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**Identity No:** Police Circular No: 2/2011

**Title:** Allowances and Bonus Payments

**Addressed to:** Chief Constables  
Chief Executives  
Dumfries & Galloway Council  
Fife Council  
Clerks to the Joint Police Boards

**Date issued:** 29 March 2011

**Implementation Date:** 1 April 2011

**Contact for more information:** Peter Jamieson

Dear Colleague

**Purpose of this circular:** To introduce an on-call allowance and a plain clothes allowance for police officers within the federated ranks and to remove the awarding of Special Priority Payments (SPPs) for federated ranks. Also, to suspend the Police Negotiating Board (PNB) agreements on Chief Officer and Superintendent bonus payments for one year.

**Summary of contents:** Following agreement at PNB on 20 January 2011 on a package of measures for changes to police pay and conditions for Scottish police officers, the Cabinet Secretary for Justice has approved changes to determinations under the Police (Scotland) Act 2004 and to suspend certain PNB agreements on bonus payments for Chief Officers and Superintendents.

## **Determinations**

A determination under Regulation 34 of the Police (Scotland) Act 2004 is attached at Annex A that introduces an on-call allowance and a plain clothes allowance for members of the federated ranks. Guidance on a national framework for on-call arrangements is set out in Annex B. The PNB agreement of 20 January 2011, removing SPPs, supersedes the previous PNB agreement on SPPs set out in Scottish police circulars 3 of 2003 and 15 of 2004 and paragraph 3 of Annex U to the determination made under regulation 34, dated 2 December 2009, is therefore deleted.

## **PNB Agreements**

Scottish Ministers have suspended their approval of the Chief Officer bonus scheme, as set out in Annex A, paragraphs 13 to 14.2 of PNB Circular 5 of 2004 and approved through Scottish police circular 9 of 2004. Scottish Ministers have also suspended their approval of the Superintendent bonus scheme set out in Annex A, paragraphs 6.1 to 6.3 of PNB Circular 18 of 2003 and approved through Scottish police circular 3 of 2004. The suspension of these agreements will be for one year, from 1 April 2011 to 31 March 2012.

**PETER JAMIESON**

Legislation and Workforce Unit

**Determinations under the Police (Scotland) Regulations 2004 (SSI 2004/257)**

1. The Scottish Ministers, in exercise of the powers conferred by regulation 34 of the Regulations, have determined that a member of a police force is entitled to any allowance specified in Annex U in accordance with that Annex.
2. The determinations under regulation 34 of the Regulations in Annexe U replace and revoke any previous determination under those regulations.
3. This determination comes into force on 1 April 2011 and, unless otherwise specified in Annex U, has effect from that date.
4. In making these determinations the Scottish Ministers have, in accordance with regulation 46 of the Regulations, supplied the Police Advisory Board for Scotland with a draft of the determinations and have taken into consideration the representations made by that Board.
5. Expressions used in these determinations which also appear in the Regulations have the same meanings as in the Regulations.
6. In these determinations:

"the Regulations" means the Police (Scotland) Regulations 2004

7. The determination, consisting of this page and the Annex U referred to above are subscribed as follows:-

Signed by Christie Smith, a member of staff of the Scottish Ministers, at Edinburgh on 29 March 2011.

**ALLOWANCES****1) MOTOR VEHICLE ALLOWANCES**

- a) Where the chief constable is of opinion that the duties normally performed by a member of a police force are of such a nature that it is-

- i) essential, or
- ii) desirable,

that the member in question should, at all material times, have a motor vehicle at the member's disposal, the chief constable may authorise that member to use (subject to the chief constable's directions) a motor vehicle owned by the member for the purposes of duties performed by the member and, subject to the following provisions of this determination, in respect of such use the member shall be paid a motor vehicle allowance. Use of a motor vehicle during travelling time which is treated as duty in accordance with a determination under regulation 22(1)(e) shall be treated as use for the purposes of duties performed by the member.

