

Annual Leave & Bank/Public Holiday Policy Guidance

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Compliance and Audit Table			
Owner of policy	Human Resources		
Author of policy	Val Sparks		
Version number	1.4		
Date last updated	3 October 2007		
How will the impact of this policy be audited?	Audited through the monitoring of complaints relating to the implementation of the policy and procedure.		
Who will be SMT member responsible for the audit of this policy?	Paula Waller/Paula Kirkpatrick 1. Dip sample check on new-starter AL entitlement calculations 2. Dip sample at end March & September to see who has not booked their summer/winter leave		
Board approval	Board name	Required to be presented	Date approved
	JNCC	Yes	24/9/2007
	FEB	Yes	4/9/2007
	Delivery Board	Yes	28/9/2007

Title: Annual Leave & Bank/Public Holiday Policy

1.0 Policy Guidance

This policy provides a framework for the utilisation of annual leave and bank/public holidays to ensure that police officers and police staff enjoy the leave to which they are entitled and deliver a quality service at all times.

2.0 Qualifying Conditions

- (i) It should not be assumed that printed copies of this policy document are current; please refer to the policy database for the most recent definitive version
- (ii) This policy provides a framework of guidance to all Constabulary personnel and its application has been assessed by the author as being appropriate in most anticipated situations; where, in exceptional circumstances, it is deemed necessary to override this policy, members of staff may be asked to discuss their actions and to make recommendations to the author for appropriate changes to be made to the policy.

3.0 Scope

This policy applies to all police officers and police staff.

4.0 Accountabilities

- (i) It is the responsibility of the HR Manager (People Services) to review and update this policy guidance by referring to:

- Changes in legislation and Court rulings
- Examples of good practice from other Forces and organisations
- Changes arising from Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by staff associations, trade unions, individuals and relevant organisations
- Equality monitoring data

- (ii) It is the responsibility of the Director of People to approve this policy guidance.

5.0 Motivation

Police officers and police staff should have the opportunity to take the leave to which they are entitled. It is intended that annual leave will be planned and managed in a framework that maintains appropriate staffing levels to ensure operational resilience and the safety and well-being of staff and the public at all times.

Relevant Legislation

Police Regulations 2003

Working Time Regulations 1998 and Amendments 1999 & 2007

Work and Families Act 2006 This policy is compliant with the requirement to provide all workers with a minimum statutory annual leave entitlement of 24 days by 1 October 2007 and 28 days by 1 April 2009 (the statutory entitlement includes Bank Holidays).

Human Rights Act 1999 This policy has been drafted in accordance with the Human Rights Act and the principles underpinning it, including Article 14 Prohibition of Discrimination. All those involved in the application of it must ensure that their actions and decisions are applied fairly and impartially with due regard for natural justice and human rights.

Freedom of Information Act 2000 This document is classified as 'Open' and it can be made available to the general public.

Section 2(1) Health & Safety at Work Act 1974 places a duty on every employer to 'ensure, so far as is reasonably practicable, the health, safety and welfare of their employees'. This policy contains Health & Safety implications in relation to:

- The management of abstraction levels that are reasonably practicable, both in terms of the health and safety of officers/staff available for operational duty and the general public
- The management of staff entitlements to leave and provision of a safe working environment

6.0 Associated Procedures

The Annual Leave and Bank Holiday Procedure has been written to support the implementation of this policy. It aims to provide advice and guidance to managers responsible for managing and planning abstractions and to police officers and police staff submitting applications for leave.

7.0 Related Documents

- Police Regulations 2003
- PNB Circulars 03/15 and 04/08
- Home Office Circulars
- Police Staff Handbook
- Work & Families Act 2006
- Working Time Regulations 1998 and Amendment 1999 & 2007
- Part-time working policy
- Flexible Working policy
- Discretionary Leave policy
- Maternity & Childcare leave policy
- Rest Days and Time Due policy
- Career Break policy
- Secondments policy
- Lone Working Policy

8.0 Co-operation

The Constabulary does not require the co-operation of an outside agency to implement this policy guidance.

9.0 Communications Plan

The policy and procedural guidance will be communicated through CamNet News, General Orders and Team Briefings. At practitioner level, Staff Officers will have separate briefings; at supervisory/managerial level there will be briefings at toolbox talks and Senior Manager Team meetings to gain acceptance and support.

