

Annex 1

Regulation 6

EYESIGHT STANDARDS: POLICE RECRUITMENT

The standard of eyesight which must be met by a candidate for appointment to the Police Service in respect of each of the matters specified in the first column of the following table is that specified in the second column of the table.

Eyesight	Mandatory requirement
Static Visual Acuity ¹	<p>Corrected distance visual acuity must be 6/12 in either eye and 6/6 or better, binocularly.</p> <p>Corrected near static visual acuity must be 6/9 or better, binocularly. Applicants who do not reach the standard must be invited for a further test if they obtain a stronger prescription.</p> <p>Uncorrected visual acuity must be 6/36 or better, binocularly.</p> <p>Corrected low contrast distance visual acuity must be 6/12 or better for a 10% contrast target, binocularly.</p>
Visual Field ²	<p>A field of view of at least 120 degrees horizontally by 100 degrees vertically is required. The field of view should be free of any large defective areas, particularly in the fovea. Single defects smaller than the physiological blind spot, and multiple defects that add to an area smaller than the physiological blind spot, are acceptable.</p>
Colour Vision ³	<p>Monochromats should be rejected.</p> <p>Mild anomalous trichromats are acceptable and are to be treated as normal.</p> <p>Severe anomalous trichromats and dichromats are also acceptable and are to be instructed in coping strategies.</p> <p>Applicants who show a lowered discrimination for blue colours should be referred to an ophthalmologist for further assessment. This must include a measure of their dark adaptation performance.</p>
Spectacles and contact lenses	<p>Correction must be worn where necessary to achieve 6/6 binocularly. Corrective spectacles and contact lenses are acceptable for the tasks of an Operational Police Constable.</p>
Eye Surgery	<p>PRK, LASIK, LASEK, ICRS, cataract surgery: There is no significant weakening of the cornea and applicants must not be rejected only on the basis of having had such surgery. A period of at least 6 weeks after surgery should be allowed before applications are accepted. There may be a reduction in low light level visual performance: Test visual performance under low illuminance conditions.</p>

	Radial Keratotomy (RK), Arcuate Keratotomy (AK), corneal grafts, any other surgical procedures that result in a significant weakening of the cornea: There is a measurable risk of corneal rupture if the eye is struck. Applicants having undergone such surgery must be rejected.
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¹ Acuity should be measured using a Snellen eye chart, or equivalent.

² The field of view may be tested using a confrontation test. However, it is recommended that more sophisticated testing equipment be used, where possible. If the results of the confrontation test suggest that there is a reduced visual field, or if the results of the medical questionnaire suggest an increased risk of reduced visual field, applicants should be referred to an ophthalmologist for a thorough examination of their visual field.

³ Colour vision should be tested using the appropriate test. Applicants should not wear 'colour correcting' lenses during the colour vision tests.

This is Annex 2 referred to in the foregoing determination by the Scottish Ministers under regulation 7 of the Police Service of Scotland Regulations 2013

Annex 2

Regulation 7

APPOINTMENT OF SENIOR OFFICERS

Part 1. Experience and other requirements

- 1) No individual may be appointed as chief constable unless that individual holds or has held the rank of assistant chief constable or above in a relevant police force for at least two years.
- 2) No individual may be appointed as deputy chief constable unless that individual holds or has held the rank of assistant chief constable or above in a relevant police force for at least two years.
- 3) No individual may be appointed as assistant chief constable unless that individual holds or has held the rank of superintendent or above in a relevant police force for at least two years.
- 4) In this Part, references to a 'relevant police force' mean:
 - a) the Police Service of Scotland;
 - b) a police force maintained before 1st April 2013 under the Police (Scotland) Act 1967;
 - c) a police force maintained under section 2(1) of the Police Act 1996;
 - d) the metropolitan police force;
 - e) the City of London police force;
 - f) the Police Service of Northern Ireland;
 - g) the British Transport Police Force;
 - h) the States of Jersey Police Force;
 - i) the salaried police force of the Island of Guernsey; or
 - j) the Isle of Man Constabulary.
- 5) The Scottish Police Authority must include the chief constable on its interview panel for appointments to the offices of deputy chief constable and assistant chief constable.
- 6) In addition to the requirements of regulation 6 no person may be appointed as a senior officer of the Police Service of Scotland unless they have successfully completed the Strategic Command Course (SCC), as organised by the College of Policing, or equivalent.

Part 2. Terms for fixed term appointments

- 1) The term of an appointment to the office of chief constable or deputy chief constable must fall within the range in paragraph (2) below.

- 2) Subject to paragraph (3), a fixed term appointment must be for a minimum of two years and a maximum of five years.
- 3) An appointment to the office of chief constable may be extended, by agreement of the Authority and the individual appointed, for a further term of a maximum of three years and for subsequent terms each of a maximum of one year, provided that any extension or subsequent extension which is due to expire more than one year after the expiry of the original fixed term is subject to the approval of the Scottish Ministers.
- 4) An appointment to the office of deputy chief constable may be extended, by agreement of the Authority and the person appointed, for a further term of a maximum of three years and for subsequent terms each of a maximum of one year.
- 5) This determination is without prejudice to any provision whereby a term of appointment comes to an end on promotion, dismissal or transfer to another police force in the UK and to any determination made under regulation 10.

Part 3. Senior officer appointments to be advertised

- 1) Subject to paragraph (4), where a vacancy, or vacancies, exist in the rank of chief constable, deputy chief constable or assistant chief constable, a notice of the vacancy which complies with paragraph (2) must be published by the Scottish Police Authority.
- 2) The notice referred to in paragraph (1) must-
 - a) invite applications to fill the vacancy;
 - b) be published in not less than one publication which deals with police matters and advertised (in that publication or otherwise) throughout the United Kingdom;
 - c) be brought to the attention of all the policing organisations listed in paragraph 4(b) to (i) of Part 1 of this determination;
 - d) specify the date, which must not be less than three weeks after the date of the publication of the notice, by which applications must be made.
- 3) Subject to paragraph (4), no appointment shall be made to fill a vacancy in one of the ranks specified in paragraph (1) of this Annex until after the date specified in accordance with paragraph (2)(d) in a notice in respect of that vacancy.
- 4) Paragraphs (1) and (3) shall not apply where-
 - a) the term of appointment of the person who currently holds the post in which the vacancy would otherwise occur is extended under paragraph (3) or (4) of Part 2 of this Annex or that person is appointed for a further term;

- b) the vacancy is in the rank of deputy chief constable or assistant chief constable and is to be filled by a constable on a temporary appointment under regulation 7(6) of the Regulations.

This is Annex 3 referred to in the foregoing determination by the Scottish Ministers under regulation 8 of the Police Service of Scotland Regulations 2013

Annex 3

Regulation 8

PROBATIONARY SERVICE IN THE RANK OF CONSTABLE

- 1) A constable appointed in the rank of constable, and not being a part-time constable, is to be, unless paragraph (4) applies, on probation for the first 2 years of their service as a constable following the constable's last appointment thereto or for such longer period as the chief constable determines in the circumstances of a particular case.
- 2) A part-time constable appointed in the rank of constable is to be, unless paragraph (4) applies to that constable's case, on probation for a period calculated in accordance with paragraph (3) following that constable's last appointment thereto or for such longer period as the chief constable determines in the circumstances of a particular case.
- 3) a) A part-time constable appointed in the rank of constable must be required to serve on probation for a period of $(40/A) \times (2 \text{ years, less any period of probation served in the Police Service otherwise than as a part-time constable})$.

b) In sub-paragraph (a) above, "A" = the constable's normal weekly period of duty, (where the constable's normal period of duty is as determined by the Scottish Ministers under regulation 14 of the Regulations and a "week" means the period of 7 days beginning with such day as is fixed by the chief constable).
- 4) A constable to whom paragraph (1) or (2) applies, who served on probation for a period of not less than a year following a previous appointment to the Police Service or any other police force is to be on probation for the first year of the constable's service as a constable following the constable's last appointment or for such longer period as the chief constable determines in the circumstances of a particular case.

Provided that the chief constable may at their discretion-

- a) reduce the period of probation, on the condition that the reduced period, when aggregated with the previous period of probation, must be not less than 2 years except that, in the case of a constable who for any part of their probation is appointed a part-time constable, that reduced period must be not less than the period served full time in probation plus the period calculated under paragraph 3(a) above, or;
 - b) dispense with the period of probation, if the constable, following the constable's previous appointment, completed the required period of probation in the Police Service or the police force in question.
- 5) For the purposes of this determination-
- a) in reckoning service, any period of unpaid leave must be disregarded;

- b) in the case of a constable who has been transferred to the Police Service by virtue of schedule 5 to the Police and Fire Reform (Scotland) Act 2012, the constable's previous service is to be treated as if it were service in the Police Service;
- c) in the case of a constable who, immediately before their appointment to the Police Service, was a member of a police force, the constable's previous service with that force is to be treated as if it were service in the Police Service;
- d) in reckoning service in the case of a constable 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 must be treated as if it were service in the Police Service;
 - (ii) where that leave has been for less than 52 weeks, any period spent on maternity leave must be treated as if it were service in the Police Service;

and where that constable has, at the beginning of the fourteenth week before the expected date of birth of the constable's child, as given in accordance with a determination under regulation 25(7) of the Regulations, served continuously as a constable of the Police Service for a period of not less than 26 weeks, any period (not being a period of which account has been taken under paragraph (i) or (ii)) spent on maternity leave during the period of 29 weeks beginning with the week in which the child is born must in addition be treated as if it were service in the Police Service.

- e) in reckoning service in the case of a constable who has taken one or more periods of paternity leave in accordance with a determination under regulation 25(7) of the Regulations any period spent on paternity leave must be treated as if it were service in the Police Service.
- f) in reckoning service in the case of a constable who has taken one or more periods of parental leave under regulation 25(8)(b) of the Regulations and the determination thereunder any period spent on parental leave must be treated as if it were service in the Police Service.
- g) in reckoning service in the case of a constable who has taken one or more periods of maternity support leave under regulation 25(8)(a) of the Regulations and the determination thereunder, any period spent on maternity support leave must be treated as if it were service in the Police Service.
- h) in reckoning service in the case of a constable who has taken one or more periods of adoption support leave under regulation 25(8)(d) of the Regulations and the determination thereunder, any period spent on adoption support leave must be treated as if it were service in the Police Service.
- i) in reckoning service in the case of a constable who has taken one or more periods of adoption leave under regulation 25(8)(c) of the Regulations and the determination

thereunder, any period spent on adoption leave must be treated as if it were service in the Police Service.

and where that constable has, at the end of the week in which they are notified of having been matched with a child for adoption, served continuously as a constable for a period of not less than 26 weeks, any period spent on adoption leave during the period of 26 weeks beginning with the week in which the child is placed with the constable for adoption must in addition be treated as if it were service in the Police Service.

6) In this Annex, “police force” has the same meaning as in regulation 8(4) of the Regulations.

Annex 4

Regulation 10

RETIREMENT

- 1) Without prejudice to the following provisions:
 - a) Such Police Pensions Regulations as may be in force relating to compulsory retirement;
 - b) Such Conduct Regulations as may be in force relating to resignation as an alternative to dismissal;
 - c) Such Performance Regulations as may be in force relating to resignation as an alternative to dismissal;
 - d) Section 14 of the Police and Fire Reform (Scotland) Act 2012 relating to retirement in the interests of efficiency or effectiveness,and subject to paragraph (2), a constable of the Police Service may retire only if the constable has given to the chief constable one month's written notice of the constable's intention to retire or such shorter notice as may have been accepted by the chief constable.
- 2) But paragraph (1) does not affect the validity of any retiral in the circumstances specified in regulation 9(3) of the Regulations.
- 3) In the case of the chief constable, a deputy chief constable or an assistant chief constable, paragraph (1) has effect as if-
 - a) for "one month's" there were substituted "three months"; and
 - b) for "chief constable" there were substituted "Scottish Police Authority".

This is Annex 5 referred to in the foregoing determination by the Scottish Ministers under regulation 14 of the Police Service of Scotland Regulations 2013

Annex 5

Regulation 14

DUTY

1) HOURS OF DUTY

- a) This paragraph applies to every constable, other than a part-time constable, of the rank of constable or sergeant.
- b) The normal daily period of duty (including the period for refreshment referred to in sub-paragraph (c)) of a constable is, except in the case of a constable working in accordance with variable shift or flexible working arrangements, 8 hours.
- c) As far as the exigencies of duty permit:
 - i) The normal daily period of duty (or, in the case of a constable working in accordance with variable shift or flexible working arrangements, a shift) is to be performed in one tour of duty;
 - ii) Apart from where a constable has taken a half day's annual leave or is working in accordance with variable shift or flexible working arrangements, an interval of 45 minutes is to be allowed for refreshment.
 - iii) Where in one day a constable working in accordance with variable shift or flexible working arrangements is on duty for a continuous period of 5 hours or more, time for refreshment is, as far as the exigencies of duty permit, to be allowed as in the following table:

Number of hours	Refreshment time
Less than 6 hours	30 minutes
6 hours or more, but less than 7 hours	35 minutes
7 hours or more, but less than 8 hours	40 minutes
8 hours or more, but less than 9 hours	45 minutes
9 hours or more, but less than 10 hours	50 minutes
10 hours or more	60 minutes

- d) Where a constable is required to perform that constable's normal daily period of duty (or in the case of a constable working in accordance with variable shift or flexible working arrangements, a shift) in more than one tour of duty and does not travel to and from that constable's home between tours, an interval for refreshment and rest should normally be included at the beginning or end of one of those tours.

