

## **PNB Circular 2017/2 (Advisory)**

### **POLICE NEGOTIATING BOARD**

Independent Secretary:  
Gordon Smith  
Scottish Government  
GW.15, St Andrew's House  
Edinburgh  
EH1 3DG

### **POLICE NEGOTIATING BOARD AGREEMENT**

1. The Official and Staff Sides of the PNB reached agreement at the PNB meeting on 13 June on guidance to assist with managing changes to police officer duty rosters. Details are set out in the attached memorandum.
2. This PNB circular remains advisory until specific approval from the Scottish Government has been given and does not confer authority\* to implement the agreement. Once approval has been given, it will be communicated in a Scottish Government circular. In due course the relevant Minister will make formal 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.

2 August 2017

\* 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**

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### **Duty Rosters and Exigencies of Duty**

The Official and Staff Sides of the PNB have reached agreement on guidance to assist with managing changes to police officer duty rosters.

The guidance draws on relevant sections of the Police Service of Scotland Regulations 2013, PNB Circulars, PNB Request for Guidance and supplements it with agreed interpretation of these articles by the PNB.

#### **Duty Rosters**

Every officer must have a duty roster which sets out rest days, public holidays and the start and finish times of each daily period of duty. Each duty roster must cover at least 3 months and must be provided to the officer not later than one month before it is due to start.

For the purpose of this guidance one month and three months should be interpreted as 4 weeks and 13 weeks respectively.

A duty roster must make provision for intervals between daily periods of duty and rest days in accordance with PNB Circular 10/1.

#### **Altering a Duty Roster**

Nothing in this guidance should be considered as preventing the ability of the Chief Constable to recall an officer to duty at any time or to require that officer to perform duty on a rest day, public holiday or annual leave day.

A duty roster can be altered only where:

1. It is at the officer's own request, or
2. It is agreed by the Joint Central Committee, or
3. Where there is an exigency of duty, or
4. In the case of a part-time officer, where it has been agreed between the officer and the Chief Constable.

Changes to rosters should only be made after full consideration of wellbeing, operational and practical circumstances rather than purely on financial grounds. This consideration should be demonstrable.

#### **Exigency of Duty**

The term "exigency of duty" should be interpreted as relating to a situation where a pressing demand, need or requirement is perceived that is not reasonably avoidable and necessitates a change of roster. In this context the word "pressing" relates to the expected situation at the time when the duty is to be performed rather than the

time when the duty roster is changed, i.e. the reasons for a change may be known many months in advance but still be pressing.

An exigency of duty will almost always arise from a demand out with the control of Police Scotland. An exigency should not arise from poor planning or from organisational mistakes.

By way of example, changes to rostered duties would be justified by unforeseen public order situations, unforeseen court attendance and unforeseen essential training.

Where an exigency of duty arises, an officer should be told as soon as the requirement for the change is known and in any event 24 hours before the changed or the original starting time of the period of duty, whichever is the earlier.

The exception to this is unforeseen court attendance where the notice period shall be a minimum of 12 hours before the changed or the original starting time of the period of duty, whichever is the earlier.

Where an officer is not given due notice of a change to the roster in the circumstances above, the requirement to work will be deemed either as a recall to duty or a period of overtime.

#### Notification

An officer can be notified of a requirement to work in a number of ways, for example notification can be given in person, or by telephone or by email. When that notification is made depends on when the officer receives it. For example, a notification by email is made when the officer is demonstrably aware of its receipt.

#### Reinstatement of Rest Days

When an officer's rest day is re-rostered in anticipation of an operational need for which in the event he/she is not required to attend for duty:

- Where the officer is told with more than seven days' notice he will take the rest day with no compensation.
- Where the officer is given less than eight days' notice he/she can choose between taking the rest day with no compensation or working on the rest day\* with compensation in accordance with Police Regulations\*\*.

\*Must work a minimum of 4 hours and is entitled to travelling time provided total claimed does not exceed 6 hours. If 6 or more hours are worked no travel time can be claimed

\*\*This relates to the period of notice given of the requirement to work on the 'original' rest day as follows:

Less than 5 days' notice = double time  
Less than 15 days' notice = time and a half  
In any other case = another rest day

#### Reinstatement of original shifts

If an officer has their shift altered as a consequence of a pressing demand but that demand subsequently disappears, in order to avoid further disruption to the individual, it will be ensured that the officer is not returned to their original rostered duties unless one of the following scenarios applies:

- the officer requests a return to their previous shift arrangements and this can be accommodated following the appropriate consideration of wellbeing, operational and practical circumstances.
- a separate pressing demand emerges during the period of the previous shift arrangements that meets the requirements of exigency of duty.

#### Calculating days' notice

When calculating days' notice, disregard both the day on which the requirement was notified and the day on which the officer is required to do duty.

#### Bulk re-rostering of rest days

Duty rosters should not be amended at short notice unless there is an exigency of duty. Blanket notifications of amendments should not be utilised unless there is a specific demand at that time on each of the officers covered by it.

The practice of notifying large numbers of officers of an amendment to shifts and then cancelling that requirement once that demand is resourced, purely for financial reasons, is specifically deemed to be inappropriate.