



• Relief (Casual) Workers Policy and Procedure

Reference No. P13:2009

Implementation date 1st October 2009

Version Number 1.5

Linked documents

| Reference No: | Name. |
|---------------|---|
| P14:2002 | Police Staff Recruitment and Selection Policy |
| P27:2009 | Force Vetting Policy |
| P14:2001 | Dignity at Work and Grievance Resolution |

Suitable for Publication

| | |
|-------------------|-----|
| Policy Section | Yes |
| Procedure Section | Yes |

Protective Marking

Not Protectively Marked

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE FORCE INTRANET POLICIES SITE.

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1 Policy Section

1.1 Statement of Intent – Aim and Rationale

The purpose of this policy is to provide guidance for managers in relation to the use of casual/relief workers.

A 'casual worker' is a person who works as and when required on a relief basis and this policy also aims to set out the terms and conditions of the relationship between Dorset Police and this type of worker.

This policy/procedure applies to all police staff employed by both the Chief Constable and the Police and Crime Commissioner. Therefore, there may be occasions when the Police and Crime Commissioner requires access to specialist HR resources/skills employed by the Chief Constable to support the agreed processes.

1.2 Our Visions and Values

Dorset Police is committed to the principles of "One Team, One Vision" – A Safer Dorset for You"

Our strategic priority is to achieve two clear objectives:

- To Make Dorset Safer
- To Make Dorset Feel Safer

In doing this we will act in accordance with our values of:

- Integrity
- Professionalism
- Fairness and
- Respect

National Decision Model

The National Decision Model (NDM) is the primary decision-making model used in Dorset Police. The NDM is inherently flexible and is applied to the development and review of all policy, procedure, strategy, project, plan or guidance. Understanding, using and measuring the NDM ensures that we are able to make ethical (see Code of Ethics), proportionate and defensible decisions in relation to policy, procedure, strategy, project, plan or guidance.

Code of Ethics

The Code of Ethics underpins every day policy, procedures, decision and action in policing today. The Code of Ethics is an everyday business consideration. This document has been developed with the Code of Ethics at the heart ensuring consideration of the 9 Policing principles and the 10 standards of professional behaviour. Monitoring is carried out through the Equality Impact Assessment process which has been designed to specifically include the Code of Ethics.

1.3 People, Confidence and Equality

This document seeks to achieve the priority to make Dorset feel safer by securing trust and confidence. Research identifies that this is achieved through delivering services which:

1. Address individual needs and expectations
2. Improve perceptions of order and community cohesion
3. Focus on community priorities
4. Demonstrate professionalism
5. Express Force values
6. Instil confidence in staff

This document also recognises that some people will be part of many communities defined by different characteristics. It is probable that all people share common needs and expectations whilst at the same time everyone is different.

Comprehensive consultation and surveying has identified a common need and expectation for communities in Dorset to be:-

- Listened to
- Kept informed
- Protected, and
- Supported

2 Standards

2.1 Legal Basis

This policy is required in order to provide the guidance specified above. Casual Workers are not deemed employees under the Employment Rights Act 1996. However, they are protected under anti-discrimination, working time and health and safety legislation.

The Equality Act 2010 introduced in October 2010 replaces the three existing public sector duties – for disability, race and gender. There are now nine protected characteristics under the Act for which due regard must be paid in the development and delivery of our services when employing our staff:

- Age
- Disability
- Gender reassignment
- Marriage or Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Dorset Police is committed to equality and diversity within its workforce and this policy seeks to ensure that there is compliance with the Equality Act 2010.

The Local Government Pension Scheme Regulations 2014, and related Regulations, sets out the pension scheme arrangements which are summarised under paragraph 3.4.

2.2 People, Confidence and Equality Impact Assessment

During the creation of this document, this business area is subject to an assessment process entitled "People, Confidence and Equality Impact Assessment (EIA)". Its aim is to establish the impact of the business area on all people and to also ensure that it complies with the requirements imposed by a range of legislation.

2.3 Monitoring / Feedback

The HR Specialist Officer, Core HR, will be responsible for overseeing this procedure to ensure a consistent Force approach is maintained. Strategic oversight of the Relief (Casual) Workers Policy is provided by the Workforce Planning board on a quarterly basis.

Monitoring will be primarily carried out subject to Force processes of continuing review.

