

PNB Circular 2016/08 (Advisory)

POLICE NEGOTIATING BOARD

Independent Secretary:
Gordon Smith
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POLICE NEGOTIATING BOARD AGREEMENT

1. The Official and Staff Sides of PNB have reached agreement at the PNB meeting on 28 September on amendments to regulations and determinations for part-time working arrangements for police officers.

Details are set out in the attached memorandum.

2. This PNB Circular remains advisory until specific approval of Scottish Ministers has been given and does not confer authority to implement the agreement. Once approval has been given, it will be promulgated in a Scottish Government Circular. In due course, the relevant Ministers will make formal Regulations and Determinations.
3. Any enquiries about this circular should be addressed to the Independent Secretariat at the Scottish Government ☎0131 244 5048, to the Official Side Secretary ☎020 7187 7341 or the Staff Side Secretary ☎0300 303 0027. Enquiries to the Independent Secretariat relating to the interpretation of this circular should be made in writing.

22 December 2016

* PNB Circulars form a single numerical series. Those which in themselves provide authority to implement an agreement carry the serial number alone, while those which are purely advisory are designated as such after the serial number.

MEMORANDUM

	Topic	Proposal
1	Clear Definition of 'Appropriate Factor' and 'Determined Hours'	The definition of 'appropriate factor' and 'determined hours' should be included within the 'Part-Time Appointments' section of the Regulations and at all other relevant points in the Regulations and Determinations where alternative phrasing is used (i.e. agreed hours, normal period of duty etc). This will ensure full clarity of meaning of part-time working within the regulations and determinations.
2	Removing Reference to Local Representatives and JCC	It is agreed that there is a removal of reference to Local Representatives and JCC in relation to the part-time/flexible working agreement process. This change reflects the legal duty of the Chief Constable and the reality of the process as part-time/flexible working agreements do not require this level of involvement as part of an individual's request for flexible working.
3	Removing Reference to Job Sharing in Regulations	It is agreed that the mention of job sharing is removed from Regulation 3. The change reflects the fact that job sharing is part-time working and there is no requirement to create a distinction.
4	Personal Records and Reference to Part-Time Service	It is agreed that the Personal Records section of the Regulations is explicit that any officer who works a period of part-time service has the number of determined hours recorded as well as the commencement and finish date of this arrangement. This is important in helping ensure accurate reflection of part-time arrangements is taken in relation to the impact on an officer's pay and their pension.
5	Application of VSA to all Federated Ranks	It is agreed that the Determinations state that Duty Rosters must be published for all federated ranks up to and including Chief Inspector rather than constable and sergeants (and inspector and chief inspector in the case of part-time constables). This is agreed to remove an unnecessary distinction that is in place between full and part-time inspectors and chief inspectors.
6	Removal of the concept of Free Days	It is agreed that "free days" become "rest days" on the basis that this change would remove an unnecessary distinction between full and part-time officers.
7	Redefining Normal Period of Duty for Part-time Workers	To avoid confusion it is agreed that any reference to normal period of duty for part-time workers is replaced by the term 'determined hours'. This avoids two different phrases for the same thing. See also point 1 above.
8	Entitlement to payment for	Whilst the Official Side believe that this practice should already be taking place, it was agreed that a PNB Circular, which

	additional hours worked up until 40 hours.	clearly outlines that all part-time officers are entitled to plain time payment or toil for every hour worked up until 40 hours would improve clarity within Regulations and Determinations.
9	Overtime	<p>It is agreed that the Regulations and Determinations should be amended to ensure that the principles for the calculation of overtime are the same for both full and part-time officers who have reached the threshold for overtime.</p> <p>It is agreed that the calculation should operate as follows:</p> <ul style="list-style-type: none"> - For a part-time officer the threshold for overtime will be when their average weekly hours plus the hours worked in addition to those included on their duty roster for that relevant week exceed 40 hours. - Prior to reaching the 40 hour threshold, additional time worked on a working and/or rest day count towards reaching the 40 hour threshold. - Where the 40 hour threshold has not been reached, officers may still be paid at an enhanced rate where this is outlined within the Regulations/determinations (e.g. working on a rest day, public holiday or annual leave day). - Once the 40 hour threshold is reached, overtime is only payable where the individual does not receive separate compensation through another annex (i.e. compensation for working a rest day, public holiday or annual leave day). - The rule in place for full-time officers that confirms 30 minutes of overtime can be disregarded in certain circumstances remains in place for part-time officers. <p>These changes will result in the removal of determinations that appear to provide for double compensation, e.g. where it appears a constable can take TOIL without forgoing the (separate) entitlement to pay for additional hours. This amendment also applies to the annex concerning rest days and public holidays.</p> <p>For the avoidance of doubt, this proposal will remove the previous 8 hour daily threshold that was required for part-time workers to accrue overtime.</p> <p>For the further avoidance of doubt, the modification to Regulation 17 (overtime) under Regulation 3 (part-time service) should be removed so that the revised overtime regulations stand unamended.</p>
10	Compensation for Working on a Free Day	It is agreed that the compensation for being required to work on a free day with less than 15 days' notice becomes the same as the compensation currently provided for being required to work on a rest day with less than 15 days' notice. This is es-

		sential in supporting the case to remove reference to the term Free Day from the Regulations and Determinations and ensures fairness between full-time and part-time officers.
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