



Classification

NOT-PROTECTIVELY
MARKED

<u>TITLE</u>	Time off for Special Constabulary duties
<u>CCMT Sponsor</u>	ACC Local Policing
<u>Department/Area</u>	Territorial Policing
<u>Section/Sector</u>	Special Constabulary

1.0 Rationale

The Rationale of this policy is to seek to support employees of Thames Valley Police Authority who are, in addition, special constables

Section 17 of the Crime and Disorder Act 1998 focuses on partnership working, requiring statutory authorities to do all in their power to reduce crime and disorder within their respective areas. The majority of statutory bodies included in the partnership groups are also large employers in their own right.

Under a Home Office/ACPO initiative, Thames Valley Police will be seeking to establish partnerships with employers in order to boost the recruitment and retention of the Special Constabulary.

A fundamental plank of this initiative is the allowance of time off from work as summarised by the Home Secretary: *"I would like employers to consider releasing their employees more often and giving them paid leave to work as a special constable"*.

Thames Valley Police is an employer that has members of paid staff (currently 32) who are also special constables. If we are to seek support from other employers, and to promote this practice, we ought to consider the support we give our own employees in this field in the first instance.

This policy has been drafted in accordance with the Human Rights Act 1998 and the principles underpinning it.

2.0 Intention

To provide a force-wide policy framework to allow employees, who are also special constables, time off work for police duties and training. In this policy, the expression "time off" refers to time off for Special Constabulary duties.

3.0 General Principles

1. Actively supporting work of real value to the community can do much for an employer's image. Increasingly many larger companies are adopting 'corporate responsibility' policies which can include staff to take voluntary, community based roles which fit with the ethos of the Special Constabulary.
2. Thames Valley Police seek to encourage community engagement by involving employer organisations in a scheme to support members of the Special Constabulary including giving time off to their employees who are special constables.
3. In order to promote this scheme, Thames Valley Police should itself, as an employer, support its police staff/special constables by establishing a policy of time off for constabulary duties.
4. Thames Valley Police will seek to grant time off to employees who are also members of the Special Constabulary in accordance with the following principles:
 - 50 hours leave of absence will be given in their first year as a special constable and up to 37 hours per year thereafter. If the employee is part-time, time off will be pro rata to the number of hours worked.
 - Applications will be granted for the time requested unless the operational requirements of their support/staff role prevent this.
 - Line managers, in giving approval or otherwise should consider whether the request is to meet mandatory requirements, e.g. specific training or duties for which other special constables could be called upon.
 - Line Managers will also consider requests in light of workloads, other leave and time off requests, other absences and availability of cover within the department.
 - Time off given must be used for Special Constabulary purposes.
5. All employees are subject to the "Authority's" disciplinary rules and procedures. Any abuse of the right to take time off for specials will result in action being taken under the Disciplinary Procedures for Police Staff and could lead to dismissal.

4.0 Documentation of Decisions and Decision Making Process

1. This Policy does not afford employees an "absolute" right to time off for Special Constabulary purposes. Time off is a "qualified" right and will always be considered in accordance with the provisions of this policy and provided the procedure set out below is followed [where this is not reasonably practicable, e.g. emergency cover, as much notice as possible must be given].
2. The request for time off must be made to the Line Manager using a "Request for Special Constabulary time off" form, attached as Appendix A to this policy and must give at least 14 days notice of the time off requested. All sections of Part 1 of the form must be completed and signed by the employee and authorised by the "Requesting Officer".
3. For the purposes of this Policy, "Requesting Officer" means the person who requires the attendance of the employee for Special Constabulary duties.

4. The Line Manager will reply to the request for time off within 7 days of receipt of the request, by completing Part 2 of the form and providing a copy to the employee. A copy of the form must be added to both Special Constabulary and Police Staff personal files of the employee. This will provide for transparency in the treatment of these requests.