2) DUTY ROSTERS

- a) The chief constable must cause to be published, in accordance with this determination, duty rosters for constables of the rank of constable or sergeant (and inspector and chief inspector in the case of part-time constables) and, in the determinations made under the Regulations:
 - i) a reference to a rostered rest day is to be construed, in relation to a constable who is required to do duty on that day, as reference to a day which according to the duty roster was, immediately before that constable was so required to do duty, to have been a rest day for the constable; and
 - ii) a day off, granted in lieu of a rostered rest day, is to be treated as a rostered rest day.
- b) The chief constable must cause each such roster to be drawn up and published, after full consultation with the Joint Central Committee, at intervals not exceeding 12 months and not later than one month before the date on which it starts.
- c) Each such roster must set out, for at least three months (except one relating to a part-time constable who has agreed with the Chief Constable on a different period) following the date on which it comes into force, in relation to each constable to whom it relates:
 - i) that constable's rest days;
 - ii) those days, being public holidays, on which that constable may be required to do duty; and
 - iii) the times at which that constable's scheduled daily periods of duty (rostered shifts for constables working variable shift or flexible working arrangements and for part-time constables) are to begin and end; and
 - iv) for part-time constables, that constable's free days.
- d) A reference to a 'free day' is to be construed as a reference to a day which is not:
 - i) a day on which, according to the duty roster, a shift is to begin or end;
 - ii) a rostered rest day; or
 - iii) a public holiday.
- e) Subject to sub-paragraph (f), a duty roster must make provision for:
 - i) an interval of not less than 11 hours between the ending of each of a constable's daily periods of duty (or in the case of a part-time constable or a constable

working in accordance with variable shift or flexible working arrangements, that constable's shifts) and the beginning of the next; and

- ii) an interval between each of that constable's rostered rest days not exceeding 7 days, unless in the case of a part-time constable, a longer interval has been agreed between the constable and the chief constable;
- f) Unless the Joint Central Committee agrees otherwise, an agreement mentioned in sub-paragraph (e)(ii) must provide for an equivalent period of compensatory rest.
- g) Where, owing to the exigencies of duty, it is necessary to alter the duty roster, the officer responsible for making the alteration must endeavour, so far as practicable, to avoid thereby requiring a constable to do an additional daily period of duty or, in the case of a part-time constable or a constable working in accordance with variable shift or flexible working arrangements, a shift, in circumstances where the conditions in sub-paragraph (e)(i) and (ii) would not be satisfied in relation thereto.
- h) Where a duty roster is altered in accordance with subparagraph (g) and a constable is required to do an additional daily period of duty or a shift in circumstances where the conditions in sub-paragraph (e)(i) and (ii) are not satisfied in relation thereto, that constable is entitled to an equivalent period of compensatory rest as soon as reasonably practical.

3) PUBLIC HOLIDAYS, REST DAYS AND MONTHLY LEAVE DAYS

a) Constables and Sergeants

- i) So far as the exigencies of duty permit, a constable of the rank of constable or sergeant is to be allowed a day's leave on each public holiday and be granted rest days at the rate of two rest days (or, in the case of a constable working in accordance with variable shift arrangements, not less than two rest days) in respect of each week.
- ii) The provisions for compensation in lieu of public holidays and rostered rest days are such as are found in the determination made under regulation 18 of the Regulations.

b) Inspectors and Chief Inspectors

Every constable of the rank of inspector or chief inspector must, so far as the exigencies of duty permit, be allowed a day's leave on each public holiday and be granted rest days at the rate of two rest days in each week.

c) Ranks above Chief Inspector

Every constable of, or above, the rank of superintendent must, so far as the exigencies of duty permit, be allowed a day's leave on each public holiday and be granted in each month:

- i) in the case of a constable of the rank of superintendent or chief superintendent, 8 monthly leave days;
- ii) in any other case, 1½ monthly leave days.

4) TRAVELLING TIME TREATED AS DUTY

a) This paragraph applies where a full-time constable is:

- i) required to perform that constable's normal daily period of duty (or in the case of a constable working in accordance with variable shift or flexible working arrangements, that constable's shift) in more than one tour of duty; or
- ii) recalled to duty between two tours of duty (or in the case of a constable working in accordance with variable shift or flexible working arrangements, two shifts),

and travels to and from that constable's home between tours (in the case of a constable working variable shift or flexible working arrangements, between shifts), or, as the case may be, in consequence of that constable's recall (in this determination referred to as "relevant travelling").

b) This paragraph applies to a part-time constable where:

- i) a shift consists of two separate periods; or
- ii) that constable is recalled to duty between two shifts;

and that constable travels to and from that constable's home between those periods or, as the case may be, in consequence of that constable's recall (in this determination referred to as "relevant travelling").

c) Where this paragraph applies, relevant travelling not exceeding such reasonable limits as is fixed by the chief constable is to be treated as a period of duty for the purposes of computing—

- i) any period of overtime for the purposes of regulation 17 of the Regulations and the determination made thereunder; and
- ii) any period of duty for the purposes of regulation 18 of the Regulations and the determination made thereunder (except for the purposes of paragraph 3(h) of that determination).

5) PART-TIME CONSTABLES

Normal Period of Duty

- a)
 - i) This paragraph applies to every part-time constable below the rank of superintendent.
 - ii) The normal period of duty in every relevant period of a part-time constable to whom this paragraph applies, which is to be performed in accordance with general arrangements made by the chief constable after consulting the Scottish Police Authority and Joint Central Committee, is, subject to sub-paragraph (v), the total number of hours approved by the chief constable with the agreement of the constable at the time of that constable's appointment as a part-time constable.
 - iii) For the purposes of sub-paragraph (ii) a day of annual leave counts as a period of duty of 8 hours multiplied by the appropriate factor.
 - iv) The chief constable must review a constable's normal period of duty at intervals of not more than 52 weeks, and in doing so must have regard to the number of hours actually spent on duty during the interval between that review and the last previous review or, if there has been no previous review, the part-time constable's appointment.
 - v) In addition to any review required under sub-paragraph (iv), a part-time constable or the chief constable may require a further review where there have been or are likely to be significant changes in the normal daily period of duty or in the circumstances of the constable.
 - vi) After a review under sub-paragraph (iv) or (v):
 - (1) any number of hours different from that determined under sub-paragraph (ii) which is determined by the chief constable and agreed to by the part-time constable becomes the part-time constable's normal period of duty, and
 - (2) if no different number is agreed to by the part-time constable, that constable's normal period of duty is the number of hours determined on the last previous review, or where no such review has taken place, under sub-paragraph (ii).
 - vii) On any review under sub-paragraph (v) the chief constable must have regard to the number of hours actually spent on duty during the interval preceding the review.
 - viii) As far as the exigencies of duty permit, a shift is to consist of one continuous period.

ix) Periods allowed for Refreshment

Where in one day a constable is on duty for a continuous period of 5 hours or more, an interval for refreshment must, as far as the exigencies of duty permit, be allowed in accordance with the Table below:

Number of hours	Refreshment time
Less than 6 hours	30 minutes
6 hours or more, but less than 7 hours	35 minutes
7 hours or more, but less than 8 hours	40 minutes
8 hours or more, but less than 9 hours	45 minutes
9 hours or more, but less than 10 hours	50 minutes
10 hours or more	60 minutes

- x) Where a shift consists of two periods amounting in total to 5 hours or more and the constable does not travel to and from that constable's home between those periods, an interval for refreshment and rest must normally be included at the beginning or end of one of them.

b) In relation to a part-time constable:

- i) the determined hours are the number of hours which the chief constable has determined as that constable's normal period of duty in a relevant period,
- ii) a relevant period is a period for which a duty roster relating to that constable has effect for the time being under paragraph 3, and
- iii) the appropriate factor is A/B, where:

A is the number of determined hours, and

B is 40 times the number of weeks in the relevant period.

6)

- a) In this determination, "day", in relation to constables of the Police Service of Scotland, means a period of 24 hours commencing at such time or times as the chief constable fixes and the chief constable may fix different times in relation to different groups of constables.
- b) The chief constable must have regard to the views of the Joint Central Committee in discharging the function in sub-paragraph (a).
- c) In this determination "compensatory rest" as mentioned at paragraph 2(e) above has the same meaning as applied by the Working Time Regulations 1998.

6) OFFICERS WORKING AT NIGHT

- a) Any constable who regularly works for at least three hours of that constable's daily working time between 11pm and 6am, irrespective of the pattern of duty worked, is to be treated as if they were a night worker within the meaning given by regulation 2(1) of the Working Time Regulations 1998.

7) WORKING TIME

The following periods are additional periods which are to be treated as working time for the purposes of the Working Time Regulations 1998 (see regulation 2(1) of those Regulations);

- a) time spent in travel, outside of rostered duty hours and not covered by paragraph 5 of this Annex to and from duty at a place other than the normal place of duty;
- b) time spent in travel to and from training courses other than at the usual place of duty.

DETERMINATION UNDER THE POLICE SERVICE OF SCOTLAND REGULATIONS 2013

1. The Scottish Ministers make the following determination in exercise of the powers conferred by regulations 16 and 34(3) of the Police Service of Scotland Regulations 2013 (“the Regulations”).
2. In accordance with regulation 34(1) of the Regulations the Scottish Ministers have shared a draft of this determination with the Police Negotiating Board and considered the representations made by that Board.
3. This determination has effect from 1 September 2016.
4. For the determination under regulation 16 of the Regulations (Annex 6 – pay) substitute—

“This is Annex 6 referred to in the foregoing determination by the Scottish Ministers under regulation 16 of the Police Service of Scotland Regulations 2013

Annex 6

Regulation 16

PAY

SECTIONS:

- 1 GAIN FROM PROMOTION**
- 2 CONSTABLES’ PAY**
- 3 SERGEANTS’ PAY**
- 4 INSPECTORS’ PAY & PART TIME INSPECTORS’ PAY**
- 5 CHIEF INSPECTORS’ PAY & PART TIME CHIEF INSPECTORS’ PAY**
- 6 SUPERINTENDENTS’ PAY**
- 7 SENIOR OFFICERS’ PAY**
- 8 8 COMPETENCE RELATED THRESHOLD PAYMENT FOR CONSTABLES, SERGEANTS, INSPECTORS AND CHIEF INSPECTORS**
- 9 PART-TIME CONSTABLES**

Section 1

GAIN FROM PROMOTION

- 1) When a constable is promoted to a higher rank, the rate of pay payable to the constable in that higher rank must be higher than the rate of pay the constable would have received had they not been promoted and must be set at a rate which is not less than the rate appropriate to the pay point which, in the higher rank, is immediately above the rate of pay the constable would have received but for their promotion.
- 2) Constables promoted from the rank of constable and inspector to sergeant and chief inspector respectively, and who were in receipt of a competence related threshold payment when promoted to the higher rank, will receive a guaranteed minimum increase in salary on promotion of £450 per annum.
- 3) For so long as the constable continues to serve in the higher rank, they must be paid at the rate identified in paragraphs (1) and (2) until, in accordance with the terms of service appropriate to the constable's new rank, a higher pay point becomes applicable.

Section 2

CONSTABLES' PAY

Pay point	With effect from 1 September 2016
On commencing service	£24,204
On completion of initial training	£27,015
2	£28,584 (a)
3	£30,330
4	£31,284
5	£32,292
6	£33,213
7	£34,029
8	£35,127
9	£37,251
10	£38,001 (b)

- (a) All officers move to this salary point on completion of two years' service as a constable.
- (b) Officers who have been on this point for a year will have access to the competence related threshold payment.

Section 3

SERGEANTS' PAY

Pay point	With effect from 1 September 2016
0	£38,001 (a)
1	£39,300 (b)
2	£40,620
3	£41,487
4	£42,708 (c)

- (a) Entry point for officers promoted from constables' pay point 9 or less.
- (b) Entry point for officers promoted from constables' pay point 10.
- (c) Officers who have been on this point for a year will have access to the competence related threshold payment.

Section 4

INSPECTORS' PAY

Pay point	With effect from 1 September 2016
0	£48,690
1	£50,061
2	£51,435
3	£52,812 (a)

- (a) Officers who have been on this point for a year will have access to the competence related threshold payment.