EQUALITY IMPACT ASSESSMENT TEMPLATE

FOR NEW AND REVISED STRATEGY, POLICY OR PROCEDURAL GUIDANCE

Part 'B'

This section should be used to *formally* record the findings and results of your assessment. This section will normally be published as part of the Constabulary's policies publication scheme

Title of Policy Guidance/ Procedure	Annual Leave & Bank Holiday Policy & Procedure		
Name of Author	Val Sparks		
Date of creation/review	3 / October / 2007	Version No.	1.4
PLEASE OUTLINE THE RESULTS OF YOUR IMPACT ASSESSMENT BELOW			
B1	What are the aims and proposed outcomes of your policy guidance/procedure?		
<p>Aims: To provide a framework for the utilisation of annual leave and bank/public holidays; and to provide and advice and guidance to managers responsible for managing and planning abstractions and to police officers and police staff submitting applications for leave.</p> <p>Outcomes: To ensure that police officers and police staff enjoy the leave to which they are entitled and deliver a quality service at all times; and to ensure that annual leave will be planned and managed in a framework that maintains appropriate staffing levels to provide operational resilience and the safety and well-being of staff and the public at all times.</p>			
B2	What research has been undertaken?		
<p>Networked with other forces; researched the Chartered Institute of Personnel & Development site and more widely on the Internet to consider any model policies.</p>			
B3	What consultation has taken place? (<i>who has been consulted, and by what method?</i>)		
(a)	Internally within the Constabulary		

1. Over a period of at least one year, views and contributions have been collated from: Head of People Services, Head of Shared Services and HR Managers. Certain issues regarding the planning, calculation and recording of leave have been discussed with the Head of PSD and participants at a project GALKa meeting. Consultation has taken place with UNISON, Federation, BPA and a Diversity representative regarding the swapping of certain Bank Holidays for other days of religious observance. Direction from ACPO regarding the planning of annual leave has been incorporated into this first draft. The QAT Tier 3 Inspection Report on overtime (its recommendations regarding the use of the Working Time database and planning of cover required at Bank Holidays) has been consulted.

2. On 16 July the first draft policy & procedure was sent out to Federation, Supts Association and Unison representatives, Chief Supts, Business Managers, HR Managers, PSD, Bev Laud (Galka), Diversity and BPA. Comments were required by 31 July and a Working Group met on 14 August to consider the issues raised by this initial consultation.

3. Policy was considered by FEB on 4 September and returned for some amendments

4. Policy was considered by JNCC on 24 September 2007 and there were some amendments

5. Policy sent to the Muslim Police Association on 24 September

(b) Externally

None

B4

What feedback was received?

General feedback: more guidance on:

- the calculation of leave & bank holidays for part-time workers;
- the planning, authorisation and recording of A/L
- the relationship between A/L and sickness and maternity absence;

Specific feedback from consultation with UNISON and staff associations regarding swapping Bank Holidays for other days of religious observance:

- should be permitted to swap one or more of the three Christian holidays only, PROVIDED they are requested well in advance, for a nominated alternative day of particular religious significance
- the deselected days must be designated as a bank holiday to ensure all staff have the same allocation
- line managers should ensure there is structured work for staff on these days
- lone- working risk assessment should be considered
- concern that staff should not 'pick and choose' different religious days each year
- concern over which religions/faiths to give approval to and the potential to be perceived as discriminatory
- concern that it could trigger requests for staff who do not follow any religion/faith to make similar requests for reallocation of BHs
- discussion over whether it would be simpler to add the BH s to A/L entitlements and allow staff to take them when they want

Feedback from consultation 16 July – 31 July:

[ANNUAL LEAVE consultation table.doc](#)

Feedback from FEB 4 September 2007:

- include 'management of rest days owing'
- amend Appeals para 6.4 - to be heard by Divisional/Department Heads
- amend 6.3.2 – Authorisation of Leave to say that AL requests will be gathered and prioritised rather than dealt with on "first come first served" basis
- Under Planning Guidance para 6.1.2 amend to say that summer leave should be booked by end of March and winter by end of September; and that all officers should not expect to take AL at times of known operational need; three months before an event or once operational needs have been determined some staff may have leave approved.
- Any further amendments recommended by the Federation should be made directly to the author

Feedback from JNCC 24 September 2007:

- Send copy to Muslim Police Association – this has been done and they are happy with the policy
- Para 3.1.3 check definition of ACPO leave entitlements
- Provide definition of summer and winter leave
- 13.1.3 provide example of BH entitlement for officer working a 10 hour shift pattern
- 13.2 minor re-wording required to fourth paragraph
- request to check service related leave entitlements (to be compliant with age discrimination legislation)

Feedback from Delivery Board 28 September 2007:

- provide a reference to the revised statutory annual leave entitlement, increased by the Working Time (Amendment) Regs 2007 and its impact
- under para 7.4 Bringing forward of annual leave, refer to the fact that caution should be exercised in approving this as the statutory minimum annual leave must not be breached.

