

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.