Feedback relating to this procedure can be made in writing or by e-mail to:

Address: HR Specialist (Core HR), LDU Department, Dorset Police,
Winfrith, Dorset, DT2 8DZ

E-mail: ian.coombs@dorset.pnn.police.uk

Telephone: 01305 223766

3 Procedure Section

3.1 Policy Content

Dorset Police is committed to its values of integrity, professionalism, fairness and respect and therefore managers are advised that these should be considered at all times in respect of any application of policy or decisions in relation to relief workers etc including fairness in the offer of opportunities of work on a relief basis. Likewise any relief worker should also abide by the values, as loyalty to these is non-negotiable.

3.1.1 Purpose of Relief Workers

'Casual workers' will be referred to as 'Relief' Workers for the remainder of this policy as this is the terminology commonly used within the organisation to describe this type of worker.

The purpose of relief workers is to provide occasional, ad-hoc work, as and when the need arises where there is a short-term need for additional resource which cannot be provided by existing employees. This type of arrangement allows the force to acquire a 'bank' of relief workers to call upon as and when the operational demands of the police service require such work.

Relief workers might be utilised to cover an absence such as sickness/annual leave for odd days or to help out in an emergency or when there is an occasional need for work of a particular kind.

The nature of the work covered by such a contract is one of a casual basis and will vary dependent upon the needs of the service. In such cases where a relief contract is formulated between Dorset Police and an individual, there will be no obligation for the Force to offer any work nor is there any obligation for the individual to accept any offer of work. The relevant manager 'as and when required' will make any offer. If work is offered and accepted the contract is only to provide work for that agreed time, day or period. Relief workers may work in a number of roles on a relief basis.

3.1.2 Employment Status

A relief worker is not regarded as an employee under UK legislation nor by the force when utilised on the above basis. No contract of employment exists between Dorset Police and the individual.

However, managers are advised to ensure that relief workers are not utilised on a regular basis (for example, regular hours under an agreement whereby the worker is obliged to accept the work) that it could be implied that there is mutuality of obligation between both parties and an employment relationship. (In such cases, individuals will be deemed employees in law and will accrue employment rights such as the right not to be unfairly dismissed, continuous service, redundancy rights etc.).

If a manager is in any doubt as to whether appointment on a relief basis is appropriate for the need to provide or cover certain work, consideration should be given to whether a fixed-term or permanent contract would be more suitable. The Fixed-Term Contract Policy is available on the intranet or advice can be sought from HR Personnel Services.

The HR Specialist, Core HR will monitor the number of hours performed by relief staff in the organisation to ensure that relief workers are not utilised on a regular basis that could result in the individual being deemed employees in law and the accrual of employment rights. Data

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relating to the hours worked will be presented quarterly to the Workforce Planning Board summarising the position in each business area.

The e-PPP appraisal process will not apply to relief workers. In applying the e-PPP system a manager will run a high risk of a relief worker gaining employment status and particular employment rights.

3.2 Recruitment, Selection and Appointment of Relief Workers

The recruitment, selection and appointment of relief workers will be under the terms of the Police Staff Recruitment and Selection Policy or by individual appointment. Due to the nature of relief work and the need to retain particular skills, selection will be at the discretion of the relevant Departmental Manager. A copy of the policy is available on the Force Document Library.

All appointments to relief posts are subject to the normal vetting, medical clearance and in some cases suitable references. For external candidates there will be a requirement for suitable references in all cases. Vetting and medicals are discussed below.

The HR Service Support Team will send out requests for references, security/identity checks and pre-employment medical questionnaires where appropriate, once a conditional offer of employment is made.

3.3 Pay and Payment Method

Relief workers can be utilised to cover established job roles within the force (on the above basis); if there is a requirement for work on an ad-hoc basis a new role can be created.

As Dorset Police operates a job evaluation scheme, any role performed by a relief worker will be evaluated utilising this scheme to establish an appropriate rate of pay. The duties will therefore be specified within a Job Description Questionnaire.

The enhancement rates payable for relief working are available on the reverse of the Relief Worker Timesheet (A18R). A copy of this is available on the intranet or by clicking on the following link: [Link to Relief Worker Timesheet \(A18R\)](#).

Each period of work will stand-alone and be recompensed as per the rates of pay stipulated and the grade of the job as evaluated. Staff should not be given a relief contract for any additional work carried out in the same role or function.

In cases whereby relief workers are carrying out this work in addition to another role for Dorset Police this should not be included in any calculation of whether work is over 37 hours, for the purpose of overtime. The agreement to work on a relief basis will be completely independent from any other contract with Dorset Police.