A part-time inspector who works additional hours shall be paid at plain time for all hours worked in addition to their determined hours up to 40 hours a week. Determined hours and additional hours so worked are pensionable.

Section 5

CHIEF INSPECTORS' PAY

Pay point	With effect from 1 September 2016
1	£53,892 (a)
2.	£54,975
3	£56,109 (b)

- (a) Entry point for an officer appointed to the rank, unless the chief officer of police assigns the officer to the higher point.
- (b) Officers who have been on this point for a year will have access to the competence related threshold payment.

A part-time chief inspector who works additional hours shall be paid at plain time for all hours worked in addition to their determined hours up to 40 hours a week. Determined hours and additional hours so worked are pensionable.

CHIEF INSPECTORS IN POST AT 31 AUGUST 1994

Annual salary with effect from 1 September 2016
£57,027 (a)

- (a) Officers on this point will have access to the competence related threshold payment.

Section 6

SUPERINTENDENTS' PAY

SUPERINTENDENT

Pay point	With effect from 1 September 2016
1	£64,830
2	£68,217
3	£71,781
4	£76,575

CHIEF SUPERINTENDENT

Pay point	With effect from 1 September 2016
1	£80,352
2	£83,070
3	£84,765

Section 7

SENIOR OFFICERS' PAY

CHIEF CONSTABLE AND DEPUTY CHIEF CONSTABLE

	With effect from 1 September 2016
Chief Constable	£214,404
Deputy Chief Constable	£174,741

ASSISTANT CHIEF CONSTABLES APPOINTED TO THE POLICE SCOTLAND EXECUTIVE TEAM STRUCTURE

	With effect from 1 September 2016(a)
Assistant Chief Constable	£118,485

(a) With effect from 1st September 2013 all those ACCs appointed to the Police Scotland executive team structure will be on a single pay point.

Section 8

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

1) A constable in the rank of constable, sergeant, inspector or chief inspector whose service as reckoned under Part 7 of the Regulations, has entitled the constable for at least one year to be at the top of the scale applied to that constable's rank as shown in Sections 2, 3, 4 and 5 of this determination, and who makes an application in accordance with paragraph (3), is to receive a competence related threshold payment at the appropriate rate, provided that the determining officer has determined that a high professional competence has been demonstrated by that constable 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 Police Service 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 Police Service'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 constable, in the application, except as provided in paragraph (12) or (13), must include examples relating to performance over the two years prior to the date of the application. The completed form must be submitted to the constable's assessing officer. The assessing officer must complete in the relevant sections of the form an 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 must then submit the form to the constable's determining officer.
- 4) The constable's determining officer must consider the assessing officer's assessments and determine whether or not payment should be made under this Section of this determination.
- 5) The assessment and the determination must 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, must receive the payment with effect from the date at which they become eligible or the date of application, whichever is the later. Unsuccessful applicants are entitled to receive written feedback on their application from their determining officer and oral feedback from their assessing officer, and are entitled to appeal the decision not to award the payment. If appealing, the constable must explain in writing the reasons for disputing the decision. The constable's appeals officer must undertake the review of the decision.

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

- 7) Where the Police Service of Scotland identifies, under any formal management procedures, including any performance assessment process operated by the Police Service of Scotland, concerns with respect to the maintenance of high professional standards by a constable in receipt of the payment, the constable's entitlement to the payment must be re-assessed. In these circumstances, the constable, having been notified in writing of the causes for concern, may resubmit an application as outlined in paragraph (3) for consideration as outlined in paragraphs (4) and (5), and the right of appeal as outlined in paragraph (6) applies.
- 8) a) When a constable in receipt of the payment is promoted to a higher rank, the payment must be discontinued with effect from the date the promotion takes effect.

- b) A constable who is reduced in rank otherwise than as mentioned in sub-paragraph (c) is to receive the payment from the date at which the constable returns to the lower rank
 - c) A constable 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 Service of Scotland (Conduct) Regulations 2013 or the Police Service of Scotland (Conduct) Regulations 2014 is not entitled to the payment when returned to the lower rank, but may resubmit an application as outlined in paragraph (3) for consideration as outlined in paragraphs (4) and (5) and the right of appeal as outlined in paragraph (6) applies.
- 9) When a constable in receipt of the payment is temporarily promoted to a higher rank, the payment will be discontinued with effect from the date the temporary promotion takes effect until the period of temporary promotion ends.
 - 10) Subject to paragraph (7), where a constable in receipt of the payment goes on temporary service outwith the Police Service under arrangements made under section 15 of the Police and Fire Reform (Scotland) Act 2012, the constable will receive the payment from the date of return to the Police Service.
 - 11) The hourly rate of pay of a part-time constable entitled to this payment is to be increased by a sum obtained by multiplying by 6/12520 the appropriate rate.
 - 12) A constable who, at the time of application, is on maternity leave in accordance with regulation 25(7) of the Regulations and any determination thereunder, must in her application cite examples relating to performance from the two year period ending with the start of her maternity leave.
 - 13) A constable who, at the time of application, is absent from duty on account of injury or illness in accordance with regulation 25(5) of the Regulations and any determination thereunder, must in the application cite examples relating to performance from the two year period ending with the start of the absence under that regulation.
 - 14) In this Annex-
 - “appropriate rate” means £1,260 per annum from 1 September 2016;
 - “assessing officer” means the individual who has the immediate supervisory responsibility for the constable concerned;
 - “determining officer” means an individual who has supervisory responsibility within the Police Service and who is senior in rank or grade to the assessing officer;
 - “appeals officer” means the individual who has, for the time being, supervisory responsibility for the determining officer.
 - 15) Where none of the assessing officer, the determining officer or the appeals officer as defined in paragraph (14) is a constable, then the chief constable must appoint a suitable constable to be the appeals officer for the constable concerned.

Section 9

PART-TIME CONSTABLES

- 1) The hourly rate of pay of a part-time constable is to be calculated by multiplying by 6/12520 the appropriate annual rate of pay.
- 2) A part-time constable's pay for days of annual leave is 8 times the rate of pay as in (1) above, reduced in proportion that the number of determined hours bears to 40 times the number of weeks in the relevant period.
- 3) In this Section, "determined hours" and "relevant period" have the meaning given in paragraph 5(b) of Annex 5 of these determinations.

This is Annex 7 referred to in the foregoing determination by the Scottish Ministers under regulation 17 of the Police Service of Scotland Regulations 2013

Annex 7

Regulation 17

OVERTIME

A) OVERTIME FOR FULL-TIME CONSTABLES

- 1) Subject to the following provisions of this Annex, a constable of the rank of constable or sergeant is entitled to be compensated in respect of time:
 - a) for which the constable remains on duty after their tour of duty, or, in the case of a constable working in accordance with variable shift or flexible working arrangements, a rostered shift, ends; or
 - b) for which the constable is recalled between two tours of duty, or, in the case of a constable working variable shift or flexible working arrangements, rostered shifts; or
 - c) which forms part of a tour, or, in the case of a constable working variable shift or flexible working arrangements, a rostered shift, which the constable is required to begin earlier than the rostered time without due notice and on a day when the constable has already completed their normal daily period of duty or shift;

and such time is referred to in this Annex as “overtime”.

- 2) Only a constable of the rank of constable or sergeant is entitled to compensation for overtime.
- 3) Compensation is not payable under this Annex for overtime for which an allowance is payable under regulation 18 of the Regulations and the determination under that regulation.
- 4) Subject to paragraphs (5) and (7), a full-time constable of the rank of constable or sergeant is to be granted an allowance in respect of each week at the rate of a twenty-fourth of a day's pay for each completed period of 15 minutes of overtime worked by the constable on any occasion during that week, except that on each of the first four occasions on which overtime in respect of which the constable was not informed as mentioned in paragraph (7) is worked during a week 30 minutes of the overtime worked is to be disregarded.
- 5) Where such a constable, before the expiry of any pay period, elects in respect of specified overtime worked by the constable during the weeks ending within that period to be granted in lieu of an allowance time off subject to and in accordance with

paragraph (6), and in accordance therewith receives time off in respect of any overtime, no allowance in respect thereof is payable under paragraph (4).

- 6) Subject to the exigencies of duty, where by virtue of an election under paragraph (5) time off falls to be granted to a constable in respect of any overtime worked by that constable in any week then, within such time (not exceeding 3 months) after that week as the chief constable may fix, the chief constable must grant to the constable time off equal, subject to paragraph (7), to the period of that overtime worked by the constable during that week and, in addition, for each completed 45 minutes of such overtime, an additional 15 minutes off, except that on each of the first 4 occasions on which overtime in respect of which the constable was not informed as mentioned in paragraph (7) is worked during a week 30 minutes of the overtime worked is to be disregarded.
- 7) For the purposes of paragraphs (4) and (6), no account is to be taken of any period of less than 30 minutes of overtime worked on any occasion other than a period of 15 minutes of overtime in respect of which the constable was informed at the commencement of the constable's tour of duty that they would be required to remain on duty after their tour of duty ended.
- 8) In computing any period of overtime for the purpose of this Annex:
 - a) where the constable is engaged in prisoner escort duty, account is to be taken only of:
 - i) time during which the constable is in charge of the person under escort;
 - ii) such other time as is necessarily spent in travelling to or from the place where the constable is to take charge of, or hand over, the person under escort, as the case may be; and
 - iii) any other time that may be allowed by the chief constable, so however, that, if the constable is so engaged overnight and has proper sleeping accommodation, whether in a train or otherwise, the chief constable may exclude such period not exceeding eight hours, during which the constable is not in charge of the person under escort, as the chief constable considers appropriate in the circumstances;
 - b) subject to paragraph (4), where the tour or tours of duty does not or do not amount in the aggregate to more than the normal daily period of duty, no account is to be taken of any overtime except so much as together with the tour or tours of duty exceeds the normal daily period of duty. This paragraph does not apply to constables working in accordance with variable shift or flexible working arrangements;
 - c) where a constable is recalled to duty between two rostered tours of duty or, in the case of a constable working variable shift or flexible working arrangements, shifts and is entitled to reckon less than 4 hours of overtime in respect of any period for which the constable is recalled, disregarding any overtime reckonable under

regulation 14(1)(e) of the Regulations and the determination made under that regulation, the constable is to be deemed to have worked for such period 4 hours of overtime in addition to any overtime reckonable by virtue of regulation 14(1)(e) of the Regulations.

- d) where the time at which a constable is required to begin a rostered tour of duty or, in the case of a constable working variable shift arrangements, a rostered shift, is brought forward without due notice so that the constable is required to begin that tour of duty or shift on a day on which the constable has already completed their normal daily period of duty or shift, the time for which the constable is on duty before the rostered commencement time is reckonable as overtime and must be taken into account as part of that tour of duty or shift.

B) OVERTIME FOR PART-TIME CONSTABLES

This section has effect for part-time constables below the rank of inspector.

- 1) A part-time constable of the rank of constable or sergeant who has been on duty for more than 40 hours in any period of 7 days beginning with a day fixed for the purposes of this determination by the chief constable (a relevant week) is entitled to an allowance at the rate of one twelfth of an hour's pay for each completed 15 minutes in excess of 8 hours, on any day during that period on which the constable was on duty for more than 8 hours, except that on each of the first 4 occasions on which overtime in respect of which the constable was not informed as mentioned in section A, paragraph (7) above, is worked during a relevant week 30 minutes of the overtime worked is to be disregarded;
- 2) In the case of a part-time constable of the rank of constable or sergeant working a variable shift or flexible working arrangement, the number of hours on duty is, for the purposes of paragraph (1) above, to be determined by adding together;
 - a) The average number of hours the constable is rostered to work in a relevant week;
 - b) The number of hours (if any) the constable worked on any rest day during that week; and
 - c) The number of hours (if any) the constable worked on any public holiday during that week.
- 3) A part-time constable of the rank of constable or sergeant may, before the end of a pay period (as determined under regulation 23 of the Regulations), elect to receive time off in lieu of an allowance, in respect of any long duty day that occurred during a relevant week ending within the pay period.

A "long duty day" means a day on which a part-time constable works in excess of that constable's rostered hours.

