



<u>Policy Title</u>	Annual Leave and Abstraction for Police officers
<u>CCMT Sponsor</u>	Director of Resources
<u>Department/Area</u>	Human Resources
<u>Section/Sector</u>	HR Service Delivery

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1.0 Rationale

1.1

The Force acknowledges the role that Annual Leave plays in helping to maintain a work/life balance and accordingly encourages officers not only to take their full annual leave entitlement but also to apply for leave with as much notice as possible.

1.2

This policy recognises the unique status of annual leave as an abstraction is so far as it is an individual's right to take annual leave. It also acknowledges that the Force has a requirement to ensure that resilience is maintained whilst allowing for other abstractions.

1.3

At the same time, the management of abstractions and efficient duty planning are essential for the force to make the most effective use of its human resources. There needs to be a limit on the total level of abstractions at any one time, whilst ensuring that within that overall limit, due consideration is given to the ability of officers to be granted time off work through annual leave, Time Off In Lieu (TOIL) and re-allocation of rest days.

2.0 Intention

2.1

To provide force wide policy guidelines for managing abstractions whilst maintaining appropriate levels of cover on BCUs and departments. Abstractions cover a wide range and include annual leave, court attendance, training, courses, TOIL, maternity leave, paternity leave, time off for dependants, study leave and rest days in lieu. **This policy applies to Constables, Sergeants and Inspectors. Annual leave for higher ranks will be by local arrangement.**

2.2

When monitoring overall abstraction levels, short term sickness and rostered rest days will be excluded. Known sickness and maternity leave will be included as an abstraction. The guidelines contained within this policy are intended to apply to times of normal policing. Unforeseen short notice incidents of a critical nature may require a more flexible approach, following negotiation between the Police Federation and the appointed Gold Commander.

3.0 General Principles

3.1

All annual leave applications will be submitted directly to the Resource Management/Duties Planning Unit for decision.

3.2

This policy should be read in conjunction with the Police Regulations 2003 and supporting Determinations, and Regulations 13 to 15 of the Working Time Regulations 1998. In Particular, the Working Time Regulations provide the opportunity for worker or employer to influence an annual leave period as follows:

- Reg 15(1) - A **worker** may take leave on elected days by giving notice to the employer.
- Reg 15(2) - The **employer** may require the worker to take leave on particular days, or not to take such leave.

3.3

In authorising annual leave, it is important to ensure that leave allocation is balanced and fair for all staff and operates within an overall abstraction rate. There is no maximum length of leave (subject to an officer's entitlement for that year), however, long holidays (for example over two weeks' duration), may need to be refused at peak holiday times such as school holidays to ensure that all staff are given the opportunity to take leave within these periods. If refused, reasons must be recorded and retained on the officer's annual leave record.

3.4

Officers should make every effort to use their annual leave allocation within the designated leave year. Up to five days (or in exceptional circumstances more than five days) may be brought forward or carried forward. This can only happen after the officer has taken 20 days leave. Leave can only be brought forward in the December of the current leave year. Staff should not expect to 'give notice' of their intention to take leave more than 15 months in advance, (especially during peak times), as BCUs/Departments will be unable to assess their policing requirements. There should, however, be flexibility to allow for 'special cases' to be considered by the BCU Commander/Department head.

3.5

Under Police Regulations, one day's annual leave for a full time officer is 8 hours and is pro-rata for part-time officers. For officers working under a Variable Shift Arrangement (VSA) annual leave is calculated in hours. Under Police Regulations, the minimum period of annual leave allowed is four hours or half a day and officers may take up to a maximum of 3 days(24 hours) leave as half days in a year.

3.6

The annual leave year for all officers will start on the 1 January and finish on the 31 December. Officers will be granted the amount of annual leave in accordance with Police Regulations.

BCU/LPA/OCU Commanders and Heads of Department have a responsibility to encourage officers to book annual leave as early as possible and to take their full allocation of annual leave within the leave year.

3.7

For the purposes of this policy, annual leave applications will fall into one of two categories:-

- (i) long notice applications where the start of the proposed annual leave is more than four and up to the maximum notice of 15 calendar months away**
- (ii) short notice applications where any part of the proposed leave period is within the following four calendar months i.e. within the period for which full duties are deemed to be published, in accordance with Police Regulations.**

3.8

For long notice annual leave, up to 25% of officers can be granted leave. Details of how this percentage is calculated for constables, sergeants and Inspectors are contained within Appendix A. For short notice annual leave, if the application would take the overall abstraction rate over 35%, the annual leave will be refused. Details of how the 35% is calculated are also contained in Appendix A. These limits are

general guidelines. BCU/LPA/OCU Commanders/Heads of Department retain the flexibility to approve annual leave in exceptional circumstances outside these limits.

