

## **POLICY NOTE**

### **THE POLICE SERVICE OF SCOTLAND (AMENDMENT) REGULATIONS 2024**

#### **SSI 2024/179**

The above instrument was made by the Scottish Ministers in exercise of the powers conferred on them by sections 48, 50(3), 55 and 125(1) of the Police and Fire Reform (Scotland) Act 2012 (“the 2012 Act”) and all other powers enabling them to do so. The instrument is subject to negative procedure.

#### **Summary Box**

<p>The purpose of this instrument is to implement a number of agreements, made through the Police Negotiating Board, by updating the Police Service of Scotland Regulations 2013, which set out the terms and conditions for police constables in Scotland and make provision in relation to governance of the Police Service.</p>
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#### **Policy Objectives**

This instrument amends the Police Service of Scotland Regulations 2013 (“the 2013 Regulations”) to implement agreements made by the Police Negotiating Board (“PNB”).

Before it was abolished, the PNB had the role of negotiating the pay, terms and conditions of police officers in Scotland. The Police Negotiating Board for Scotland (“PNBS”) replaced the PNB in August 2023.

The policy for the amendments is set out below:

The PNB undertook a part-time audit and agreed that amendments to the 2013 Regulations would ensure that part-time constables are treated in the same manner as full-time constables, when it comes to the application of their duties and overtime. Regulation 3 is amended to remove the requirement to consult with local representatives of the representative bodies, as this is not required, as part-time constables agree their part-time service with the chief constable.

Regulation 3 is also amended to remove ‘job share’ as a separate form of part-time service. The PNB agreed that job sharing was part-time service, and no distinction is required in Regulations.

The omission of regulation 3(7) will mean that regulation 17 (overtime) will no longer be modified in its application to part-time constables, meaning that the overtime regulation will apply to part-time constables in the same way as it applies to full-time constables.

Regulation 11 is amended to ensure that a constable’s Personal Record includes all part-time service by a constable. The Police Service of Scotland will already note a constable’s part-time service, but this amendment sets out the requirement for the Police Service to formally keep such service in a constable’s personal record.

Regulation 17 is amended, following agreement by the PNB, to provide that (where there is an exigency of duty) a constable's start-time can be advanced or deferred, without compensation, if they are given due notice, but that the "due notice" period would be increased from 8 hours to 24 hours, and from 8 to 12 hours when there is a requirement to work due to unforeseen court attendance.

These changes provide constables with a greater notice period when their time is disrupted, but this is balanced by the ability to advance or defer a constable's start time where there is an exigency of duty. Any advancement or deferment of a constable's start-time where due notice has not been given will be categorised as "overtime" and the constable will be entitled to be compensated in accordance with the relevant determination made by the Scottish Ministers.

The PNB agreed that constables should be able to nominate days to replace their two days of public holiday, for religious or cultural reasons. This will allow constables to take a public holiday that better suits their religious or cultural preferences, rather than Christmas Day or New Year's Day, as currently set out in regulations.

This amendment, to regulation 18, will allow a more diverse use of the two public holidays available to constables.

Regulation 25 is amended to require the Scottish Ministers to determine the circumstances in which a constable can get leave to accompany another person to an antenatal appointment.

Regulation 31 is amended to allow for all duties in a higher rank to be treated as service in that higher rank. This will provide constables, who are in receipt of a temporary salary at a higher rank, to have all that service acknowledged and this will mean that should a constable be promoted to that rank, their previous service would count towards service and salary. The PNB agreed that this should have effect from 1 January 2023.

Regulation 34 is amended to take account of the introduction of the Police Negotiating Board for Scotland, and that the Police Negotiating Board has been abolished. This is to ensure that the Scottish Ministers consult the new body before making determinations under the 2013 Regulations.

### **EU Alignment Consideration**

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

### **Consultation**

In accordance with section 54(1) of the 2012 Act, the Scottish Ministers have shared a draft of the Regulations with the Police Negotiating Board for Scotland and have considered any representations made.

In accordance with section 54(2) of the 2012 Act, they have consulted and shared a draft of the Regulations with the persons mentioned in section 54(2)(a)(i) to (vi) and have considered any representations made.

## **Impact Assessments**

An Equality Impact Assessment was published on the Scottish Government website with the assessment showing no detrimental impact on constables.

## **Financial Effects**

The Cabinet Secretary for Justice and Home Affairs confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Safer Communities Directorate

June 2024