B5	What amendments, if any, have been incorporated into the policy guidance/procedure to reflect that feedback?
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1. The points in B4 above have been addressed in this first draft

2. Changes arising from working group meeting 14 August 2007:

[ANNUAL LEAVE consultation table outcomes.doc](#)

3. Amendments from FEB – see above. In addition the following suggestions from the Federation have been included:

- 3.1.1 take out reference to half days and replace it with no more than 3 days AL in hourly increments
- 6.1.1 add: “and the risk assessment must be recorded if the number of officers on duty is below the minimum”
- 6.3.4 removed “religious or cultural needs of the member of staff”
- 8.1 changed to all members of staff
- 10.0 Suspended Officers – add the last lines for 8.1
- 12.2 amended to show the actual words for the Regs on compensation for recall from AL
- 13.0 added a definition of how many hours there are in a bank holiday for police officers and staff, including a reference to VSAs
- 13.1.3 included start time on BHs for police officers on shifts
- 13.2 replace Easter Sunday with Monday; add the word “recognised” to say “recognised religious/faith based days”
- included reference to the compensation that staff will receive on the re-designated BHs and Christian BHs.

4. Amendments rising from JNCC 24 September 2007:

- Para 1.2 – a definition of summer and winter leave has been included
- Para 13.1.3 - example of BH entitlement for officer working a 10 hour shift included
- Para 13.2 – wording in fourth paragraph amended: ‘Likewise’ replaced with ‘Where’; ‘that elect to’ has been deleted

5. Amendments arising from Delivery Board 28 September 2007:

- Legislation now contains reference to the Work & Families Act 2006 and Working Time (Amendment) Regs 2007 which set minimum statutory annual leave entitlements (inclusive of bank holidays)
- Paragraph 7.4 Bringing forward AL now includes reference to fact that, when approving b/f of leave care must be taken not to breach the statutory AL amount in the following leave year.

B6

If changes were recommended but *not* incorporated, what justification is there for this?

Paragraph 2.1: Resilience: Federation would like to see a % abstraction level set consistently across all BCUs. Feedback from Business Mgrs and HRMs consider that Divisions patrol plans should be used as the basis for planning.

Paragraph 6.1.5 PSD have been of the view that annual leave should be recorded in pocket books but the general view is that this should not be necessary and would be difficult to enforce.

Federation asked for the first point of 2.1 to be amended to say that staff should “plan to take their full allocation of annual leave, except for 5 days, within the annual leave year. This was the subject of discussion during the consultative meeting on 14 August where it was agreed that the reference to 5 days should be removed as it may create the expectation (and confusion) that the 5 days that were not pre-planned could be carried over.

Federation have made a proposal that, under 13.2 Bank Holidays & Religious Observance, it may be beneficial to include Boxing Day as this is often taken together with the Christmas BH. This would be a departure from the principle of allowing the 3 Christian –based BHs to be “swapped”. Requires a decision - do we allow 3 or 4 days to be swapped? Also, if we did include Boxing Day, there may be requests to treat Good Friday in the same way.

JNCC:

- **Change service-related leave entitlements** – after discussion with managers and UNISON we are not making any amendment yet as this will be picked up in work on the Equal Pay Audit;
- **ACPO leave entitlement** – after investigation, cannot find a different definition to annual leave. The Police Regulation 33 Annex O states:
 - 1) *Every member of a police force of or above the rank of superintendent shall be granted in each leave year the following period of annual leave, namely –*

- (i) *in the case of a member of a member of the rank of superintendent or chief superintendent, 31 days;*
- (ii) *in the case of a member of a rank higher than that of chief superintendent who has not completed 10 years’ relevant service, not less than 42 days; and*
- (iii) *in any other case, not less than 48 days.*

For Chief Officers relevant service means 10 years service or more in the Superintending and Chief Officer rank.