5. If the request is declined, the Line Manager must discuss the reasons with the employee and state them where indicated on Part 2 of the form.

5.0 Challenges/ Representations in respect of this policy

Challenges/representations in respect of decisions made in applying this policy should be made in writing within five working days. They should be addressed to the employee's Personnel Manager who will consult with the Area Commander or Department Head. There is no further appeal process and the Support Staff Grievance Procedure will not apply to the application of this Policy.

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

Special Constabulary Development Manager
Territorial Policing
Thames Valley Police
Oxford Road
Kidlington
OX5 2NX

6.0 Administration

This policy will be reviewed every January and will take into consideration any representations made or complaints made. The review will also take account of any changes in legislation and appropriate case law.

This policy and the decision making process will be open to scrutiny by Her Majesty's Inspector of Constabulary (HMIC) during annual and thematic inspections.

APPENDICES

Human Rights Certification

a1. Legal Basis

- *Crime and Disorder Act 1998*
- *Human Rights Act 1998*
- *Working Time Regulations 1998*

This is by no means an exhaustive list.

a2. Human Rights Articles Engaged

Advice for the Human Rights Lawyer suggests that article 4 is not engaged as thought by the original Human Rights Auditor.

a3. Prohibition of Discrimination

Article 14 provides that the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground. Any action(s) taken as a result of this policy will be undertaken in an impartial and fair manner, and any interference with Human Rights will be justified, proportionate to the organisational need, and the least intrusive.

This policy seeks to eliminate discrimination. However, unless the right of a departmental head to refuse time off if he/she assesses that it would be impractical for an employee to be away at a particular time, discrimination may still arise.

If an employee feels that reasons given for not granting time off are unreasonable, he or she should be able to use the Force's internal informal resolution and grievance policy to attempt to redress the problem.

CHECKLIST

a4. Health and Safety at Work

There are no Health and Safety implications.

a5. Data Protection/Freedom of Information/Disclosure

This policy will be made available to the public under the Freedom of Information Act 2000.

a6. Best Value Implications

The Employer Support Scheme will link to the Best Value Review of Officer Availability, Visibility and Accessibility

a7. Extent of Consultation

Unison
Chief Officer of the Special Constabulary
Head of Personnel

Publication

a8. Links to Police National Legal Database/Other Policies

No links identified at this time.

a9. Communication Strategy

This Policy will be placed on the Thames Valley Police Intranet site within the Special Constabulary Manual – Policies and Procedures. The policy does not in itself affect the public and as such it will not be made publicly available.

a10. Target audience

All Thames Valley Staff, including volunteers.

a11. Public Availability

This policy is available to the public and will be published under the Thames Valley Police Freedom of Information Publication Scheme.

Review

a12. Review Process

The policy will be reviewed every January and will take into consideration any representations made or complaints made. The review will also take account of any changes in legislation and appropriate case law.

APPENDIX A

REQUEST FOR SPECIAL CONSTABULARY TIME OFF

Part 1 – To be completed by employee requesting time off

Name: _____ **Shoulder no:** _____

Area/Dept: _____ **Tel no:** _____

Line Manager’s name: _____ **Date submitted:** _____

Absent date/time from: _____ **Absent date/time to:** _____

Total hours leave requested: _____

Details/purpose of time off:	- Training (specify)	_____
	- Duty (specify)	_____
	- Other (specify)	_____

Employee’s signature:	_____	Date:	_____
Requesting Officers signature	_____	Date:	_____

Part 2 – to be completed by employee’s Line Manager

Time off authorised:	Yes:	No:	(please circle as appropriate)
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Signature of Line Manager:	_____	Date:	_____
Name and Position:	_____		

If request declined, state reasons:

A COPY OF THIS FORM MUST GIVEN TO EMPLOYEE AND COPY PUT ON SPECIAL CONSTABULARY AND POLICE STAFF PERSONAL FILES OF EMPLOYEE