

Police Federation
Of England and Wales



Ffederasiwn Heddlu
Lloegr a Chymru

Established by Act of Parliament

Federation House, Highbury Drive, Leatherhead, Surrey KT22 7UY
Telephone 01372 352021 Fax 01372 352078
Email GenSec@polfed.org www.polfed.org

FROM THE DEPUTY GENERAL SECRETARY'S OFFICE

AW/sjr

30 March 2015

JBB CIRCULAR : 12 / 2015

To: All JBBs
Cc : Interim National Board

Dear Colleagues

Holiday Pay & Working Time Regulations

The purpose of this Circular is to update on the position in relation to additional holiday pay under the Working Time Regulations 1998 ("the WTR") and the Working Time Directive ("the Directive") following JBB Circular 09/2015, dated 06 March and the presentation given to the Interim National Council meeting on 25 March.

We have now published the current draft material, including a copy of the form which members will have to fill in, on the members' area of the PFEW website; the form is not live and cannot be filled in at this time. There is also a page on the open part of the website (in the "Fed at work" section) with links to the members' area.

Arrangements will be made for the form to be available to Joint Branch Boards for "testing" purposes in the coming weeks.

In case useful, I attach a draft message which you may wish to use as the basis of a communication with members in your force. A copy of the explanatory material that can be found on the website is also attached.

It is possible that the publication will lead to an increase in members seeking to sign up for the members' area. While this is automatic if they use their pnn address, if

they do not do so branches are asked to validate registrations. You may therefore receive additional requests for validation.

As emphasised in the presentation, our strong preference is to reach a negotiated resolution to this issue. We will continue with our efforts to negotiate with the Home Office and with chief officers. As part of this we will keep the Home Office and chief officers informed of the steps we are taking.

We understand that some chief officers have indicated to boards that they are willing to consider complying with their obligations under the WTR and WTD. Clearly we welcome any police forces complying with their legal obligations. It is however important that any resolution which covers backdating or any form of “interim” measure which attempts to provide “broad” compliance, pending the development of a precise mechanism is negotiated nationally.

If you have any feedback on the draft material or should you have any queries in respect of the content of this circular, then please contact me by email only via fedhq-jccclaims@polfed.org.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andy Ward', with a stylized flourish at the end.

ANDY WARD
Deputy General Secretary

Message to Members

Working Time Holiday Pay

A legal development means that some police officers may be being underpaid holiday pay.

Our legal advice is that the pay which police officers receive for the first 5.6 weeks of leave in each leave year should reflect not only pay, but also any allowances which form part of their normal remuneration.

This is likely to mean that for any period of leave within the first 5.6 weeks of leave in each leave year, a member should be paid an amount to reflect the average amount of allowances which s/he earned in the 12 week period immediately before the leave in question.

In most cases it is anticipated that individual claims will not be for very large amounts.

The Federation is seeking to resolve this issue by negotiation and agreement. However we are also taking steps to enable claims to be brought if negotiation does not work.

The time limit for a claim is that it needs to be brought within 3 months of the date on which the relevant period of leave was paid. We anticipate we will formally launch this system by the summer and will not be supporting any claims on this issue until this point. However, this doesn't stop any member in the meantime bringing their own claim at his or her own expense before then.

Further information about the issue, including the system we have been designing to bring bulk claims should that be necessary, can be found in the members' area of the polfed website (<http://www.polfed.org/members/2590.aspx>).

If you are not already registered to see that section you can do so by using your pnn police email or your polfed email address and you will get instant access.