

Know your rights - No.1

Rest Days

POLICE REGULATIONS

As police officers we all hold the 'Office of Constable' and as such are not employees.

Therefore our 'conditions of service' are, in the main, not subject to the protections of Employment Law.

This is one of the qualities that make police officers unique.

Police officers, with the support of the Police Federation of England and Wales, have worked to protect their rights and ensure that their conditions of service are regulated by Parliament and enshrined in a statutory framework underpinned by primary legislation.

This has resulted in Police Regulations, and the latest version came into effect on 1 April 2003. (Police Regulations 2003 as amended).

These are not guidance or advice to police officers, managers or forces, they are the law of the land with the same standing as any other enactment by Parliament.

We thought it would be helpful over the coming months to give you advice on what various Regulations state and for you to be aware of 'your rights' under these Regulations.

Rest Days (Constables & Sergeants) – Regulation 26, Annex H

Where you are required to work on a rostered rest day you are entitled to:

- On less than 5 days' notice – compensation at double time
- On less than 15 days' notice but with 5 or more days' notice – compensation at time and a half
- On 15 days' notice or more – another rest day

In calculating the notice period no account shall be taken of the day notified or the day to be worked; Eg. Notified on 1st August to work on 6th August – you discount both the 1st and 6th leaving a notice period of 4 days.

If you are required to work on a rest day you should be notified in person or via telephone. The sending of e-mail correspondence is not an appropriate way

of communicating the fact that you are required to work on a rest day.

Remember you are entitled to a minimum of 4 hours compensation for duty performed on a rest day.

The choice of whether payment or time off in lieu at the appropriate rate is to be claimed is a matter for the officer and not the force.

If you are given 15 or more days' notice then you should be notified within 4 days of when that new rest day is to be taken.

Eg. Notified on 1st August to perform duty on 18th August, you should be informed by the 5th August when your new rest day will be.

This new date then becomes your rest day and so if you are then required to work on it you will be entitled to rest day compensation as above.

Although 'custom and practice' may have evolved locally there is no provision to put a re-rostered rest day on your time off card – that is outside Regulations and therefore outside the law.

Summary

- Know your rights and entitlements
- Do not accept a lower rate of entitlement
- To be offered something different to your entitlement is against Regulations and therefore the law
- Know how to calculate your notification period
- It is your choice whether you choose to take your compensation as payment or time off in lieu
- Make sure your rest day is re-rostered in accordance with the Regulations
- Do not accept Forces' excuses of financial difficulties or the public expecting a service – if the Force want you to work a rest day then they have to compensate you as per the Regulations.

If you have any difficulty in claiming your entitlements please contact your local Police Federation representative or Joint Branch Board office in the first instance.

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