

This is Annex 5 referred to in the foregoing determination by the Scottish Ministers under regulation 14 of the Police Service of Scotland Regulations 2013

Annex 5

Regulation 14

DUTY

1) HOURS OF DUTY

- a) This paragraph applies to every constable, other than a part-time constable, of the rank of constable or sergeant.
- b) The normal daily period of duty (including the period for refreshment referred to in sub-paragraph (c)) of a constable is, except in the case of a constable working in accordance with variable shift or flexible working arrangements, 8 hours.
- c) As far as the exigencies of duty permit:
 - i) The normal daily period of duty (or, in the case of a constable working in accordance with variable shift or flexible working arrangements, a shift) is to be performed in one tour of duty;
 - ii) Apart from where a constable has taken a half day's annual leave or is working in accordance with variable shift or flexible working arrangements, an interval of 45 minutes is to be allowed for refreshment.
 - iii) Where in one day a constable working in accordance with variable shift or flexible working arrangements is on duty for a continuous period of 5 hours or more, time for refreshment is, as far as the exigencies of duty permit, to be allowed as in the following table:

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

- d) Where a constable is required to perform that constable's normal daily period of duty (or in the case of a constable working in accordance with variable shift or flexible working arrangements, a shift) in more than one tour of duty and does not travel to and from that constable's home between tours, an interval for refreshment and rest should normally be included at the beginning or end of one of those tours.

2) DUTY ROSTERS

- a) The chief constable must cause to be published, in accordance with this determination, duty rosters for constables of the rank of constable or sergeant (and inspector and chief inspector in the case of part-time constables) and, in the determinations made under the Regulations:
 - i) a reference to a rostered rest day is to be construed, in relation to a constable who is required to do duty on that day, as reference to a day which according to the duty roster was, immediately before that constable was so required to do duty, to have been a rest day for the constable; and
 - ii) a day off, granted in lieu of a rostered rest day, is to be treated as a rostered rest day.
- b) The chief constable must cause each such roster to be drawn up and published, after full consultation with the Joint Central Committee, at intervals not exceeding 12 months and not later than one month before the date on which it starts.
- c) Each such roster must set out, for at least three months (except one relating to a part-time constable who has agreed with the Chief Constable on a different period) following the date on which it comes into force, in relation to each constable to whom it relates:
 - i) that constable's rest days;
 - ii) those days, being public holidays, on which that constable may be required to do duty; and
 - iii) the times at which that constable's scheduled daily periods of duty (rostered shifts for constables working variable shift or flexible working arrangements and for part-time constables) are to begin and end; and
 - iv) for part-time constables, that constable'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 sub-paragraph (f), a duty roster must make provision for:
 - i) an interval of not less than 11 hours between the ending of each of a constable's daily periods of duty (or in the case of a part-time constable or a constable

working in accordance with variable shift or flexible working arrangements, that constable's shifts) and the beginning of the next; and

- ii) an interval between each of that constable's rostered rest days not exceeding 7 days, unless in the case of a part-time constable, a longer interval has been agreed between the constable and the chief constable;
- f) Unless the Joint Central Committee agrees otherwise, an agreement mentioned in sub-paragraph (e)(ii) must provide for an equivalent period of compensatory rest.
- g) Where, owing to the exigencies of duty, it is necessary to alter the duty roster, the officer responsible for making the alteration must endeavour, so far as practicable, to avoid thereby requiring a constable to do an additional daily period of duty or, in the case of a part-time constable or a constable working in accordance with variable shift or flexible working arrangements, a shift, in circumstances where the conditions in sub-paragraph (e)(i) and (ii) would not be satisfied in relation thereto.
- h) Where a duty roster is altered in accordance with subparagraph (g) and a constable is required to do an additional daily period of duty or a shift in circumstances where the conditions in sub-paragraph (e)(i) and (ii) are not satisfied in relation thereto, that constable is entitled to an equivalent period of compensatory rest as soon as reasonably practical.