- 4) Subject to the exigencies of duty, where a part-time constable of the rank of constable or sergeant has chosen to receive time off in lieu of an allowance for overtime, the chief constable must, within three months of the end of the relevant week, grant the constable time off equal to the total of:
- a) the time in excess of rostered hours on the day or days in respect of which the choice was made; and
 - b) an additional 15 minutes in respect of each completed 45 minutes of that time;
- except that on each of the first four occasions on which overtime in respect of which the part-time constable was not informed as mentioned in section A paragraph (7) is worked during a week, 30 minutes of the overtime worked is to be disregarded.
- 5) Any time counting for the purposes of regulation 16(1) of the Regulations (pay) as time spent on duty, except:
- a) time for which an allowance is received under paragraph (7) or under regulation 18 of the Regulations and the determination thereunder; and
 - b) any period of less than 30 minutes during the first 30 minutes after the end of a rostered shift, except a period of 15 minutes which the constable was told at the beginning of the shift would be required;
- counts as time spent on duty for the purposes of paragraph (3).
- 6) For the purposes of paragraph (2) a period of duty:
- a) which resulted from a part-time constable being recalled and returning to duty between two rostered shifts, and
 - b) the length of which, after deducting any travelling time counting as a period of duty by virtue of regulation 14 of the Regulations, was less than 4 hours;
- counts as a period of duty lasting for the aggregate of 4 hours and any period counting by virtue of regulation 14 of the Regulations (travelling time treated as duty).
- 7) Where the time at which a part-time constable of the rank of constable or sergeant is required to commence a rostered shift is brought forward:
- a) without giving the constable due notice before the new commencement time, and
 - b) so that the constable is required to commence that shift on the day on which their previous shift ended;

the constable is entitled to an allowance at the rate of one twelfth of an hour's pay for each completed 15 minutes of the time for which the constable is on duty before the rostered commencement time.

- 8) A part-time constable who has become entitled to an allowance under paragraph (7) above may, before the end of the pay period during which the day on which they were required to commence the shift occurred, elect to receive time off instead of the allowance.
- 9) Subject to the exigencies of duty, where a part-time constable has chosen to receive time off in lieu of an allowance as mentioned in paragraph (8) above, the chief constable must, within 3 months after the date of that decision, grant the constable time off equal to one and one third times the number of completed quarters of an hour for which the constable was on duty before the rostered commencement time.

10) Where:

- a)
 - (i) on any day on which a part-time constable has a rostered shift, that constable has been on duty for a period exceeding the length of that shift; or
 - (ii) on any other day on which a part-time constable is on duty, that constable has been on duty for more than 8 hours, and
- b) The constable is not entitled in respect of that day to any allowance under paragraph (1) or (7) of this determination;

that constable may, not later than 4 days after the end of the relevant week in which the day in question occurred, decide to be granted time off in respect of the excess over the length of shift (in a case within (10)(a)(i) above) or the period of 8 hours (in a case within (10)(a)(ii) above) ("the excess period").

11) For the purposes of paragraphs (1) and (10), a continuous period of duty which began before and ended after the beginning of a day must:

- a) if the day on which it ended was not:
 - (i) a public holiday,
 - (ii) a rostered rest day, or
 - (iii) a free day,
- b) in respect of which the constable became entitled to an allowance under regulation 18 of the Regulations (public holidays and rest days), be treated as having fallen wholly within the day on which the period began, and

- c) in any other case, be treated as having consisted only of so much of the period as fell within the day on which the period began.
- 12) Subject to the exigencies of duty, where a part-time constable has chosen to receive time off under paragraph (10), the chief constable must, within 3 months of the decision, grant the constable time off equal to the excess period.
- 13) For the purpose of Regulation 16(1) of the Regulations (pay) any extra period of duty in respect of which time off is granted under paragraph (3) or (9) counts as one and one third times the number of completed quarters of an hour comprised in the extra period of duty, and a period falling within paragraph (6)(a) and (b) counts as one of 4 hours.

C) FOR THE PURPOSES OF THIS DETERMINATION:

- 1) A “day’s pay” means the constable’s pay for the week in question divided by 5.
- 2) “due notice” refers to notice which is given to the constable of the change in duty as early as possible, wherever possible before the end of the shift prior to the one that is to be altered, and in any event not less than eight hours before the start of the shift that is to be altered.
- 3) “normal daily period of duty” is to be construed in accordance with a determination under regulation 14(1)(a) of the Regulations.
- 4) “Pay period” means the period for which a constable is paid.
- 5) “Week” means the period of 7 days beginning with such day as is fixed by the chief constable.
- 6) In this determination, “day”, in relation to constables of the Police Service of Scotland, means a period of 24 hours commencing at such time or times as the chief constable shall fix and the chief constable may fix different times in relation to different groups of constables.
- 7) In discharging the chief constable’s functions under paragraph (5) above, the chief constable must have regard to the views of the Joint Central Committee.

This is Annex 8 referred to in the foregoing determination by the Scottish Ministers under regulation 18 of the Police Service of Scotland Regulations 2013

Annex 8

Regulation 18

PUBLIC HOLIDAYS AND REST DAYS

1) ROSTERED REST DAYS AND PUBLIC HOLIDAYS

a) A constable of the Police Service of Scotland of the rank of constable or sergeant must, if required to do duty on a day which is a rostered rest day, be granted:

- (i) where the constable receives less than 15 days' notice of the requirement, an allowance at the appropriate rest-day rate; or
- (ii) in any other case, another rest day,

and where another rest day is granted in accordance with sub-paragraph (ii), the chief constable must, within 4 days of notifying the constable of the requirement to do duty on the originally rostered rest day, notify the constable of the date of that other rest day.

b) Subject to Section 2 paragraph (a) below relating to part-time constables and sergeants, the appropriate rest-day rate is, for each completed 15 minutes of duty on a rostered rest day, the fraction of a day's pay specified in paragraph (c).

c) The fraction is:

- (i) where the constable received less than 5 days' notice of the requirement, one sixteenth; and
- (ii) in any other case, three sixty-fourths.

d) A constable of the Police Service of Scotland of the rank of constable or sergeant must, if required to do duty on a day which is a public holiday, be granted:

- (i) where the constable receives less than 8 days' notice of the requirement:
 - 1) an allowance at the appropriate rate and, in addition,
 - 2) another day off in lieu thereof, which is to be treated for the purposes of this determination as a public holiday;
- (ii) in any other case, an allowance at the appropriate rate.

and where another day off in lieu is granted in accordance with sub-paragraph (i)(2), the chief constable must, within 4 days of notifying the constable of the requirement to do duty on that public holiday, notify the constable of the date of the day off in lieu.

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

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

(ii) in the case of a rostered rest day:

- 1) where the constable received less than 5 days' notice of the requirement, to double, and
- 2) in any other case to one and a half times,

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

- f) Where such a constable of the Police Service of Scotland who is required to do duty on a day which is a public holiday, a rostered rest day or, for a part-time constable, a free day has elected to receive time off as mentioned in paragraph (e) above or Section 2 paragraph (h) below relating to part-time constables and sergeants, the chief constable must, subject to the exigencies of duty, grant such time off within such time (not exceeding 3 months) as the chief constable may fix, and subject to such time off being taken, no allowance in respect of the day in question shall be payable under paragraph (d)(i) or, as the case may be, sub-paragraph (d)(i) or (ii) or, for a part-time constable paragraph (e) or (f) of Section 2 below.

- g) Where the exigencies of duty have precluded:

(i) the allowance of a day's leave on a public holiday, or

(ii) the grant in any week of two rest days,

to a constable of the Police Service of Scotland of the rank of inspector or chief inspector, the constable, during the following twelve months and so far as the exigencies of duty permit, is to be allowed or (as the case may be) granted a day's leave in lieu of any such day not allowed or granted.

- h) Where the exigencies of duty have precluded:

(i) the allowance of a day's leave on a public holiday, or

(ii) the grant in any month of eight monthly leave days,

to a constable of the Police Service of Scotland of the rank of superintendent or chief superintendent, the constable, during the next twelve months and so far as the exigencies of duty permit, is to be allowed or (as the case may be) granted a day's leave in lieu of any such day not allowed or granted.

- i) Where the exigencies of duty have precluded the allowance of a day's leave on a public holiday to any such constable other than a constable of the Police Service of Scotland above the rank of chief superintendent, the constable, during the next three months and so far as the exigencies of duty permit, is to be allowed a day's leave in lieu of any such day not allowed.
- j) For the purpose of this paragraph "month" means that period of 28 days beginning with such day as is fixed by the chief constable.

2) PART-TIME CONSTABLES AND SERGEANTS

- a) The appropriate rest-day rate for a part-time constable of the Police Service of Scotland of the rank of constable or sergeant is, for each completed 15 minutes of duty on a rostered rest day, the fraction of the constable's hourly rate of pay calculated in accordance with the determination under regulation 16(1) specified in paragraph (b) below.
- b) The fraction is:
 - (i) where the constable received less than 5 days' notice of the requirement, one quarter; and
 - (ii) in any other case, one eighth.
- c) A part-time constable of the Police Service of Scotland of the rank of constable or sergeant who:
 - (i) is required to do duty on a free day, and
 - (ii) receives not less than 15 days' notice of the requirement,

must be granted another free day in lieu, and that date of that other free day must be notified to the constable within 4 days of notification of the requirement to do duty on the originally rostered free day.
- d) This sub-paragraph applies where:
 - (i) a part-time constable of the Police Service of Scotland of the rank of constable or sergeant is required to do duty on a free day, and
 - (ii) the constable receives less than 15 days' notice of the requirement, and
 - (iii) the duty is of such a nature that it would not in the circumstances have been reasonably practicable for it to be done by any other constable.

e) Where paragraph (d) applies:

- (i) if the constable was on duty for more than 8 hours on the free day and for more than 40 hours (in addition to any hours on a rostered rest day or public holiday for which an allowance fell to be granted under this determination) during the week in which the free day occurred, the constable is entitled to an allowance at the rate of one twelfth of an hour's pay for each completed period of 15 minutes of duty done on the free day, and
- (ii) in any other case, the constable is entitled to time off equal to the total length of those periods.

f) Where:

- (i) a constable is required to do duty on a free day; and
- (ii) the constable receives less than 15 days' notice of the requirement;

but sub-paragraph (d)(iii) does not apply, the constable is entitled to an allowance at the appropriate rest-day rate.

g) In the case of a part-time constable of the Police Service of Scotland of the rank of constable or sergeant working in accordance with variable shift or flexible working arrangements, the number of hours on duty shall for the purposes of paragraph (e)(i) be determined by adding together:

- (i) the average number of hours the constable is rostered to work in the week in which the free day occurred;
- (ii) the number of hours, if any, the constable worked on any rest day in that week; and
- (iii) the number of hours (if any) the constable worked on any public holiday within that period.

h) A constable who is required to do duty on a free day may within 28 days of that day elect to receive:

- (i) in lieu of an allowance under paragraph (e)(i), time off equal to one and one third times, and
- (ii) in lieu of an allowance under paragraph (f), time off equal to one and a half times,

the period of completed quarters of an hour of duty done on the free day.

i) Any entitlement of a constable to an allowance for rest day, public holiday or free day working in respect of any day is in addition to any payments due to that constable for that day in accordance with regulation 16 (pay) and the determination thereunder.

- j) For the purposes of regulation 16(1)(pay) and the determination thereunder:
 - (i) a day's leave allowed under paragraph (3)(a)(i) of the determination under regulation 14 and a day off granted under paragraph (1)(d) above or under paragraph (3)(j) below in respect of a public holiday each count as a period of duty of 8 hours multiplied by the appropriate factor, and
 - (ii) so much of any time off granted under sub-paragraph (h) or paragraph (1)(f) above as exceeds the time spent on duty on the public holiday, rest day or free day counts as time spent on duty.

3) FOR THE PURPOSES OF THIS DETERMINATION

- a) A constable of the Police Service of Scotland who is paid a dog handler's allowance shall not be treated as required to do duty by reason only of the constable being required to care for the dog;
- b) "a day's pay" means a week's pay at the rate at which the constable was paid on the day in question divided by five;
- c) "the appropriate rate" for a full-time constable or sergeant means a sixteenth of a day's pay for each completed 15 minutes of duty done on a public holiday;
- d) "the appropriate rate" for a part-time constable or sergeant is, for each completed 15 minutes of duty done on a public holiday, one half of the constable's hourly rate of pay calculated in accordance with regulation 16 and the determination thereunder;
- e) In this paragraph, "day" in relation to constables of the Police Service of Scotland, means a period of 24 hours commencing at such time or times as the chief constable shall fix and the chief constable may fix different times in relation to different groups of constables;
- f) a reference to a day which is a public holiday is to be construed, in relation to the constable concerned as a reference to a day commencing at any time on the calendar date of the public holiday in question;
- g) "week" means a period of 7 days beginning with such day as is fixed by the chief constable;
- h) where a constable is required to do duty, or is recalled to duty, for a period of less than 4 hours on a public holiday or a rostered rest day or, for a part-time constable, a free day, such period or each such period, is to be treated as though it were a period of 4 completed hours. The only exception to this is where a period of not more than one hour of duty on a rostered rest day or, for a part-time constable, a free day immediately follows a normal daily period of duty (or, in the case of a part-time constable or a constable working in accordance with variable shift arrangements, a rostered shift). In this instance the period of not more than one hour of duty counts as the number of period of 15 minutes actually completed.