- b) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor vehicle unless there was in force in relation thereto a policy of insurance in terms approved by the police authority, in relation to the use in question, for the purposes thereof.
- c) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. unless the member concerned was willing to carry passengers for the purposes of the duties performed by the member or, in the case of passengers being members of a police force, by those members.
- d) A motor vehicle allowance in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. shall, subject as aforesaid, be payable-
- i) where the chief constable is of the opinion mentioned in sub-paragraph (a)(i), at the essential user's rate;
  - ii) where the chief constable is of the opinion mentioned in sub-paragraph (a)(ii), at the casual user's rate,

as provided in sub-paragraphs (e) and (f) .

Provided that where the member concerned holds a rank above that of chief superintendent the member may instead be paid a flat-rate motor vehicle allowance at such annual rate as is determined by the police authority on such basis as is approved by the Scottish Ministers.

- e)
- i) Subject to the following provisions of this determination, the amount of a motor vehicle allowance payable at the essential user's rate shall in any year comprise a fixed element and a mileage element calculated as provided in sub-paragraphs (ii) and (iii).
  - ii) The fixed element shall be calculated by reference to the number of completed months comprised in the period of authorised use for the year in question at the annual rate specified in sub-paragraph (g) by reference to the cylinder capacity of the motor car in question.
  - iii) The mileage element shall be calculated in relation to authorised use at the rate specified in sub-paragraph (g) by reference to the cylinder capacity of the motor car in question, and for that purpose sub-paragraph (g) so specifies:
    - (1) a basic rate, in relation to authorised use not exceeding the mileage specified in sub-paragraph (g) ("the basic mileage"), and
    - (2) a reduced rate in relation to authorised use in excess of the basic mileage.
- (f) A motor vehicle allowance in respect of the authorised use of-
- (i) a motor car of a cylinder capacity not exceeding 500 c.c., or
  - (ii) a motor bicycle,
- shall, subject as aforesaid, be payable on such conditions and at such rate as is approved by the Scottish Ministers.

#### Motor Vehicle Allowances

##### **(g) Rate, with effect from 1 April 2009**

	<b>451- 999cc</b>	<b>1000- 1199cc</b>	<b>1200- 1450cc</b>
<u>Essential users</u>			
Lump sum per annum	£795	£906	£1,170
Per mile - first 8,500 miles	33.6p	37.1p	46.4p
Per mile - after 8,500 miles	11.7p	12.2p	14.2p
Petrol element per mile	7.433p	8.207p	8.953p
Amount of VAT per mile in petrol element	0.969p	1.070p	1.167p

### Casual users

Per mile - first 8,500 miles	42.9p	47.7p	60.1p
Per mile - after 8,500 miles	11.7p	12.2p	14.2p
Petrol element per mile	7.433p	8.207p	8.953p
Amount of VAT per mile in petrol element	0.969p	1.070p	1.167p

- g) Where in any year a motor vehicle allowance is payable at the essential user's rate it shall be payable in such instalments, in advance or in arrears, as the police authority may determine; but when the amount of the allowance for that year is finally calculated, any over-payment shall be recoverable.
- h) Where in any year a motor vehicle allowance is payable at the essential user's rate to a member of a police force and the member is on sick leave, or maternity leave, or the motor car in question is out of order, for a continuous period of four or more weeks in that year the allowance shall be reduced by such amount as the police authority, with the approval of the Scottish Ministers, determines as being appropriate in all the circumstances.
- i) Where in any year a motor vehicle allowance is payable at the essential user's rate but the period of authorised use is a fraction only of that year, sub-paragraph (e)(iii) shall have effect as if for the reference to the basic mileage there were substituted a reference to the corresponding fraction of that mileage; and for the purposes of this paragraph the monthly rate of the fixed element of such an allowance so payable shall be taken to be a twelfth of the annual rate.
- j) The amount of a motor vehicle allowance payable at the casual user's rate shall in any year be an amount calculated in relation to the mileage of authorised use in that year at the rate specified in sub-paragraph (g) by reference to that mileage and the cylinder capacity of the motor car in question, except that where the amount of the allowance would be less if it were calculated at the essential user's rate, it shall be of an amount calculated in accordance with sub-paragraph (e).
- k) The amount of a motor vehicle allowance payable to a member of a police force shall not exceed that which would be payable if the vehicle in question were of such a cylinder capacity, not being less than 1,000 c.c., as the chief constable of police, with the approval of the police authority, has determined appropriate for use for the purposes of the duties normally performed by the member concerned.
- l) In its application to a chief constable this determination shall have effect as if any reference therein to that officer were a reference to the police authority.