3.9

In the case of an officer transferring to another shift or department, they must inform the relevant duties officer of their approved annual leave dates within seven days of their start date on the new shift/department. **If an officer's posting is changing and he/she wishes to take annual leave on dates which will fall within the new posting, then the annual leave arrangements must be made with the relevant line manager and Duties Planners for the new posting.**

4.0 Guidance and Procedures

Guidance and procedures on applications for time off from work are contained in [Appendix A](#).

5.0 Challenges/ Representations

5.1

Challenges/representations in respect of decisions made in applying this policy should be addressed to:

The relevant BCU/OCU Commander or Department Head, or their nominated representative.

5.2

Challenges/representations in respect of the policy should be addressed to:

Head of HR Service Delivery
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxon OX5 2NX

6.0 Communication

Target audience = All police officers need to be aware of the policy on Abstractions/Annual Leave. Staff involved in managing resource levels, duties and those who line manage police officers, need to be aware of this policy.

HR Managers and Staff Association representatives, who may be asked to advise on issues relating to the application of this policy also need to be aware of the policy.

6.1 Links to Police National Legal Database Other

There will be a link from the Policy & Procedures Intranet site to the Human Resources Intranet Site. Links will be made to existing ACPO/HMIC/Home Office policies and guidance documents relating to the management of police officer annual leave and the appropriate legislation governing this.

6.2 Implementation Strategy

New and reviewed policies will be promoted in Managers' Briefing.

This policy will be published on the Policy Management Unit and the Human Resources Intranet site. An entry will be made in Force Weekly Orders to advise all staff of the new policy and direct them to policy on the Intranet site.

7.0 Compliance and Certification

7.1 Human Rights Certification

(i) Legal Basis

- Police Regulations 2003
- Working Time Regulations 1998

(ii) Human Rights Articles Engaged

- Article 14 - Prohibition of Discrimination

(iii) Prohibition of Discrimination

There is potential to engage Article 14 of the Convention. All those involved in the application of this policy must ensure that actions taken as a consequence of this policy are applied fairly and impartially with due regard for natural justice and human rights.

The enjoyments of the rights and freedoms set forth in this Convention shall be secured without discrimination on any grounds.

7.2 Diversity Impact Assessment

This policy has been assessed for its relevance to the six strands of Diversity and has been rated as “LOW” relevance.

7.3 Diversity (Human Resources)

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, belief, age or disability.

7.4 Management of Police Information (MoPI) Compliance

Information deemed ‘for a policing purpose’ that is circulated or received by e-mail, paper copy or published/downloaded via the intranet or internet must comply with [MoPI guidelines](#).

7.5 Community Engagement Strategy and Standards

This policy does not have the potential to engage any of the Force Community Engagement Standards.

7.6 Data Protection

Any personal data processed in compliance with this policy will be managed in accordance with the provisions of the Data Protection Act 1998.

7.7 Freedom of Information Act

This policy is available to the general public.

7.8 Protective Markings

This policy has been assessed for its correct level of protective marking and is **NOT PROTECTIVELY MARKED**.

7.9 Health & Safety at Work

This policy does contain 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 available for operational duty and the general public
- the management of officers entitlements to leave and the provision of a safe working environment as directed in the following legislation and Force policies:
 - The Health and Safety At Work Act 1974
 - The Working Time Directive
 - The Human Rights Act
 - Police Regulations
 - Health & Safety Management Policy
 - Working Time Management Policy

8.0 Monitoring and Review

A full review will be carried out by the policy author and will examine:

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations
- Relevant Equality data

APPENDICES**APPENDIX A****GUIDANCE NOTES ON ANNUAL LEAVE AND OTHER REQUESTS FOR TIME OFF****1.0 Long notice of Intention to take Annual Leave**
(More than four and up to 15 calendar months notice)**1.1 General**

- Applications will be submitted directly to the Duties Management Unit for decision based upon these guidelines.
- Where an officer gives long notice of an annual leave request he/she should be informed of the decision within 14 days of the application being submitted
- Up to 25% of officers will be allowed to pre-book long notice annual leave covering any one period
- This 25% will be based upon establishment
- The Resource Manager retains the flexibility to approve leave which falls outside the guidelines e.g. where the annual leave group is not divisible by four, then he/she can approve a percentage higher than 25%
- Application for leave in the summer holiday period will normally be restricted to a two week period of annual leave. The two week period does not include any rostered rest days at either end of the leave period
- Where the period of leave commences on a night shift, the norm will be that the officer finishes duty by 2300 hours the previous day

