

Police Federation
Of England and Wales



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Established by Act of Parliament

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NATIONAL SECRETARY'S OFFICE

10 October 2018

BB CIRCULAR 023-2018

To: All Branch Board Chairs & Secretaries
Cc: Members of the National Board

Dear Colleagues

ANNUAL LEAVE COMPENSATION

Please see attached PCF circular 01-2018 which has recently been agreed on the issue of annual leave compensation.

If you have any questions about the contents of this circular please contact Elaine&Karen@polfed.org

Yours sincerely

ALEX DUNCAN
National Secretary



Police Consultative Forum

Circular No 01-2018

9 October 2018

Annual leave compensation

The issue of annual leave compensation has recently been discussed at the Police Consultative Forum (PCF). Consideration has been given to the entitlements due when an officer is required to work on a day of annual leave and, in particular, what is meant by “a day of annual leave” and what is meant by “a day’s pay”.

The provision is set out in **Police Regulations 2003, Annex O, paragraph 5**. It details that if an officer is recalled to duty from a period of absence from duty of three or more days (including one day of annual leave) compensation is in accordance with the below:

If the officer is recalled for:

- | | |
|--------------------------------|--|
| 1 or 2 days of annual leave | – they are entitled to compensation of either 2 days’ annual leave (or 1 day’s annual leave plus 1 day’s pay at double time) <i>for each day of annual leave</i> |
| 3 days or more of annual leave | – either 1.5 days (or 1 day’s annual leave plus 0.5 day’s pay at double time) from day 3 onwards |

However, there is no further explanation of the value of the day of annual leave (in these circumstances) and crucially *there is no definition of a day’s pay*.

The PNB agreement (PNB 01/10) which set out the original agreement said “a day’s pay to be defined as 8 hours, or the equivalent in respect of officers working alternative shift systems or part-time”. It did not clarify what was meant by “equivalent”.

The PCF has given the matter further consideration and has agreed that paragraph 5 should be interpreted as the day's leave being equivalent to the day – for that officer – which has been interrupted. The alternative would be to standardise on an 8 hour day (for a full-time officer) which would mean that an officer doing a Variable Shift Arrangement would be either under or over compensated in terms of hours of leave. The same would then apply in respect of a day's pay.

The PCF has therefore agreed that:

- If *leave* is taken it should be equivalent to the *length of the interrupted day* (ie, if the day was 9 hours, it should be 9 hours); and
- If *pay* is taken it should be calculated by reference to the same number of hours (ie, 9 hours at double-time)

An example:

In line with the above, if an officer had been rostered for a 9 hour shift and booked the day off as annual leave, they would be required to book 9 hours of annual leave for the day. If they were subsequently required to work on the day in question (and the day formed a period of absence from duty of three or more days) they would be entitled to compensation of 2 days' annual leave or 1 day's annual leave plus 1 day's pay at double time. In line with the above, they should therefore receive either 2 days' annual leave of 9 hours for each day (18 hours in total) or one day of leave worth 9 hours and 9 hours' pay at double time.

The PCF's terms of reference state that the Forum is to be used for the resolution of matters of common interest that are unlikely to be dealt with through the normal PRRB process. The Forum is intended to facilitate quick and effective agreements on appropriate matters and contribute to the maintenance of excellent industrial relations. It is on this basis that the PCF has agreed the above interpretation of Annex O, paragraph 5; and the PCF encourages all forces to implement the annual leave compensation entitlements in this way to ensure fairness and consistency.

Payment for working on the day in question

For the avoidance of doubt the above compensation is separate from any payments received for working on the day in question. In this respect the day reverts to being a duty day and time worked beyond the usual daily period of duty would be payable at overtime rates. In other words:

- compensation for the recall should be granted in accordance with paragraph (5) of Annex O, as per the above; and
- separate from that, the officer should then be treated as if the day had not been a day of annual leave (which would include overtime being payable in accordance with the provisions of Annex G, as appropriate to the particular circumstances).