- i) where a constable is required to do duty on a public holiday or on a rostered rest day or, for a part-time constable, a free day, the constable's period of duty includes (except for the purposes of sub-paragraph (h) above) the time occupied by the constable in going to and returning from their place of duty, not exceeding such reasonable limit as may be fixed by the chief constable, save that, for the purposes of this sub-paragraph, there shall be disregarded any period of time so occupied:
 - (i) which together with the constable's period of duty exceeds 6 hours, or
 - (ii) which is treated as a period of duty under regulation 14 (travelling time treated as duty).
- j) where it is at the constable's own request that a constable works on a day which is a public holiday, rostered rest day or, for a part-time constable, a free day, the constable is not to be treated for the purposes of this determination as having been required to do duty on that day but must be granted another day off in lieu thereof, which is to be treated as a public holiday, rostered rest day or free day as the case may be.
- k) in relation to a part-time constable of the Police Service of Scotland:
 - (i) the determined hours are the number of hours which the chief constable has determined as the constable's normal period of duty in a relevant period (as provided for in Annex 5 paragraph (6)(ii) or paragraph (6)(v) as applicable),
 - (ii) a relevant period is a period for which a duty roster relating to the constable has effect for the time being under paragraph 3 of Annex 5 (Duty), and the appropriate factor is A/B , where
 - A is the number of determined hours, and
 - B is 40 times the number of weeks in the relevant period.

This is Annex 9 referred to in the foregoing determination by the Scottish Ministers under regulation 19 of the Police Service of Scotland Regulations 2013

Annex 9

Regulation 19

TEMPORARY SALARY

“1)

- a) After 28 consecutive days of being required to perform the duties normally performed by a constable of the Police Service of Scotland of a higher rank than the constable's own, a constable of a substantive rank of or above assistant chief constable is to 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 Scottish Police Authority.
 - b) After 7 consecutive days of being required to perform the duties normally performed by a constable of the Police Service of Scotland at the rank of Assistant Chief Constable or Deputy Chief Constable, a constable of a substantive rank of superintendent or chief superintendent is to be paid at a rate equivalent to the higher rank's basic pay or receive an honorarium of an amount determined by the Scottish Police Authority.”
- 2) A constable of the Police Service of Scotland of the rank of superintendent or chief superintendent who is required for a continuous period exceeding 7 days (or, in the case of a part-time constable, a continuous period of shifts amounting to at least 56 hours) to perform the duties normally performed by a constable of the Police Service of Scotland of a higher rank than the constable's own, otherwise (subject to paragraph (5)) than as the direct or indirect result of the absence of any constable of the Police Service of Scotland on a monthly or other leave day granted under regulation 25 and any determination thereunder, is to be paid in respect of that period, other than the first 7 days (or first continuous 56 hours of shifts in the case of a part-time constable) thereof, at a rate equal to the rate of pay of the constable in that higher rank.
 - 3) A constable of the Police Service of Scotland of the rank of superintendent or chief superintendent who is required for a continuous period exceeding 7 days (or continuous 56 hour period of shifts in the case of a part-time constable) to perform the duties normally performed by such a constable whose pay category under regulation 16(1) and any determination thereunder is higher than the constable's own, otherwise (subject to paragraph (4)) than as the direct or indirect result of the absence of any constable of the Police Service of Scotland on a monthly or other leave day granted under regulation 25 and any determination thereunder, is to be paid in respect of that period, other than the first 7 days (or continuous 56 hour period of shifts in the case of a part-time constable) thereof, at a rate equal to the rate of pay of the constable in that higher pay category (for a part-time constable at the hourly rate arrived at by dividing by 8 a day's pay at the rate of pay of the constable in that higher pay category).
 - 4) Where any constable of the Police Service of Scotland is absent for a continuous period comprising both:

- a) Monthly or other leave days granted under regulation 25 and any determination thereunder, and
- b) One or more annual leave days granted under regulation 25 and any determination thereunder,

paragraph (2) or (3) shall have effect as if the entire continuous period of absence were a period of annual leave.

- 5) Subject to paragraphs (7) and (8) and the provisions of this paragraph, any constable (whether full-time or part-time) of the Police Service of Scotland below the rank of superintendent who, in any year, has been required to perform the duties normally performed by a constable of the force of a higher rank than their own for 10 complete days cumulative at their rostered working hours in a 12 month period, throughout which the constable performed the duties normally performed by a constable of the Police Service of Scotland of a higher rank than their own, is to be paid in respect of each further complete day in that year on which the constable is required to perform such duties at a rate equal to the lowest rate of pay to which the constable would be entitled on promotion to the higher rank.

- 6) Where:

- a) a constable of the Police Service of Scotland below the rank of inspector is entitled to be paid under paragraph (5)
- b) the higher rank is that of inspector or above, and
- c) the day on which the constable is required to perform the duties referred to in paragraph (5) is not a public holiday or rostered rest day,

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

- 7) Paragraph (5) does not apply where:

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

- 8) A constable of the Police Service of Scotland of the rank of chief inspector who, in any year, has been required to perform the duties normally performed by a constable of the rank of superintendent for 10 complete days (or, for a part-time constable, for 10 complete days cumulative at their normal working hours in a 12 month period) is to be paid in respect of any further complete day in that year on which the constable is required to perform such duties at a rate equal to the lowest rate of pay to which they would be entitled on promotion to superintendent.

9) Where a constable of the Police Service of Scotland:

- a) on the constable's last scheduled working day in any year is required to perform the duties normally performed by a constable of the Police Service of Scotland of a higher rank than the constable's own, and
- b) is paid in respect of that day a temporary salary under paragraph (5), and
- c) on the constable's first scheduled working day of the next following year continues for the complete day to perform such duties,

the constable is to be paid, in respect of the day mentioned in sub-paragraph (c) and any following complete day which together therewith forms a continuous period when the constable 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 must be disregarded for the purposes of the application of paragraph (5) to that constable in the year mentioned in sub-paragraph (c).

10) Where a constable of the Police Service of Scotland working in accordance with variable shift or flexible working arrangements:

- a) has a qualifying shift as the constable's last rostered shift in any year, and
- b) is paid in respect of that shift a temporary salary under paragraph (5), and
- c) has a qualifying shift as the constable's first rostered shift in the next following year,

the constable is to 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 must be disregarded for the purposes of the application of paragraph (5) to that constable in the year mentioned in sub-paragraph (c).

11) Temporary salary is not pensionable except where an officer has been performing duties in a higher rank for a continuous period of more than 56 days, in which case the constable's temporary salary will become pensionable starting at day 57.

12) For the purposes of paragraph (10) the expression "qualifying shift" means, in relation to a constable of the Police Service of Scotland, a rostered shift throughout which the constable is required to perform duties normally performed by a constable of the force of a higher rank than their own.

13) For the purposes of this determination "year" means a period of 12 months beginning on 1 April.

- 14) For the purposes of this determination “day” means in relation to a full-time constable of the Police Service of Scotland below the rank of inspector, his normal daily period of duty.
- 15) For the purposes of this determination “day” means in relation to a part-time constable of the Police Service of Scotland the period that would constitute their normal daily period of duty if the constable were a full-time constable.
- 16) “Full-time constable” means a constable of the Police Service of Scotland appointed otherwise than under regulation 3 and any determination thereunder.

This is Annex 10 referred to in the foregoing determination by the Scottish Ministers under regulation 20 of the Police Service of Scotland Regulations 2013

ANNEX 10

Regulation 20

TEMPORARY PROMOTION

- 1) A constable, while temporarily promoted (under the Police Service of Scotland (Promotion) Regulations 2013) or temporarily appointed (under regulation 7(6) of the Regulations) to a rank higher than their own is to be paid at the point on the relevant pay scale which would have applied if the promotion had been permanent.

This is Annex 11 referred to in the foregoing determination by the Scottish Ministers under regulation 23 of the Police Service of Scotland Regulations 2013

Annex 11

Regulation 23

FIXING OF PAY DAY AND CALCULATION OF MONTHLY, WEEKLY AND DAILY PAY

1) PAY DAY

- a) In fixing the intervals at which constables of the Police Service of Scotland are to be paid, the Scottish Police Authority may fix different intervals for different classes of constables.
- b) In fixing the interval for any class, the Scottish Police Authority must have regard to the wishes of the constables of that class.
- c) The Scottish Police Authority may, if they think fit, pay to a constable such part of their pay as they may determine in advance of the day on which it would otherwise be due to be paid in accordance with this determination.

2) MONTHLY PAY

- a) Subject to sub-paragraph (b), a month's pay is to be calculated, for all purposes, at a monthly rate of pay determined by dividing by 12 the annual rate.
- b) For the purposes of regulation 3(2), a month's pay for a part-time constable is to be calculated by multiplying one twelfth of the annual rate ascertained from the determination under regulation 16(1) by the appropriate factor.

3) WEEKLY PAY

A week's pay is to be calculated, for all purposes, at a weekly rate of pay determined by dividing by $52 \frac{1}{6}$ the annual rate.

4) DAILY PAY

A day's pay is to be calculated, except for the purposes of regulations 16 and 17 and any determinations thereunder, at a daily rate determined by dividing by 7 the weekly rate, determined as aforesaid.

This is Annex 12 referred to in the foregoing determination by the Scottish Ministers under regulation 25 of the Police Service of Scotland Regulations 2013

Annex 12

Regulation 25

ANNUAL LEAVE

1)

- a) Every constable of the Police Service of Scotland of or above the rank of superintendent must be granted in each leave year the following period of annual leave namely-
- i) in the case of a constable of the rank of superintendent or chief superintendent, 40 days;
 - ii) in the case of a constable of a rank higher than that of chief superintendent who has not completed 10 years' relevant service, not less than 42 days; and
 - iii) in any other case, not less than 48 days.
- b) Subject to sub-paragraph (c) below every constable of the Police Service of Scotland holding a rank below that of superintendent must be granted in each leave year, expressed in 8 hour days, the period of leave set out opposite the constable's length of service as a constable of the Police Service of Scotland in the Table below:-

Table

Length of service	With effect from 1 April 2014
Less than 2 years' relevant service	28 days
2 or more years' relevant service	34 days
10 or more years' relevant service	36 days
15 or more years' relevant service	37 days
20 or more years' relevant service	39 days

- c) Where the annual leave entitlement of a member of a police force immediately before 25 June 2004, in respect of the first leave year commencing after 31 December 2002, exceeded the period prescribed in the member's case in respect of that year by the foregoing provisions of this paragraph the member will continue to be entitled to be granted such greater period of leave until such time as the member has completed such number of years' relevant service as, by virtue of the said provisions, entitle the member to an increased period of leave.
- 2) In the leave year in which a constable of the Police Service of Scotland is appointed to, is promoted in, or retires from the Police Service of Scotland or completes such number of years' relevant service as will entitle the constable to an increased period of annual leave, the constable's annual leave is to be calculated at the rate of a twelfth of the period of annual leave appropriate, under paragraph (1), to the rank held by the constable for each complete month of service in that rank in the leave year in question, a fraction of a day being reckoned as a day:

Provided that where a constable of the Police Service of Scotland is promoted or completes the said number of years' relevant service while completing a month's service in the leave year in question, the constable is to be treated for the purposes of this paragraph as if the constable had been promoted or, as the case may be, had completed the said number of years' relevant service at the beginning of that month's service.

- 3) In the case of a constable of the Police Service of Scotland of a rank not higher than that of chief superintendent, the chief constable may, at his discretion, and subject to the exigencies of duty-
 - a) notwithstanding anything in paragraphs (1) and (2), where the chief constable is satisfied that, in any leave year, the constable has not taken the full period of annual leave specified in those paragraphs, grant the constable, during the following leave year, additional days of annual leave not exceeding the number of days not taken, so however that the chief constable must not exercise this discretion so as to grant more than 5 additional days of annual leave to a constable unless the chief constable is satisfied that there are exceptional circumstances and that it is in the interests of efficiency to do so;
 - b) grant the constable not more than 5 additional days of annual leave, to be taken in the last month of the leave year, subject to a corresponding reduction being effected in the constable's period of annual leave under paragraph (1) for the following year.
- 4)
 - a) Subject to sub-paragraph (b), days of annual leave granted under this determination may be taken, at the discretion of the chief constable and subject to the exigencies of duty, as a single period, or as single days, or in periods of more than one day or as half days.
 - b) In the case of a constable below the rank of superintendent, not more than 3 days of annual leave may be taken as half days, and where annual leave is so taken, the constable-
 - i) must do duty on that day for 4 hours, and
 - ii) is not entitled to be allowed an interval for refreshment such as may be determined under regulation 14(1)(b).
- 5)
 - a) Where a constable of the Police Service of Scotland has been recalled to duty from a period of absence from duty to which this paragraph applies, the constable must be granted, in compensation for being recalled to duty on any day during that period which is a day of annual leave or a day taken off in lieu of overtime-
 - i) if the constable was so recalled to duty for 1 or 2 days (whether or not in the latter case those days formed a single period), an additional 2 days' annual leave (or, if the constable so chooses, 1 day's annual leave and 1 day's pay

at double time) in lieu of each such day for which the constable was so recalled; or

- ii) if the constable was so recalled to duty for 3 or more days (whether or not forming a single period), 2 days' annual leave (or, if the constable so chooses, 1 day's annual leave and 1 day's pay at double time) in lieu of each of the first 2 such days for which the constable was so recalled, and 1 ½ days' annual leave (or, if the constable so chooses, 1 day's annual leave and ½ day's pay at double time) in lieu of each such day for which the constable was so recalled thereafter.
- b) This paragraph applies to a period of absence from duty of 3 or more days, where at least one of those days is a day of annual leave and the other days, if not days of annual leave, are rostered rest days, day taken off in lieu of overtime, public holidays (or days taken off in lieu thereof) or monthly leave days, or any combination thereof. The compensation agreed applies not only to officers actually recalled from annual leave, but also to pre-booked, scheduled annual leave.

