

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.