	210.8
35		182	217
36		187.2	223.2
37		192.4	229.4

## **APPENDIX G**

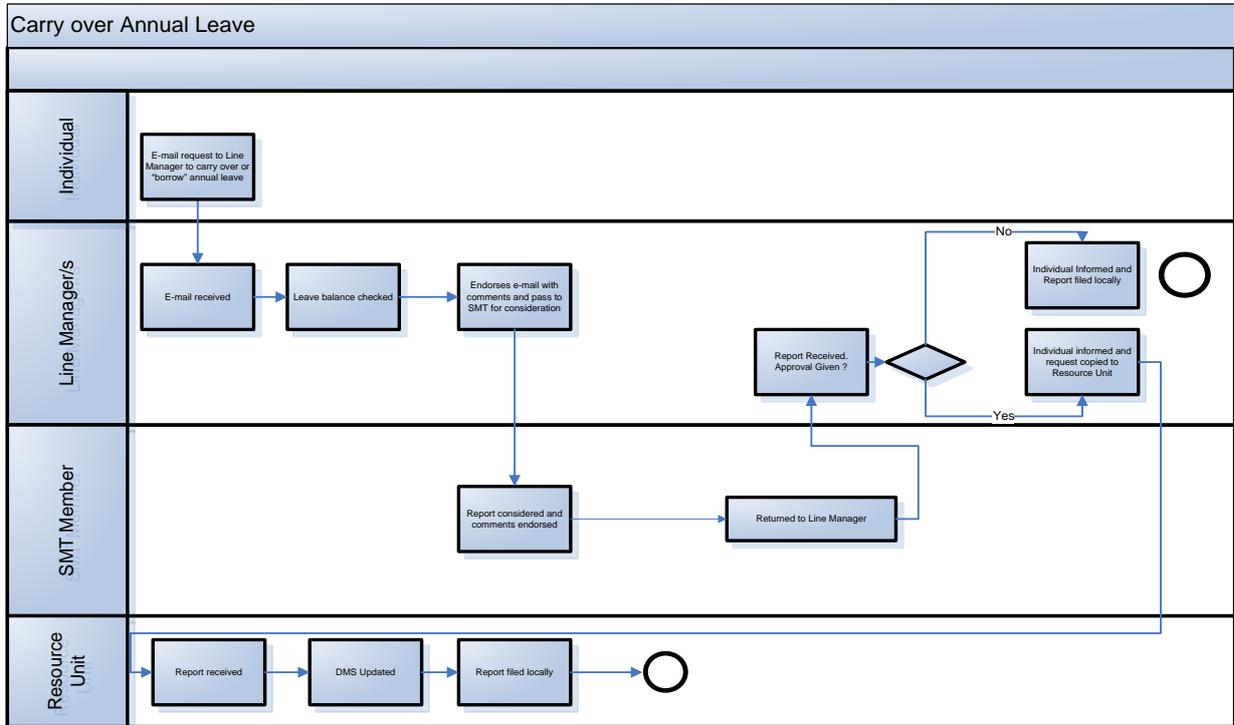
### **PUBLIC HOLIDAYS – DMS ADJUSTMENTS**

The following examples are based on all public holidays being 8 hours for police officers or 7.4 hours for police staff, with a maximum of 64 hours (Police) or 59.2 (staff) per annum (or pro-rata for those working part time):