B7	What monitoring arrangements are to be put in place (or already exist) to monitor the <i>actual</i> impact of this policy guidance/procedure?
	<p>Review of policy on an annual basis. Review of policy upon change in legislation. Review of policy if issues of dis-proportionality are high-lighted through Employment monitoring practices,</p> <p>All annual leave should be applied for and approved using the annual leave database (where this is available) until the NSPIS DMS system is introduced. Hours worked should be recorded on the Working Time database.</p>

Please now use your judgement to answer the following questions, which relate to a number of statutory duties relevant to all public sector authorities

(i) Relating to the RACE RELATIONS AMENDMENT ACT:

B8	How will this guidance eliminate unlawful discrimination between different groups within the community? Consider and comment on operational, community impact and institutional perspectives
	<p>Regular monitoring of the application of the scheme will ensure that any real or potential unfairness or dis-proportionality will be identified and addressed.</p>

In relation to this duty, do you consider its potential impact to be **HIGH** **MEDIUM** **LOW**

B9 How will this guidance **promote equality of opportunity** between different groups within the community? *Consider and comment on professional, individual, organisational and community perspectives*

The procedure will ensure that all applications for leave are assessed on the same basis, ensuring equality of opportunity.

In relation to this duty, do you consider its potential impact to be **HIGH** **MEDIUM** **LOW**

B10 How will this guidance **promote good relations** between people from different groups within the community? *Consider/comment on individual practice, team operation, organisational functioning perspectives*

A visible scheme, applied fairly and consistently will help promote good relations.

In relation to this duty, do you consider its potential impact to be **HIGH** **MEDIUM** **LOW**

(ii) Relating to the **DISABILITY DISCRIMINATION ACT:**

B11 How can this guidance help to **promote equality of opportunity** between disabled and other people?

The scheme criteria will ensure that all applications are assessed on the same basis, ensuring equality of opportunity.

In relation to this duty, do you consider its potential impact to be **HIGH** **MEDIUM** **LOW**

B12 How can this guidance help to **eliminate unlawful discrimination** that is unlawful under the DDA?

Regular monitoring of the application of the scheme will ensure that any real or potential unfairness or disproportionality will be identified and addressed.

In relation to this duty, do you consider its potential impact to be **HIGH** **MEDIUM** **LOW**

B13 How can this guidance help to **eliminate unlawful harassment** of disabled people that is related to their disability?

Record keeping and monitoring of the fairness at work process will identify any harassment arising from the application of the scheme.

In relation to this duty, do you consider its potential impact to be **HIGH** **MEDIUM** **LOW**

B14 How can this guidance help to **promote positive attitudes** towards disabled people?

The policy will implemented fairly and equally across the Constabulary

In relation to this duty, do you consider its potential impact to be **HIGH** **MEDIUM** **LOW**

B15 How can this guidance **encourage participation** by disabled people in public life?

All staff, regardless of any disability or impairment, will have the same access to annual leave and bank holiday entitlements

In relation to this duty, do you consider its potential impact to be		HIGH <input type="checkbox"/> MEDIUM <input type="checkbox"/> LOW <input checked="" type="checkbox"/>
B16	How can this guidance take steps to meet disabled people's needs even if this requires more favourable treatment?	
The policy will implemented fairly and equally across the Constabulary		
In relation to this duty, do you consider its potential impact to be		HIGH <input type="checkbox"/> MEDIUM <input type="checkbox"/> LOW <input checked="" type="checkbox"/>

(iii) Relating to the GENDER EQUALITY DUTY:

B17	How can this guidance help to eliminate unlawful discrimination and harassment between men and women?	
Regular monitoring of the application of the scheme will ensure that any real or potential unfairness or disproportionality will be identified and addressed		
In relation to this duty, do you consider its potential impact to be		HIGH <input checked="" type="checkbox"/> MEDIUM <input type="checkbox"/> LOW <input type="checkbox"/>
B18	How can this guidance help to promote equality of opportunity between men and women?	
The scheme criteria will ensure that all applications are assessed fairly, ensuring equality of opportunity		
In relation to this duty, do you consider its potential impact to be		HIGH <input checked="" type="checkbox"/> MEDIUM <input type="checkbox"/> LOW <input type="checkbox"/>