m) For the purposes of this determination-

“authorised use” means the use, authorised under sub-paragraph (a), of a motor vehicle owned by the member of a police force concerned for the purposes of the member’s duties as a member of that force or, where the member has been statutorily transferred from one force to another force, as a member of either of those forces, and “period of authorised use” means the period during which such use is authorised;

“cylinder capacity” means the cylinder capacity of the engine of a vehicle calculated in accordance with regulations under paragraph 2(4) of Schedule 1 to the Vehicle Excise and Registration Act 1994;

“motor bicycle” means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a sidecar);

“motor car” means a mechanically propelled vehicle other than a motor bicycle and, accordingly, includes a mechanically propelled tricycle;

“year” means a period of twelve months beginning on such date as may be determined by the police authority;

and a reference to a motor vehicle owned by a member of a police force is a reference to such a vehicle kept and used by the member.

## 2) DOG HANDLER'S ALLOWANCE

- a) Where a dog owned by the police authority is kept and cared for by a member of a police force at that member’s home, the member shall be paid a dog handler's allowance in respect of the care accorded to the dog on the member's rest days and on public holidays.
- b) For this purpose the member shall be treated as keeping and caring for a dog at his home if the member would be doing so but for being on annual leave.
- c) The annual rate of this allowance with effect from:
  - 1 September 2009 is £2,079
  - 1 September 2010 is £2,133
- d) Where the member keeps and cares for at his home more than one dog owned by the police authority, there shall be added to the allowance an amount equal to 25 per cent of the sum specified in sub-paragraph (c) for each such dog.

### 3) BONUS PAYMENTS

A chief constable may award a payment of between £50 and £500 to a member of the chief constable's force where the chief constable is satisfied that the member concerned has performed a piece of work of an outstandingly demanding, unpleasant or important nature.

### 4) POST-RELATED ALLOWANCES FOR CHIEF SUPERINTENDENTS

- a) A chief superintendent in a qualifying post shall be paid a Post-Related Allowance (PRA) of £5,001 a year (non-pensionable).
- b) A qualifying post is a post identified as such by the force's chief constable, following consultation with the local branch of the Superintendents' Association and in agreement with the police authority.
- c) In identifying any qualifying posts for the purposes of this paragraph, the chief constable shall have regard to the following criteria:
  - Whether the post is that of BCU commander, with exceptionally difficult policing conditions, high public profile, and particularly complex community relationships;
  - Whether the post is otherwise a very demanding post, including one dealing with high volumes of serious crime, high levels of deprivation and difficult conflict in community and partnership working.
- d) A PRA will not be paid to a person acting up, under Annex I of the determinations, in the absence of a post-holder entitled to a PRA.

### 5) ON-CALL ALLOWANCE

- a) For each period that an officer in a federated rank is required to be on-call, an allowance of £23 shall be paid.
- b) On call is defined as any predetermined operational requirement for an officer to be available, outside of their normal working hours, in a role designated by the Chief Constable as having an on call requirement, to attend or undertake duty where they must remain continuously and immediately available and fit for work when they are scheduled as off duty.
- c) The roles designated by the Chief Constable as having an on call requirement must be consulted and agreed with the local Joint Branch Board.
- d) A period of on-call shall be the period between the end of one tour of duty and the commencement of the next or 24 hours, whichever shall be less.
- e) As far as the exigencies of duty permit, a period of on-call may include rostered rest days, however, it shall not include consecutive periods of such rostered rest days.

## 6) PLAIN CLOTHES ALLOWANCE

- a) Where an officer in a federated rank undertakes the majority of their duty time in plain clothes, over a period of three months or more, they shall be granted a plain clothes allowance of £13 per month.
- b) The duty time in plain clothes shall be measured over a 3 month period and will be paid to the officer for each qualifying month.

## **Guidance for On-call Arrangements**

### **Introduction**

1. This guidance provides a national framework for "on-call" arrangements for all federated rank police officers. This framework covers a range of principles and standards that should be used by individual forces in developing, reviewing or amending their "on-call" arrangements.