6)

- a) For the purposes of this determination, “relevant service” means any service which the constable concerned is entitled to reckon for the purposes of pay together with any service which the constable was previously so entitled to reckon-

- i) in the case of a constable below the rank of superintendent, in any lower rank;
- ii) in any other case, in the rank of superintendent or any higher rank,

except that relevant service does not include any such service as is mentioned in regulation 32.

- b) Where a constable of an aerodrome constabulary has been transferred to the Police Service of Scotland by an order under section 30 of the Aviation Security Act 1982 then, for the purposes of this paragraph, the constable's service in any rank in that constabulary is to be treated as if it were service in the corresponding rank in the Police Service of Scotland.

7)

- a) In this determination, “day”, in relation to constables of the Police Service of Scotland, means a period of 24 hours commencing at such time or times as are fixed by the chief constable and the chief constable may fix different times in relation to different groups of constables.
- b) In discharging his functions under sub-paragraph (a) above, the chief constable must have regard to the views of the Joint Central Committee.

Paper Apart 13

Regulation 25

SICK LEAVE

- 1) A constable of the Police Service of Scotland is not entitled to be absent from duty on account of injury or illness unless a registered medical practitioner has certified the constable to be unfit for duty. Provided that:
 - a) with the consent of the Scottish Police Authority, a constable may be so absent without such certificate of unfitness where the period of unfitness for duty does not exceed 7 days, including any day on which, even if the constable were fit to do so, the constable would not have been required to perform police duty;
 - b) if, notwithstanding such certificate of unfitness for duty, a registered medical practitioner appointed or approved by the Authority has examined the constable and considers the constable to be fit for duty, the Authority must, if the medical practitioner who issued the certificate of unfitness for duty agrees, within 28 days of the difference of opinion coming to their attention arrange for a third registered medical practitioner to examine the constable and to report in writing to the other two practitioners concerned; the third registered practitioner must be acceptable to the practitioner who issued the certificate of unfitness for duty and to the practitioner who has examined the constable on behalf of the Authority, except that in the event of a failure to agree, the Authority may appoint such third medical practitioner as it considers appropriate; and if the third registered medical practitioner certifies the constable to be fit for duty, or if the medical practitioner who issued the certificate of unfitness for duty does not agree to such further examination, the constable is no longer entitled to be absent from duty.
- 2) This determination applies to a constable who is in quarantine as it applies to a constable who is ill and any reference to fitness or unfitness for duty is to be construed accordingly.
- 3) **PART-TIME CONSTABLES**

While a part-time constable of the rank of constable or sergeant is entitled under this determination to be absent from duty, any rostered shift counts, for the purposes of Regulation 16(1) (pay) and any determination made thereunder, as a period of duty of the same duration.

- 4) **FOR THIS DETERMINATION**
 - a) In this determination, “day”, in relation to constables of the Police Service of Scotland, means a period of 24 hours commencing at such time or times as are fixed by the chief constable and the chief constable may fix different times in relation to different groups of constables.
 - b) In discharging the functions under sub paragraph (a) above, the chief constable must have regard to the views of the Joint Central Committee.

This is Annex 14 referred to in the foregoing determination by the Scottish Ministers under regulation 21 of the Police Service of Scotland Regulations 2013

Annex 14

Regulation 21

SICK PAY

- 1) Subject to paragraph (2), a constable of the Police Service of Scotland who is absent on sick leave, in accordance with regulation 25(5), is entitled to full pay for six months in any one year period. Thereafter, the constable becomes entitled to half pay for six months in any one year period.
- 2) The period during which sick pay is paid and the rate of sick pay in respect of any period of sick leave are to be calculated by deducting from the constable's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.
- 3) The chief constable may, in a particular case, determine that for a specified period
 - a) a constable who is entitled to half pay while on sick leave is to receive full pay, or
 - b) a constable who is not entitled to any pay while on sick leave is to receive either full pay or half pay,and may from time to time determine to extend the period.
- 4) For the purposes of this determination:
 - a) references to a constable being on sick leave are references to the constable being absent from duty while entitled to be so, under regulation 25(5),
 - b) references to full pay are references to pay at the rate set out in the Scottish Ministers' determination of pay, made under regulation 16(1), and
 - c) references to half pay are references to pay at half the rate of the constable's full pay.

This is Annex 15 referred to in the foregoing determination by the Scottish Ministers under regulation 25 of the Police Service of Scotland Regulations 2013

Annex 15

Regulation 25

LEAVE FOR THE PURPOSES OF ANTE-NATAL CARE

- 1) A constable who is pregnant and who, on the advice of a registered medical practitioner, registered midwife or registered health visitor, has made an appointment to attend at any place for the purpose of receiving ante-natal care, subject to the following provisions of this determination, has the right not to be unreasonably refused special leave from duty to enable her to keep the appointment.
- 2) Subject to paragraph (3), the chief constable is not required by virtue of this determination to permit a constable to take special leave from duty to keep an appointment unless, if the chief constable requests her to do so, she produces for his or her inspection-
 - a) a certificate from a registered medical practitioner, registered midwife or registered health visitor stating that she is pregnant, and
 - b) an appointment card or other document showing that the appointment has been made.
- 3) Paragraph (2) does not apply where the constable's appointment is the first appointment during her pregnancy for which she seeks permission to take special leave from duty in accordance with paragraph (1).
- 4) A period of special leave from duty taken in accordance with paragraph (1) is to be treated as a period of duty.

This is Annex 16 referred to in the foregoing determination by the Scottish Ministers under regulations 22, 25 and 31 of the Police Service of Scotland Regulations 2013

Annex 16

Regulations 22, 25 &31

LEAVE, PAY & RECKONING OF SERVICE

SECTIONS:

- 1 LEAVE: MATERNITY, MATERNITY SUPPORT, ADOPTION, ADOPTION SUPPORT, PARENTAL & PATERNITY**
- 2 PAY: MATERNITY, MATERNITY SUPPORT, ADOPTION, ADOPTION SUPPORT & PATERNITY**
- 3 RECKONING OF SERVICE: MATERNITY, MATERNITY SUPPORT, ADOPTION, ADOPTION SUPPORT, PARENTAL & PATERNITY**

SECTION 1

LEAVE: MATERNITY, MATERNITY SUPPORT, ADOPTION, ADOPTION SUPPORT, PARENTAL & PATERNITY

MATERNITY LEAVE

1) In this determination:

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

“maternity leave” means up to 15 months leave taken in accordance with the provisions of this determination by a constable of the Police Service of Scotland during the maternity period;

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

- a) begins six months before the expected date of birth of the constable’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 constable” means a constable of the Police Service of Scotland who qualifies under paragraph (2).

2) Subject to the following provisions of this determination, a constable of the Police Service of Scotland qualifies for maternity leave when notice has been given to the chief constable stating:

- a) that she is pregnant;
- b) the expected date of birth of the 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 constable of the Police Service of Scotland does not qualify for maternity leave where the chief constable has requested that the constable provide 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 to constable fails to produce such a certificate.

4) Where a certificate produced under paragraph (3) sets out a date as the expected date of the birth of the child which is different to 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 constable of the Police Service of Scotland who is pregnant must 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 constable, provided that not less than 21 days' notice is given of the qualified constable's intention to return to duty.
- 7) A qualified constable may commence maternity leave no later than the date given in accordance with paragraph (2)(b) and, subject to paragraphs (8) and (9), the leave will continue until the last day of the maternity leave.
- 8) Where a qualified constable intends to return to duty before the end of the maternity period after taking maternity leave, she must give to the chief constable not less than 21 days' notice of her intention.
- 9) A notice under paragraph (8) may be subsequently revoked; and any such revocation is 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 constable is not entitled to any sick leave under regulation 25(5) 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 constable 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, or
 - iii) the date of birth of the child, if born prematurely before the dates mentioned in (i) and (ii) above; 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)
- a) In this determination and determinations made under regulations 16 and 17, “day”, in relation to constables of a police force, means a period of 24 hours commencing at such time or times as fixed by the chief constable and the chief constable may fix different times in relation to different groups of constables.
 - b) In discharging the functions under sub-paragraph (a) above, the chief constable must have regard to the views of the joint central committee.
- 13)
- a) A ‘qualified constable’ may apply to work up to a maximum of 10 Keeping in Touch (KIT) days during her period of maternity leave.
 - b) The working of KIT days is not compulsory.
- 14) In the case of a part-time constable, each day of paid maternity leave granted counts for the purposes of regulation 14(1) and the determination thereunder as a period of duty of 8 hours multiplied by the appropriate factor.

MATERNITY SUPPORT LEAVE

- 1) A constable of the Police Service of Scotland who is the child’s father or the husband or partner (including civil partner) of the expectant mother must be granted either one or two weeks maternity support leave at or around the time of birth. In this section, “partner” means the person who lives with the mother and child in an enduring family relationship but is not a relative of the mother.
- 2) So far as the exigencies of duty permit, a constable who is the nominated carer of the expectant mother may be granted, if the constable so requires, one week of maternity support leave.
- 3) Only one constable is entitled to be granted maternity support leave for any given pregnancy.
- 4) All constables mentioned in paragraph (1) are eligible for one week of maternity support leave. To be eligible for a second week of maternity support leave, the constable must have served continuously for 26 weeks leading into the 15th week before the child is due.
- 5) A constable of the Police Service of Scotland wishing to apply for maternity support leave must give notice at least fifteen weeks before the expected date of the child’s birth, informing of;
 - a) The length of maternity support leave they wish to take; and
 - b) The date on which they wish the leave to commence.

Once approved, any request to change the timing of the leave must be given with 28 days’ notice.

- 6) Any period of maternity support leave must be completed within 56 days of the child's birth.
- 7) For the purposes of this determination, 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.
- 8) In the case of a part-time constable, each day of paid maternity support leave granted counts for the purposes of regulation 14(1) and the determination thereunder as a period of duty of 8 hours multiplied by the appropriate factor.

ADOPTION LEAVE

- 1) A constable of the Police Service of Scotland who is a child's adoptive parent and who has served continuously for a period of not less than 26 weeks ending with the week the constable is notified of having been matched with a child for adoption, is entitled to 52 weeks adoption leave at or around the time of adoption.
- 2) A constable of the Police Service of Scotland who is a child's adoptive parent and who has served continuously for a period of less than 26 weeks ending with the week the constable is notified of having been matched with a child for adoption, is entitled to one week's adoption leave at or around the time of adoption.
- 3) A constable of the Police Service of Scotland may take adoption leave on the day a child is placed with them or on such other date as is notified to the chief constable. A date notified in accordance with the provisions of this paragraph shall be no sooner than 14 days before the day on which the child is expected to be placed and no later than the date on which the child is placed.
- 4) Leave taken as adoption leave is to be treated as duty.
- 5) Constables may apply to work up to a maximum of 10 Keeping in Touch (KIT) Days during a period of adoption leave. The working of KIT Days is not compulsory.

ADOPTION SUPPORT LEAVE

- 1) A constable of the Police Service of Scotland, who is the spouse or partner (including civil partner) of an adoptive parent is entitled to be granted 2 weeks' adoption support leave at or around the time of adoption. In this section, "partner" means the person who lives with the adoptive parent and child in an enduring family relationship but is not a relative of the adoptive parent
- 2) Leave taken as adoption support leave is to be treated as duty
- 3) In the case of a part-time constable, each day of paid adoption support leave granted counts for the purposes of regulation 14(1) and the determination thereunder as a period of duty of 8 hours multiplied by the appropriate factor.

PARENTAL LEAVE

- 1) A constable of the Police Service of Scotland 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.
- 2) A constable has responsibility for a child, for the purposes of sub-paragraph (1), if:
 - a) they have parental responsibility for the child; or
 - b) they have been registered as the child's father under any provision of section 14 or section 18 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965.
- 3) A constable of the Police Service of Scotland who is eligible, is entitled to eighteen weeks' leave in respect of any individual child.
- 4) Where the period for which a constable is normally required to do duty in the course of a week does not vary, a week's leave for the constable is a period of absence from duty which is equal in duration to the period for which the constable is normally required to do duty.
- 5) Where the period for which a constable is normally required to do duty in the course of a week varies from week to week or over a longer period, or where the constable is normally required to work in some weeks but not in others, a week's leave for the constable 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 the constable is normally required to do duty in a year by 52.