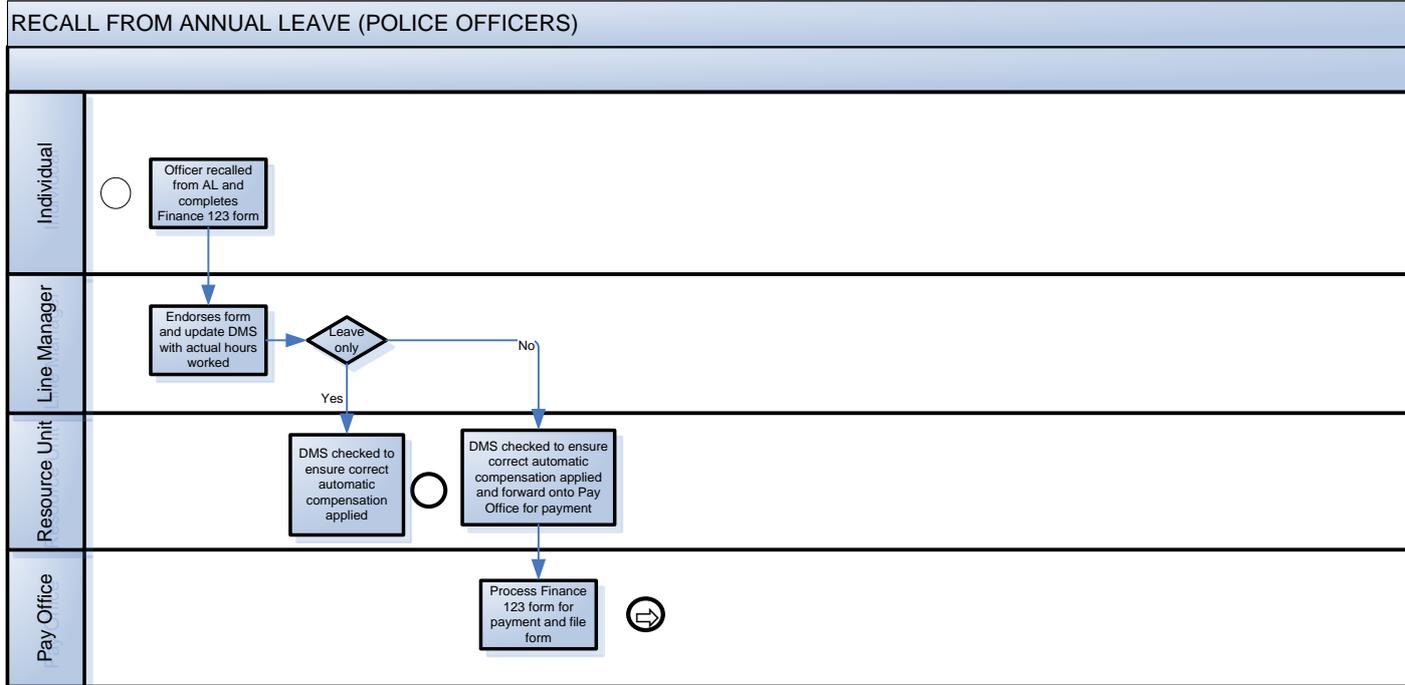
- A) An officer is rostered to have a rest day on a public holiday, they receive a RDIL, which, when re-rostered is regarded as a 24 hours period. A staff member will receive TOIL equal to a standard day as above. Part time and job share staff will receive a pro rata amount.
- B) An officer is rostered to have a rest day on a public holiday, the public holiday will take precedence over the rest day and compensated as per paragraph A above. If the Officer/Staff member then works on this public holiday they will receive the appropriate payment / TOIL for the hours worked.
- C) An officer/staff member works as planned on a public holiday and receives the appropriate hours pay/TOIL for the hours worked.
- D) If an officer/staff member is not required to work on a public holiday, where they would normally have been rostered to work a shift that exceeded 8 hours, a manual deduction of TOIL (1,2 or 4 hours) is made to compensate.
- E) Those who work a 5 day week without any variation in hours per day and take all public holidays will not require any adjustment to TOIL.
- F) Part time workers are allocated a proportion of public holidays allowance at the beginning of the year, appropriate to their contractual hours. Any difference between the time taken and the allowance allocated, whether positive or negative, will be subject of an adjustment via TOIL and be corrected by the Origin team. This will include any adjustments for free days and a free day in lieu will not be granted for public holidays. Part time staff who take in excess of their public holiday entitlement, will owe the organisation the debit balance and arrangements must be made by supervisors to ensure that these staff repay the additional hours by either working on what would be a free day, or making adjustments to their flexi-leave balance.
- G) For staff working compressed hours they will be credited 8 hours (for police officers), or 7.4 hours (for police staff) for any public holiday. If a public holiday falls on what would have generally been the individuals' free day, then they will be credited with 8 hours (police officer) or 7.4 hours (police staff).