### **Guiding principles**

2. It is acknowledged that all police officers understand that their role can, on occasion, significantly impact upon their personal lives. However, it is extremely important that "on-call" arrangements within forces are consistent, fair and transparent and cause the minimum amount of disruption to an individual police officer's personal life.
3. Where a role does contain an "on-call" requirement, every effort must be made to reduce the number of occasions on which police officers are required to be "on-call". Planned duty rosters and an "on-call" rota must be produced and published every three months.
4. "On-call" is voluntary and a police officer will only be asked to undertake an occasion of "on-call" if he or she performs a role to which there is an attached "on-call" requirement. Where a role does not carry an "on-call" requirement, unless in exceptional circumstances, no police officer will be placed "on-call".
5. Forces must list the roles which they designate as having an "on-call" requirement, having consulted and agreed the roles with the local Joint Branch Board. This list must be kept under review. Any "on-call" requirement attached to a role must be specified in the job description for the relevant position and must be highlighted to all applicants applying for that role. The policy of using "on-call" must be subject to an Equality Impact Assessment by the individual forces.

### **Definition**

6. "On-call" is a predetermined operational requirement for an officer to be available, outside of their normal working hours, to attend or undertake duty.
7. For certain operational requirements, it is foreseeable that some officers may need to be on call. An officer will be considered to be on call for period of time when they are scheduled as off duty but they have agreed to be available to speak on the telephone or for recall to duty.
8. When on call, officers must remain within reasonable travelling distance of their place of work, must be contactable by telephone and be able to resume duty at short notice. They must be fit and able to be deployed for the full range of operational duties.

9. This is different and separate to any "recall to duty" or duty undertaken which is subject to separate arrangements.

### **Determining a requirement for "on-call"**

10. Forces must only designate a role as containing an "on-call" requirement where it is critical that a police officer is required to be available in order to respond to unforeseen events. Only roles designated by the Chief Constable will contain an on call requirement.
11. All Forces, must carry out a thorough evaluation of the operational need to place police officers "on-call" to ensure "on-call" arrangements can be justified and kept to a minimum.
12. Forces must give serious consideration to the following questions:
  - What is the operational need?
  - Can this need be met by police officers already on duty?
  - If not, do force rosters need to be rescheduled to facilitate adequate staffing levels and ensure operational resilience?
  - If there is a need for 'off duty' police officers to perform on-call, how can the frequency of this and the duration of each "on-call" period be minimised?
  - Would the proposed arrangements place an unreasonable or disproportionate impact on a specific rank, role or an individual police officer's personal life?
13. Although certain roles will be subject to a greater likelihood to be recalled to duty, where there is a foreseeable or predetermined operational need, forces should, as far as practical, provide a suitable resilience capability within the relevant roles without the need to place police officers "on-call".

### **Safeguards and risk assessments**

14. In those roles which do contain an "on-call" requirement, the burden of undertaking "on-call" should not be placed disproportionately on police officers of any particular rank.
15. Forces should ensure the requirement for Police officers to perform "on-call" during their rest days or public holidays is kept to a minimum. Police officers will not be asked to perform "on-call" whilst on an annual leave day or during a period of annual leave.

16. Appropriate risk assessments must be carried-out to ensure that a requirement to be "on-call" is consistent with the force's health and safety policies and procedures.
17. Forces must ensure that they comply with the requirements of the Working Time Regulations. Police officers should be given their entitlements to uninterrupted daily and weekly rest and, where appropriate, the limits on night workers' working hours must be complied with. In relation to daily and weekly rest, police officers must know in advance that their periods will not be interrupted, unless due to exigencies of duty.
18. Forces must properly record the hours that police officers work and the number of occasions and hours required to perform "on-call".

### **Monitoring**

19. The forces and the Joint Branch Boards will monitor and evaluate the implementation of this agreement after one year. Forces are, therefore, required to ensure that the necessary data is available to inform this evaluation, including all information required to complete a full equality impact assessment. To assist evaluation, it is recommended that the force and the joint branch board exchange relevant data on a monthly basis.