- 6) Where a constable takes leave in periods shorter than the period which constitutes for the constable a week's leave under whichever of sub-paragraphs (4) and (5) is applicable in the constable's case, the constable completes a week's leave when the aggregate of the periods of leave the constable has taken equals the period constituting a week's leave for the constable under the applicable sub-paragraph.
- 7) Except in the cases referred to in sub-paragraph (8) a constable may not exercise any entitlement to parental leave in respect of a child after the date of the child's 5th birthday or, in the case of a child placed with the constable for adoption by the constable, on or after:
 - a) the 5th anniversary of the date on which the placement began, or
 - b) the date of the child's 18th birthday,whichever is the earlier.
- 8) In the case of a child who is entitled to a disability living allowance or personal independence payment, any entitlement to parental leave may not be exercised on or after the date of the child's 18th birthday.
- 9) A constable of the police service must give notice to the chief constable of their intention to take any part of the parental leave to which the constable is entitled. For the purposes of this sub-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 constable at least 21 days before the date on which that period is to begin.
- 10) As far as the exigencies of duty permit, the chief constable must grant the constable parental leave where notice has been given in accordance with sub-paragraph (9) above.

PATERNITY LEAVE

- 1) An eligible constable of the Police Service of Scotland may take up to 26 weeks' additional paternity leave within the first year of the child's life, provided that the mother or primary adopter has returned to work before using the full 12 month maternity leave entitlement.
- 2) Additional paternity leave cannot commence until after 20 weeks have elapsed from the date the child was born and must end not later than 12 months after that date. It may be taken as a single block of 26 weeks or in multiples of complete calendar weeks consisting of at least 2 consecutive weeks.
- 3) To be eligible for additional paternity leave a constable must fulfill the following requirements;

- a) the constable must be the child's father; the husband, the partner or civil partner of the mother; the adopter of the child or the husband, partner or civil partner of the child's adopter. In this section, "partner" means the person who lives with the mother or adoptive parent and child in an enduring family relationship but is not a relative of the mother or adoptive parent; and
 - b) the constable must have served continuously for 26 weeks leading into the 15th week before the child is due, or for an adopted child the end of the week in which the constable is notified of the match for adoption.
- 3) An eligible constable of the Police Service of Scotland wishing to apply for additional paternity leave must, at least eight weeks before the intended date for commencing the leave, give notice to the chief constable of:
- a) the length of additional paternity leave they wish to take; and
 - b) the date on which they wish the leave to commence.

Once approved, any request to change the timing of the leave must be given with 28 days' notice.

SECTION 2

PAY: MATERNITY, MATERNITY SUPPORT, ADOPTION, ADOPTION SUPPORT, PARENTAL & PATERNITY

OCCUPATIONAL MATERNITY PAY

- 1) Subject to the following provisions of this determination, a constable of the Police Service of Scotland who satisfies the conditions in paragraph (2) is entitled to be paid either –
 - a) occupational maternity pay at the full rate for the first 18 weeks of any period or periods of maternity leave in any one maternity period (as defined in the determination on maternity leave made under regulation 25) taken in accordance with the determination on maternity leave made under regulation 25; or
 - b) occupational maternity pay at the full rate for the first 13 weeks of any such period or periods of maternity leave, followed by 10 weeks of occupational maternity pay at half rate plus the equivalent of half the rate of statutory maternity pay.
- 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 25) occurs, the constable 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)
 - a) If the constable works a KIT (Keeping In Touch) day during a period of maternity leave she will be paid at the normal rate for hours worked, in accordance with the Regulations and determinations made thereunder.
 - b) If the constable is in receipt of Occupational Maternity Pay and works a KIT day then the Occupational Maternity Pay will not be payable for that day however the period of Occupational Maternity Pay will be extended accordingly.
 - c) If the constable is in receipt of Statutory Maternity Pay and works a KIT day they will continue to receive Statutory Maternity Pay and be paid at the normal rate for hours worked, in accordance with the Regulations and determinations made thereunder.

MATERNITY SUPPORT LEAVE PAY

A constable of the Police Service of Scotland who meets the eligibility requirements is entitled,

- a) to be paid full pay as respects the first week of any period of maternity support leave; and
- b) where eligible in accordance with paragraph (4) of the section on Maternity Support Leave above, to be paid as respects the second week at the statutory paternity pay rate.

OCCUPATIONAL ADOPTION PAY

- 1) All eligible constables are entitled to 1 week’s adoption leave on full pay (‘standard adoption leave’)
- 2) A constable identified as “the main adopter” who has at least one year’s continuous service by the week in which an approved match is made with a child, as notified by an adoption agency, is entitled to be paid either –
 - a) occupational adoption pay at the full rate for the first 18 weeks of any period or periods of adoption leave; or
 - b) occupational adoption pay at the full rate for the first 13 weeks of any such period or periods of adoption leave, followed by 10 weeks of occupational adoption pay at half rate plus the equivalent of half the rate of statutory adoption pay.

- 3) Payment for KIT days worked is at the normal rate in accordance with the Regulations and determinations made thereunder.

ADOPTION SUPPORT LEAVE PAY

- 1) An officer who is the spouse or partner (including civil partner) of an adoptive parent is entitled to take two weeks' continuous leave, the first week of which is on full pay. In this section, "partner" means the person who lives with the adoptive parent and child in an enduring family relationship but is not a relative of the adoptive parent.
- 2) A constable of the Police Service of Scotland who has served continuously for a period of not less than 26 weeks by the end of the notification week is entitled to be paid at the statutory paternity rate as respects the second week of adoption support leave.

PATERNITY PAY

- 1) Additional paternity leave pay will be at the rate of statutory paternity pay, during the period of the mother or primary adopter's 39 week maternity allowance or statutory maternity pay period. If the mother or primary adopter has returned to work after the maternity pay period has ceased, any additional paternity leave will be unpaid.

FOR PART-TIME CONSTABLES

- 1) A part-time constable who satisfies the conditions in this section, for Maternity Pay, Maternity Support Leave Pay, Adoption Pay, Adoption Support Leave Pay, or Paternity Pay is to be treated as having been on duty for the number of hours determined by multiplying the number of that constable's 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.
- 2) For the purposes of this section the "determined hours" are the number of hours which the chief constable has determined under the determination under regulation 14(1)(a) (Annex 5) as the constable's normal period of duty in a relevant period.

SECTION 3

RECKONING OF SERVICE: MATERNITY, MATERNITY SUPPORT, ADOPTION, ADOPTION SUPPORT, PARENTAL & PATERNITY

- 1) For the purposes of regulation 31, in reckoning the service of a constable of a police force or the Police Service of Scotland, in any rank:-
 - (a) in the case of a constable who has taken one or more periods of maternity leave:-
 - (i) where that leave has been for fifty two weeks or more, account is to be taken of the first fifty two weeks whilst on maternity leave;

- (ii) where that leave has been for less than fifty two weeks, account is to be taken of any period spent on maternity leave;

and where that constable has, at the beginning of the fifteenth week before the expected date of birth of the constable's child, as given in accordance with a determination under regulation 25(4), served continuously as a constable of the Police Service of Scotland or another police force for a period of not less than a year, account is to be taken of any period (not being a period of which account has been taken under paragraph (i) or (ii)) spent on maternity leave during the period of 29 weeks beginning with the week in which the child is born;

- (b) account is to be taken of any period of maternity support leave, parental leave and adoption support leave;
- (c) account is to be taken of all paid adoption leave; and
- (d) account is to be taken of paternity leave when the constable is in receipt of additional paternity leave pay, but not during any periods of unpaid leave.

This is Annex 17 referred to in the foregoing determination by the Scottish Ministers under regulation 25 of the Police Service of Scotland Regulations 2013

Annex 17

Regulation 25

TIME OFF FOR DEPENDANTS

- 1) A constable of the Police Service of Scotland is entitled to be permitted by the chief constable to take a reasonable amount of time off during the constable's normal duty periods in order to take action which is necessary:
 - a) to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted,
 - b) to make arrangements for the provision of care for a dependant who is ill or injured,
 - c) in consequence of the death of a dependant,
 - d) because of the unexpected disruption or termination of arrangements for the care of a dependant, or
 - e) to deal with an incident which involves a child of the constable and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for the child.
- 2) Paragraph (1) does not apply unless the constable:
 - a) tells the chief constable the reason for the constable's absence as soon as reasonably practicable, and
 - b) if the constable is able to comply with sub-paragraph (a) before returning to duty, tells the chief constable for how long the constable expects to be absent.
- 3) Subject to paragraphs (4) and (5), for the purposes of this section "dependant" means, in relation to a constable of the Police Service of Scotland:
 - a) a spouse,
 - b) a child,
 - c) a parent,
 - d) a person who lives in the same household as the constable, otherwise than by reason of being his employee, tenant, lodger or boarder.
- 4) For the purposes of paragraphs (1)(a) or (b) "dependant" includes, in addition to the persons mentioned in paragraph (3), any person who reasonably relies on the constable:

- a) for assistance on an occasion when the person falls ill or is injured or assaulted, or
 - b) to make arrangements for the provision of care in the event of illness or injury.
- 5) For the purposes of paragraph (1)(d) “dependant” includes, in addition to the persons mentioned in paragraph (3), any person who reasonably relies on the constable to make arrangements for the provision of care.
- 6) A reference in this determination to illness or injury includes a reference to mental illness or injury.
- 7) Leave taken as time off for dependants is to be treated as duty.

DETERMINATION UNDER THE POLICE SERVICE OF SCOTLAND REGULATIONS 2013

1. The Scottish Ministers make the following determination in exercise of the powers conferred by regulations 26 and 34(3) of the Police Service of Scotland Regulations 2013 (“the Regulations”).
2. In accordance with regulation 34(1) of the Regulations the Scottish Ministers have shared a draft of this determination with the Police Negotiating Board and considered the representations made by that Board.
3. This determination has effect from 1 September 2016.
4. The determination under regulation 26 of the Regulations (Annex 18 – Allowances) is amended as follows—
 - (a) in section 2 (DOG HANDLER’S ALLOWANCE), paragraph (c), for “£2,196” substitute “£2,217”;
 - (b) in section 4 (ON-CALL ALLOWANCE), paragraph (a), for “£23.46” substitute “£23.69”; and
 - (c) in section 5 (PLAIN CLOTHES ALLOWANCE), paragraph (a), for “£13.26” substitute “£13.39”.

This is Annex 19 referred to in the foregoing determination by the Scottish Ministers under regulation 27 of the Police Service of Scotland Regulations 2013

Annex 19

Regulation 27

EXPENSES

1) REIMBURSEMENT OF MEDICAL CHARGES

- a) A constable of the Police Service of Scotland, if the charges are incurred by reason of an injury received without that constable's default in the execution of their duty as a constable, must be reimbursed by the Authority any charges incurred in that constable's case under sections 69, 70, 71 or 71A of the National Health (Scotland) Act 1978 (which sections relate to charges for certain drugs, medicines and appliances and for dental treatment).
- b) For the purposes of sub-paragraph (a), "injury" and "injury received in the execution of duty" have the same meanings as they have in the Police Pensions Regulations.

2) REMOVAL EXPENSES

- a) Where a constable of the Police Service of Scotland moves home in circumstances to which this sub-paragraph applies, the Authority:
 - i) must either reimburse the reasonably incurred cost of removal or carry out the removal;
 - ii) must, where the constable was the owner of the former home, reimburse expenses reasonably incurred—
 - (1) in connection with the disposal thereof, or
 - (2) in a case where and to the extent that the Authority so decides, in connection with the renting of that former home to tenants;
 - iii) must, where the constable is the owner of the new home, reimburse expenses reasonably incurred in connection with the acquisition thereof if –
 - (1) the constable was the owner of the former home, or
 - (2) the Authority, after consulting the chief constable, are satisfied that the constable could neither have been provided with a suitable house or quarters nor have been reasonably expected to find suitable rented accommodation within a reasonable distance of that constable's place of duty,

so, however, that where the Authority are of opinion that the constable could have acquired a suitable home for a consideration less than that actually paid, they may restrict the reimbursement of expenses directly related to the consideration paid, to expenses which would have been reasonably incurred had the constable paid that lesser consideration;

- iv) must reimburse the constable's payments made to meet relevant liabilities in respect of the first 26 weeks following the move and may, if they think fit, reimburse the constable such payments in respect of such further period as the Authority may determine so, however, that where the Authority are of opinion that the constable has not taken all reasonable steps to reduce or terminate the liability to make such payments as aforesaid they may restrict the reimbursement to payments which the constable would have been liable to make had the constable taken all such steps.

b) Sub-paragraph (a) applies where the constable moves home:-

- i) on joining the Police Service of Scotland in the rank of assistant chief constable or a higher rank; or
- ii) except as a consequence of joining the Police Service of Scotland, and the removal is, in the opinion of the chief constable, due to the exigencies of duty or is made at the request of the chief constable and is, in the opinion of the chief constable, in the interests of the efficiency of the Police Service of Scotland.

ba) But sub-paragraph (a) does not apply if—

- (i) A constable is in receipt of additional travel expenses under Part 5 of this Annex;
- (ii) that constable elects to move home more than 3 months from the date of the constable's transfer to a new usual place of duty or temporary place of duty.

