

DUTY

1) HOURS OF DUTY

- a) Paragraph 1 of this Annex applies to every member, other than a part-time member, of a police force of the rank of constable or sergeant who is not assigned to duties which the Scottish Ministers have specially excepted from the provisions of this paragraph.
- b) The normal daily period of duty (including the period for refreshment referred to in sub-paragraph (c)) of a member shall, except in the case of a member working in accordance with variable shift arrangements, be 8 hours.
- c) As far as the exigencies of duty permit:
 - i) The normal daily period of duty (or, in the case of a member working in accordance with variable shift arrangements, a shift) shall be performed in one tour of duty; and
 - ii) Apart from where a member has taken a half day's annual leave or is working in accordance with variable shift arrangements, an interval of 45 minutes shall be allowed for refreshment.
 - iii) Where in one day a member working in accordance with variable shift arrangements is on duty for a continuous period of 5 hours or more, time for refreshment shall, as far as the exigencies of duty permit, be allowed as in the following table:

<u>Number of hours</u>	<u>Refreshment time</u>
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 member is required to perform that member's normal daily period of duty (or in the case of a member working in accordance with variable shift arrangements, a shift) in more than one tour of duty and does not travel to and from that member's home between tours, an interval for refreshment and rest shall normally be included at the beginning or end of one of those tours.

2) VARIABLE SHIFT ARRANGEMENTS

- a) A chief constable may bring into operation variable shift arrangements, agreed by the chief constable with the joint branch board, for all or any particular class of members below the rank of inspector (below the rank of superintendent for part-time members).
- b) Variable shift arrangements must provide, for full-time members for whom they are in operation:
 - i) for hours of duty equivalent to those of a member 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 33 and the Scottish Ministers determination of the annual leave of members of police forces thereunder.
- c) Variable shift arrangements must provide, for part-time members for whom they are in operation:
 - i) a normal period of duty in every relevant period as in paragraph (6) below; and
 - ii) for annual leave equivalent to that granted in accordance with regulation 33 and the Scottish Ministers' determination of the annual leave of members of police forces thereunder.

3) DUTY ROSTERS

- a) A chief constable shall cause to be published, in accordance with this determination, duty rosters for members of that chief constable's force of the rank of constable or sergeant (and inspector and chief inspector in the case of part-time members) and, in the determinations made under the Police (Scotland) Regulations 2004:
 - i) a reference to a rostered rest day is to be construed, in relation to a member of a police force who is required to do duty on that day, as a reference to a day which according to the duty roster was, immediately before that member was so required to do duty, to have been a rest day for the member; and
 - ii) a day off granted in lieu of a rostered rest day shall be treated as a rostered rest day.
- b) A chief constable shall cause each such roster to be drawn up and published, after full consultation with the Joint Branch Board, at intervals not exceeding 12 months and not later than one month before the date on which it starts.

c) Each such roster shall set out, for at least three months (except one relating to a part-time member who has agreed with the chief officer on a different period) following the date on which it comes into force, in relation to each member of the force to which it relates:

- i) that member's rest days;
- ii) those days, being public holidays, on which that member may be required to do duty; and
- iii) the times at which that member's scheduled daily periods of duty (rostered shifts for members working variable shift arrangements and for part-time members) are to begin and end; and
- iv) for part-time members, that member'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 paragraph (f), a duty roster shall make provision for:

- i) an interval of not less than 11 hours between the ending of each of a member's daily periods of duty (or in the case of a part-time member or a member working in accordance with variable shift arrangements, that member's shifts) and the beginning of the next; and
- ii) an interval between each of that member's rostered rest days not exceeding 7 days, unless in the case of a part-time member, a longer interval has been agreed between the member and the chief constable;

unless the Joint Branch Board agrees otherwise, such agreement providing for an equivalent period of compensatory rest.

f) Where, owing to the exigencies of duty, it is necessary to alter a duty roster, the officer responsible for making the alteration shall endeavour, so far as practicable, to avoid thereby requiring a member to do an additional daily period of duty or, in the case of a part-time member or a member working in accordance with variable shift arrangements, a shift, such that the condition in sub-paragraph (e) would not be satisfied in relation thereto.

4) PUBLIC HOLIDAYS, REST DAYS AND MONTHLY LEAVE DAYS

a) Constables and Sergeants

- i) So far as the exigencies of duty permit, a member of a police force of the rank of constable or sergeant shall 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 member 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 regulation 26 and the determination thereunder.

b) Inspectors and Chief Inspectors

Every member of a police force of the rank of inspector or chief inspector shall, 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 member of a police force of, or above, the rank of superintendent shall, 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) superintendent or chief superintendent, 8 monthly leave days;
- ii) in any other case, 1 ½ monthly leave days.

5) TRAVELLING TIME TREATED AS DUTY

a) This paragraph applies where a full-time member of a police force is:

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

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

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

- i) a shift consists of two separate periods; or
- ii) that member is recalled to duty between two shifts; and that member travels to and from that member's home between those periods or, as the case may be, in consequence of that member's recall, (in this determination referred to as "relevant travelling").

c) In computing any period of overtime for the purposes of regulation 25 and the determination thereunder or any period of duty for the purpose of regulation 26 and the determination thereunder (save for the purposes of paragraph 3(h) of the determination thereunder) the time occupied by such a

member in relevant travelling, not exceeding such reasonable limit as may be fixed by the chief constable, shall be treated as a period of duty.

6) PART-TIME MEMBERS

Normal Period of Duty

a)

- i) This paragraph applies to every part-time member of a police force below the rank of superintendent
- ii) The normal period of duty in every relevant period of a part-time member of a police force to whom this determination applies, which is to be performed in accordance with general arrangements made by the chief constable after consulting the police authority and local representatives of the representative bodies, is, subject to sub paragraph (v), the total number of hours determined by the chief constable with the agreement of the member at the time of that member's appointment.
- 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 shall review a member's normal period of duty at intervals of not more than 52 weeks, and in doing so shall have regard to the number of hours actually spent on duty during the interval preceding the review.
- v) After a review under sub-paragraph (iv) or (vi):
 - (1) any number of hours different from that determined under sub-paragraph (ii) which was determined by the chief constable and agreed to by the member becomes the member's normal period of duty, and
 - (2) if no different number was agreed to by the member, that member'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).
- vi) In addition to any review required under sub-paragraph (v), a member or the chief constable may require a further review where there has been or is likely to be significant changes in the normal daily period of duty or in the circumstances of the member.
- vii) On any review under sub-paragraph (vi) the chief constable shall 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 shall consist of one continuous period.
- ix) Periods allowed for Refreshment

Where in one day a member is on duty for a continuous period of 5 hours or more, an interval for refreshment shall, 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 member does not travel to and from that member's home between those periods, an interval for refreshment and rest shall normally be included at the beginning or end of one of them.

- b) For the purposes of this paragraph, in relation to a part-time member of a police force:
 - i) the determined hours are the number of hours which the chief constable has determined as that member's normal period of duty in a relevant period,
 - ii) a relevant period is a period for which a duty roster relating to that member 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.

- c) In relation to a member of a police force in a job share arrangement the appropriate factor is $\frac{1}{2}$.

- 7)
 - a) In this determination and determinations made under regulations 25 and 33, "day", in relation to members of a police force, 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 members.
 - b) In discharging that officer's functions under sub paragraph (a) above, the chief constable shall have regard to the wishes of the joint branch board.
 - c) In this determination "compensatory rest" as mentioned at paragraph 3(e) above has the same meaning as applied by the Working Time Regulations 1998.