**Please note – Should amendments to DMS be required for public holiday working anomalies, then they will be carried out by the Origin Admin team at the end of each calendar year in retrospect. For leavers from the organisation, adjustments will be made by the ORIGIN Admin team upon receipt of resignation.**

**Appendix H**



**Appendix I**



**EQUALITY IMPACT ASSESSMENT (EIA)**

<b>LEAVE POLICY</b>	
<p>An equality impact assessment (EIA) form <b>must</b> be completed by the Policy/Function lead when developing or reviewing policies or procedures which may impact on the way the Force conducts its business (both internally and externally) and must show that when making decisions we:-</p> <ul style="list-style-type: none"> <li>• Give due regard to the impact it will have on protected groups</li> <li>• Undertake an assessment <b>prior to</b> any decisions around policies/procedures being ratified to identify what potential impact has been found and subsequent action taken, and</li> <li>• Provide an audit trail of the assessment undertaken which identifies how the policy or procedure is likely to affect protected groups.</li> </ul> <p>The EIA must be completed <b>before</b> decisions are made, and remain a live document to be reviewed and continually updated during policy/procedure development or updating</p> <p><u>This form is a Tool to document the assessment and should be completed, attached to the relevant policy/procedure document and submitted to the HR User Group or other strategic group for ratification</u></p>	
<b>1) Purpose of the policy. Why do we need it and what will it achieve</b>	
The purpose of this policy is to provide information on the various leave options available to individuals	
<b>2) Explain briefly why the Policy/Procedure is being developed or reviewed?</b>	
Policy updated to reflect the option for staff to take hours as part days.	
<b>3) What research/resources have been used or considered in the initial stages of this assessment?</b>	
<b>4) Who has been consulted around the potential impact during the development/amendment of the policy/procedure</b>	
All support networks. HR Staff Staff associations Legal Services Heads of Command	Force Executive (AC0) Independent Advisory Groups (IAG's)
<b>5) Following assessment of available information, has a positive or adverse impact been identified OR is the initiative equality neutral?</b>	
<p>A <b>Positive Impact</b> – will actively promote equality of opportunity or improve relations between one or more groups</p> <p>An <b>Adverse impact</b> – will cause some form of disadvantage or exclusion.</p> <p><b>Neutral impact</b> is when there are no notable consequences for any diversity group</p> <p><b>Provide details on ALL decisions for ALL the protected characteristic groups below. Specify what actions, if any, will be taken as a result of the assessment, provide any findings and the reason any decisions were reached, and determine what changes may be necessary to either reduce any adverse impact or enhance any beneficial impact. If an adverse (negative) impact has been identified question 5 must be completed.</b></p>	

	<u>Positive</u>	<u>Negative</u>	<u>Neutral</u>	<u>Details</u>
Age			X	
Disability			X	
Transitioning from one sex to another (either thinking of, in the process of or have)			X	
Marriage and Civil Partnership			X	
Pregnancy and Maternity			X	
Race			X	
Religion or Faith			X	
Gender			X	
Sexual Orientation			X	
<b>6) If a negative impact has been identified, please provide further details stating what actions need to be undertaken as a result of the section 5). How any negative impact can be justified for this initiative.</b>				

<b>Confirm the above Actions have been incorporated and the EIA is now ready for submission to HR PUG or other Strategic Group.</b>	
Signature...	
Name Sylvia Horsfield	Date 6 <sup>th</sup> January 2021
<b>7) – Ratify the Policy / Procedure at HR PUG or other Strategic Group</b>	
Meeting/Group:-	HR PUG
Chair of Meeting/Group:-	T/C/Supt Curtis – outside of PUG