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

- i) liabilities in respect of mortgage interest or rent payable in connection with the constable's former home; and
- ii) in respect of any days in respect of which the constable is liable to pay council tax in respect of the former home, the amount by which that tax and any council tax the constable is liable to pay in respect of the new home exceeds the council tax that the constable would have been liable to pay in respect of the former home if the constable had not moved from it.

d) Where the cost of removal is reimbursed or the removal is carried out by the Authority under sub-paragraph (a) the Authority must reimburse:-

- i) an item of expenditure incidental to the move and not otherwise covered in this determination if the constable can satisfy the Authority of the necessity of the expenditure.
 - ii) where the constable satisfies the Authority that, in consequence of the move, the constable has failed to benefit, in whole or in part, from expenditure reasonably incurred prior to the move (other than such payments as are referred to in sub paragraph (a)(iv)), the whole or the proportionate part of that expenditure so far as it is not recoverable by the constable.
- e) Where a constable of the Police Service of Scotland has been requested by the chief constable, in the interests of the efficiency of the Police Service of Scotland, to move home, and:-
 - i) the constable has, in consequence, in connection with the contemplated disposal of the home in which that constable ordinarily lives and acquisition of a new home, incurred any expenses; and
 - ii) the constable would, if the constable had moved home, have been reimbursed those expenses by the Authority in pursuance of sub-paragraph (a)(i) or (iii); but
 - iii) in consequence of a subsequent decision of the chief constable, the constable does not in fact move home,

the constable is entitled, notwithstanding that the constable has not moved home, to be reimbursed those expenses by the Authority.
- f) To qualify for reimbursement, an item of removal expenditure must be necessary, reasonable and backed by a receipt.
- g) In this determination:-

any reference to an owner, being an owner of property mentioned in this determination, is a reference to an occupier thereof whose interest therein is either (i) that of proprietor, or (ii) a leasehold interest which is neither an interest under a lease (which term includes sublease) from year to year or for a lesser period, or any other lease the unexpired period of which does not exceed a year, nor a furnished tenancy.

Provided that, in the case of property subject to a standard security as provided for by the Conveyancing and Feudal Reform (Scotland) Act 1970 or a heritable security constituted by ex facie absolute disposition or assignation, the person who, if the debt were discharged, would be entitled to be vested in that property is to be treated for the purposes of this determination as the proprietor or, as the case may be, as the tenant;

any reference to expenses incurred in connection with the disposal or acquisition of any property is to be construed as including, in particular, estate agent's, auctioneer's and

solicitor's fees, stamp duty and expenses in connection with the discharge, redemption, transfer or taking out of a heritable security or mortgage; and

any reference to expenses incurred in connection with the acquisition of any property is to be construed as also including expenses in connection with the contemplated acquisition of a property other than that acquired.

3) FOOD AND ACCOMMODATION EXPENSES

- a) When a constable of the Police Service of Scotland is necessarily prevented in the course of a tour of duty from obtaining a meal in the usual way, that constable is entitled to be reimbursed the difference between the meal the constable then obtains and the meal the constable usually takes in the course of that tour of duty, provided that the additional expenditure is reasonable and backed by a receipt.
- b) When a constable of the Police Service of Scotland is retained on duty beyond the constable's normal daily period of duty, the constable is entitled to be reimbursed the cost of any meal the constable then necessarily obtains provided that expenditure is reasonable and backed by a receipt.
- c) A constable of a the Police Service of Scotland is entitled to be reimbursed accommodation expenses necessarily incurred in connection with duty away from the constable's usual place of duty, or because the constable has been retained on duty beyond the constable's normal daily period of duty provided that the expenditure is reasonable and backed by a receipt.
- d) The usual place of duty for this purpose is the police establishment in which the constable is stationed. The chief constable is to determine the date at which a constable on duty away from the constable's usual establishment becomes for the time being stationed at the place where the constable is temporarily on duty.
- e) A constable of the Police Service of Scotland is entitled, if the constable requests, to be given an advance to cover, as far as practicable, probable expenses of duty away from the constable's usual place of duty.
- f) In the case of a part-time constable and in the case of a constable working in accordance with variable shift or flexible working arrangements, in sub-paragraph (a) for the words "tour of duty" and in sub-paragraph (b) for the words "normal daily period of duty", substitute "rostered shift".

4) RELEVANT TRAVELLING EXPENSES

- a) This paragraph applies where a constable of the Police Service of Scotland is-

i) required to perform that constable's normal daily period of duty in more than one tour of duty, or

ii) recalled to duty between two tours of duty,

and travels to and from home between tours, or, as the case may be, in consequence of the constable's recall (in this paragraph referred to as "relevant travelling").

b) Relevant travelling expenses are to be treated as expenses incurred in the execution of duty and, unless they are expenses in respect of which an allowance is payable under the determinations made under Part 6 of the Police Service of Scotland Regulations 2013, the constable concerned is entitled to be reimbursed those expenses to the extent that they do not exceed such reasonable limit as the Authority may fix.

5) ADDITIONAL TRAVEL EXPENSES

a) This Part applies where—

- i) a constable is transferred to a new usual place of duty or temporary place of duty;
- ii) that transfer is, in the opinion of the chief constable, due to the exigencies of duty or in the interests of the efficiency of the Police Service of Scotland;
- iii) the constable is not required to move home in connection with that transfer; and
- iv) the cost to the constable of travelling to the new usual place of duty is higher than the cost of travelling to the constable's immediately preceding usual place of duty (the difference being known as "additional travel expenses").

b) But this Part does not apply if the constable requests a transfer to a new usual place of duty for welfare or personal reasons.

c) Where this Part applies, the Authority must, subject to paragraphs (a) to (b), reimburse the constable's additional travelling expenses.

d) But the Authority must only reimburse a constable's additional travelling expenses under paragraph b) if those expenses are, in the opinion of the chief constable, reasonably incurred.

e) Additional travel expenses may be paid for a period not exceeding three years.

f) Where the additional travel expenses are in respect of mileage, each constable must be reimbursed at the rate of 36.9 pence per mile.

g) Where a constable—

- i) has transferred in accordance with a request mentioned in paragraph b) ("the initial transfer"); and
- ii) is subject to a transfer to which this Part applies within a period of three years from the initial transfer

the initial transfer is to be treated as if it were a transfer to which this Part applies (and additional travelling expenses are to be paid accordingly).

h) In this Part

“usual place of duty” means—

- i) where the constable’s ordinary duties are routinely performed in more than one location, the police station or other premises to which the constable has been nominally stationed; and
- ii) in any other case, the police station or other premises at which the constable performs the majority of the constable’s duties.

“temporary place of duty” means any police station or other premises at which the chief constable has determined that the constable is temporarily on duty for at least one day of duty. A temporary place of duty becomes a usual place of duty if the constable is on duty there for a period of 3 years or more.”

This is Annex 20 referred to in the foregoing determination by the Scottish Ministers under regulation 25 of the Police Service of Scotland Regulations 2013

Annex 20

Regulation 25

CAREER BREAKS

- 1) The chief constable must make arrangements for the consideration of any application to take a career break submitted by a constable of the Police Service of Scotland who has completed the required period of probation under regulation 8 of the Regulations.
- 2) A constable who has submitted an application for consideration in accordance with paragraph (1) must be:
 - (a) notified of the decision to accept or reject the application within 28 days of the application being submitted, and
 - (b) in the case of rejection of the application, given at the same time as the rejection written reasons for the decision.
- 3) The chief constable must put in place arrangements :
 - (a) to enable a constable whose application to take a career break has been rejected to submit a notice of appeal within 28 days of being notified of the decision, and
 - (b) for that appeal to be considered by someone who was not involved in the decision on the original application.
- 3) Before the start of the career break, the constable must agree with the chief constable-
 - (a) the date on which the career break is to start;
 - (b) the length of the career break, which shall not be greater than five years, save that in exceptional circumstances the chief constable may allow more than five years;
 - (c) the end date of the career break, which must not be later than the compulsory retirement age for the constable's rank within the meaning of regulation A18 of the Pensions Regulations 1987 or regulation 19 of the Police Pensions (Scotland) Regulations 2007, as the case may be; and
 - (d) objectives with timescales for the career break, which may be varied at any time during the career break by agreement between the constable and the chief constable.
- 4) The constable must inform the chief constable during the career break of any circumstances which may affect the objectives or timescales of the career break.

- 5) During the career break the constable must not undertake full-time education or activities for which they are paid or reimbursed expenses or which involve them in the sale of goods or services, by way of business, except with the prior agreement of the chief constable.
- 6) Where the chief constable has reasonable grounds to believe that the agreed objectives and timescales of a career break may not be achievable, the chief constable may require the constable to attend a review. Following such a review, the chief constable may require the constable to return to duty after a minimum notice period of one month, provided that if the chief constable is minded to require the constable to return to duty the chief constable must allow the constable the opportunity to make representations before a final decision is made.
- 7) Except as provided for in paragraph (6) the chief constable must not require the constable to return from the career break earlier than the agreed date.
- 8) On the agreed return date, the constable is entitled to return to duty with the same determined hours as before the start of the career break.
- 9) The chief constable must allow the constable before the agreed end date of the career break to return to duty with the same determined hours as before the start of the career break -
 - (a) in the case that there is a suitable vacancy, within one month of the constable giving a notice of intention to return to duty;
 - (b) in any other case, within three months of the constable giving a notice of intention to return to duty.
- 10) During the career break the constable remains a constable of his police force for the purposes of the Regulations and the Scottish Ministers determinations thereunder other than, subject to (11), the regulations and determinations of the Scottish Ministers under Part 4 (Pay), Part 5 (Leave) and Part 6 (Allowances and Expenses).
- 11)
 - (a) A constable of the Police Service of Scotland on a career break who becomes pregnant must give notice to the chief constable as soon as reasonably practicable:
 - (i) that she is pregnant;
 - (ii) of the expected date of birth of her child;
 - (iii) of her decision whether to exercise her entitlement under (b).
 - (b) Such a constable is entitled to suspend her career break so that regulations 22 and 25(7) of the Regulations and Scottish Minister's determinations thereunder apply to her.

- (c) Resumption of the career break at a later date is subject to further agreement between the chief constable and the constable.

This is Annex 21 referred to in the foregoing determination by the Scottish Ministers under regulation 14 of the Police Service of Scotland Regulations 2013

Annex 21

Regulation 14

FLEXIBLE WORKING AND VARIABLE SHIFT ARRANGEMENTS

In this determination:

“flexible working pattern” means a pattern worked by a constable which differs from the standard working pattern of constables of the Police Service of Scotland, and which is agreed with that constable by the chief constable on an individual basis, and

“variable shift arrangement” means a pattern worked by two or more constables which differs from the standard working pattern of constables of the Police Service of Scotland.

Section 1 – Flexible Working Arrangements

The chief constable of the Police Service of Scotland may bring in to operation arrangements for flexible working in accordance with this determination, subject to agreement with the Joint Central Committee of the Scottish Police Federation.

The chief constable must ensure arrangements are in place to enable constables to apply individually to work a flexible working pattern, and for such applications to be considered fairly and transparently.

Section 2 – Variable Shift Arrangements

The chief constable of the Police Service of Scotland may bring variable shift arrangements into operation in accordance with this determination, subject to agreement with the Joint Central Committee of the Scottish Police Federation.

Variable shift arrangements may be made for all or any particular class of constable below the rank of inspector (or superintendent, for part-time members).

Section 3 - General

Variable shift and flexible working arrangements must provide, for full-time constables for whom they are in operation:

- i. for hours of duty equivalent to those of a constable with a normal daily period of duty of 8 hours (including a period for refreshment) and who receives a day’s leave on each public holiday and 2 rest days per week; and
- ii. for annual leave equivalent to that granted in accordance with regulation 25 of the regulations and the Scottish Ministers’ determination of the annual leave of constables thereunder.

Variable shift and flexible working arrangements must provide, for part-time constables for whom they are in operation:

- i. a normal period of duty in every relevant period as in paragraph (6) of Paper Apart 05 (Duty); and
- ii. for annual leave equivalent to that granted in accordance with regulation 25 of the regulations and the Scottish Ministers' determination of the annual leave of constables thereunder.