3) PUBLIC HOLIDAYS, REST DAYS AND MONTHLY LEAVE DAYS

a) Constables and Sergeants

- i) So far as the exigencies of duty permit, a constable of the rank of constable or sergeant is to 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 constable 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 the determination made under regulation 18 of the Regulations.

b) Inspectors and Chief Inspectors

Every constable of the rank of inspector or chief inspector must, 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 constable of, or above, the rank of superintendent must, 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) in the case of a constable of the rank of superintendent or chief superintendent, 8 monthly leave days;
- ii) in any other case, 1½ monthly leave days.

4) TRAVELLING TIME TREATED AS DUTY

a) This paragraph applies where a full-time constable is:

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

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

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

- i) a shift consists of two separate periods; or
- ii) that constable is recalled to duty between two shifts;

and that constable travels to and from that constable's home between those periods or, as the case may be, in consequence of that constable's recall (in this determination referred to as "relevant travelling").

c) Where this paragraph applies, relevant travelling not exceeding such reasonable limits as is fixed by the chief constable is to be treated as a period of duty for the purposes of computing—

- i) any period of overtime for the purposes of regulation 17 of the Regulations and the determination made thereunder; and
- ii) any period of duty for the purposes of regulation 18 of the Regulations and the determination made thereunder (except for the purposes of paragraph 3(h) of that determination).

5) PART-TIME CONSTABLES

Normal Period of Duty

- a)
 - i) This paragraph applies to every part-time constable below the rank of superintendent.
 - ii) The normal period of duty in every relevant period of a part-time constable to whom this paragraph applies, which is to be performed in accordance with general arrangements made by the chief constable after consulting the Scottish Police Authority and Joint Central Committee, is, subject to sub-paragraph (v), the total number of hours approved by the chief constable with the agreement of the constable at the time of that constable's appointment as a part-time constable.
 - 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 must review a constable's normal period of duty at intervals of not more than 52 weeks, and in doing so must have regard to the number of hours actually spent on duty during the interval between that review and the last previous review or, if there has been no previous review, the part-time constable's appointment.
 - v) In addition to any review required under sub-paragraph (iv), a part-time constable or the chief constable may require a further review where there have been or are likely to be significant changes in the normal daily period of duty or in the circumstances of the constable.
 - vi) After a review under sub-paragraph (iv) or (v):
 - (1) any number of hours different from that determined under sub-paragraph (ii) which is determined by the chief constable and agreed to by the part-time constable becomes the part-time constable's normal period of duty, and
 - (2) if no different number is agreed to by the part-time constable, that constable'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).
 - vii) On any review under sub-paragraph (v) the chief constable must 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 is to consist of one continuous period.

ix) Periods allowed for Refreshment

Where in one day a constable is on duty for a continuous period of 5 hours or more, an interval for refreshment must, 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 constable does not travel to and from that constable's home between those periods, an interval for refreshment and rest must normally be included at the beginning or end of one of them.
- b) In relation to a part-time constable:
- i) the determined hours are the number of hours which the chief constable has determined as that constable's normal period of duty in a relevant period,
 - ii) a relevant period is a period for which a duty roster relating to that constable 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.
- 6)
- a) In this determination, "day", in relation to constables of the Police Service of Scotland, means a period of 24 hours commencing at such time or times as the chief constable fixes and the chief constable may fix different times in relation to different groups of constables.
 - b) The chief constable must have regard to the views of the Joint Central Committee in discharging the function in sub-paragraph (a).
 - c) In this determination "compensatory rest" as mentioned at paragraph 2(e) above has the same meaning as applied by the Working Time Regulations 1998.

6) OFFICERS WORKING AT NIGHT

- a) Any constable who regularly works for at least three hours of that constable's daily working time between 11pm and 6am, irrespective of the pattern of duty worked, is to be treated as if they were a night worker within the meaning given by regulation 2(1) of the Working Time Regulations 1998.

7) WORKING TIME

The following periods are additional periods which are to be treated as working time for the purposes of the Working Time Regulations 1998 (see regulation 2(1) of those Regulations);

- a) time spent in travel, outside of rostered duty hours and not covered by paragraph 5 of this Annex to and from duty at a place other than the normal place of duty;
- b) time spent in travel to and from training courses other than at the usual place of duty.