1.2 Calculation of the maximum % for constables:

- **Shift officers** – 25% per shift per station
- **Neighbourhood Officers** – 25% per LPA
- **Specialist Units within BCU/OCU/Departments** – 25% of an annual leave group. The group membership to be determined through local arrangement based upon who can cover for whom, using the criteria of:

- (i) same skills, same job
- (ii) geographical location

1.3 Calculation for sergeants:

- **Shift officers** – 25% per LPA
- **Neighbourhood officers** – 25% per LPA
- **Specialist Units within BCU/OCU/Departments** – 25% of an annual leave group. The group membership to be determined through local arrangement based upon the criteria of:

- (i) wherever possible, the group to have at least four members
- (ii) comparable skills, comparable job
geographical location

1.4 Calculation for Inspectors

BCU Commanders to determine minimum resilience levels and annual leave groups addressing:

- (i) Operational resilience
- (ii) Investigative resilience
- (iii) Comparable skills, comparable jobs
- (iv) Geographical location
- (v) Contingency factor
- (vi) Groups of at least four members

Annual leave to be approved for up to 25% of relevant officers within an annual leave group

1.5 Specialist Units on OCUs/Departments

Annual leave groups to be created using the criteria:

- (i) groups of at least 4 members
- (ii) operational resilience
- (iii) investigative resilience
- (iv) comparable skills, comparable jobs
- (v) geographical location

Annual leave to be approved for up to 25% of annual leave group

2.0 Short notice of intention to take annual leave/TOIL/re-allocated rest days (four calendar months notice or less)

2.1 General

- If any portion of a proposed period of time off is less than 4 months away, the whole of the period shall be treated as a short notice application
- The definition of all annual leave groups given above for long term notice shall apply for short notice applications
- If an application would take the overall abstraction rate for any annual leave group over 35%, the application will be refused. In exceptional circumstances, BCU/LPA/OCU Commanders/Heads of Department may approve time off outside these limits
- The 35% limit will be based on actuals, not establishment
- Where an officer applies to have a single day's leave within a run of night duties, there will be no guarantee that the previous shift will be dropped back to a 2300 finish.

3.0 Refusal of leave

- Where annual leave is refused, the reasons for refusal must be recorded
- The officer has the right to appeal to the BCU/OCU Commander/Head of Department, whose decision is final

4.0 Cancellation of Leave by the Force

- Once the annual leave request has been approved, it only can be cancelled subsequently under the most exceptional of circumstances e.g. large scale mobilisation as the result of

a major Force incident. **Any cancellation on these grounds requires the approval of an officer of ACPO rank**

- Annual leave also can be cancelled as a result of short notice Court warnings, particularly Crown Court
- Where annual leave is cancelled, there is no compensation under Police Regulations

5.0 Cancellation of annual leave by the officer

- Officers need to be aware that short notice cancellation of pre-booked annual leave disadvantages colleagues who may have had an application refused
- A short notice request to cancel pre-booked leave may be refused and the officer ordered to take the leave period
- Any cancellation must be agreed in advance with the Resourcing Manager/Duties Planning Unit

6.0 Recall from Annual Leave

- Any recall from annual leave will be compensated in accordance with Regulation 33 and Annex O of the Determinations, Police Regulations 2003

7.0 Annual Leave embargoes

- Annual leave embargoes should only apply when there is an operational need to deviate from the norm and forward planning clearly indicates that the Force/BCU Resilience cannot be maintained under any other circumstances.
- Known major events to be negotiated more than 15 months in advance
- Any proposal for an annual leave embargo, either force wide or locally, must be referred to the Force Resilience Panel for agreement by the relevant ACC
- Where any embargo is imposed, the policing requirement must be kept under review to identify any possible relaxation nearer the date.

8.0 TOIL

- Officers should only carry a maximum of 160 units of TOIL
- TOIL is an abstraction and requests for TOIL will be considered under the contents of this policy.
- Any TOIL not taken or booked to be taken after three months on an officer's record will be paid

9.0 Rest Days

- In accordance with Police Regulations, any cancelled Rest Day should be reallocated within 4 days of the cancellation and to a date within the following three months
- The practice of officers accumulating unallocated Rest Days on their record should be discouraged. Not only does this practice result on officers not having an appropriate level of rest from the workplace but it also can create difficulties in future duties planning

10.0 Student Officers

- Dependant upon their date of joining TVP, some student officers may not have accumulated sufficient completed months of service by the year end to cover their mandatory period of annual leave. In such circumstances, the officers take the full period

of annual leave and will not be required to use any of the following year's entitlement to cover any deficit

- Student officers may be required to work on a Saturday, when a Public Holiday occurs during relevant modules of the Initial Training programme. When this occurs, the RD/RDs will be reallocated to the mandatory annual leave period and the annual leave days will be reinstated to the officers leave account