A claim for any work carried out should be submitted on the Relief Worker Timesheet (A18R). A copy of this is available on the intranet or by clicking on the following link: [Link to Relief Worker Timesheet \(A18R\)](#). Claims must be submitted by the 8th day of the following month to ensure payment.

All payments will be made monthly, on the last banking day of the month into the individual's nominated bank account.

3.4 Pension Scheme

Membership of the pension scheme is not automatic for relief workers. To be eligible an employee must have a contract for three months or more. Relief workers (no mutuality of obligation) may elect to join the scheme by completing a pension membership form which is available by clicking on the following link - [Link to Pensions Membership Form](#).

3.5 Relief Worker unable to attend work due to sickness or any other reason

Should a relief worker be sick or unable to attend work on a day that they have been asked to work they should notify the line manager as soon as possible. If the period of sickness continues and is likely to affect other days that they have been offered and accepted work, there will be a requirement to keep the manager informed. Owing to the casual nature of relief work there is no entitlement to contractual sick pay.

3.6 Holiday

3.6.1 Statutory Holiday Pay and Time Off

3.6.2 Whilst relief workers are not employees, they are entitled to 5.6 weeks (28 days) paid holidays every holiday year as a worker under the Working Time Regulations 1998 (this is pro-rata for part-time staff). This legislative entitlement currently includes public and bank holidays. This is a legal right and is to protect the health and safety of workers.

3.6.3 Payment of accrued holiday pay will be made on a monthly basis following submission of the Relief Worker Timesheet (A18R). The Finance Department will automatically calculate and make payments on a monthly basis. Holiday pay will be shown as a separate payment on each pay slip and will be calculated at 12.07%. (In accordance with ACAS guidance, the statutory holiday entitlement of 5.6 weeks is equivalent to 12.07 per cent of hours worked over a year). The 12.07 per cent figure is 5.6 weeks' holiday, divided by 46.4 weeks (being 52 weeks minus 5.6 weeks). The 5.6 weeks are excluded from the calculation as the worker would not be at work during those 5.6 weeks in order to accrue annual leave. The Electronic Working Time Recording System must be utilised by all relief workers to record and monitor their own working hours to help ensure adherence to the Working Time Regulations.

The leave year within Dorset Police runs from 1st April to 31st March

3.6.4 Relief Workers who have a fixed-hours role in addition to a relief worker agreement

Staff that work in a fixed-hours and relief post must ensure that they comply with the Working Time Regulations and that working in the additional role does not prevent them from taking their statutory leave entitlement. This is to ensure their continued Health and Wellbeing.

3.6.5 Relief Workers who work in multiple relief agreements or on a 'peripatetic' basis

Relief workers who work on a peripatetic basis or work in a variety of roles in a relief capacity will have one agreement with Dorset Police which will stipulate the terms of any offer of relief work. This agreement will acknowledge and specify the rate of pay for the offer of work in each capacity.

3.7 Working time

Relief workers are, as previously mentioned protected by the rights laid down in the Working Time Regulations 1998. This includes entitlements to rest breaks, daily and weekly rest periods. A relief worker should not work more than 48 hours per week on average (calculated over 15 weeks). This is particularly pertinent in those cases whereby a relief worker is employed elsewhere, whether that is within the organisation or for another employer.

Relief Workers will be required to complete the Electronic Working Time system to ensure that no breach of working time occurs. Relief workers should reflect any work carried out by selecting the code of 'relief work'. Staff employed in a fixed hours role as well as on a relief basis, will be able to reflect any relief work on the same system for monitoring purposes.

3.8 Vetting

Relief workers will require normal vetting in accordance with the Force and National Vetting Policies and some posts will be subject to annual vetting reviews in the same way that full and part time posts will be. The Police Staff Recruitment and Selection Policy (linked to paragraph 5.1) provides clear guidance on Pre-employment and Higher Level Vetting.

Relief workers will be required to notify the Force Vetting Officer of any material changes to the original information provided in their application and vetting questionnaire. Failure to notify relevant changes could result in the withdrawal of the vetting clearance, however, workers should be aware they can report relevant changes in the knowledge that notifications will be met with a sympathetic response and it would only be in the most serious cases that consideration would be given to the withdrawal of clearance.

All applicants to Dorset Police, including relief workers, are required to disclose police cautions, and 'spent convictions', under the provisions of the Rehabilitation of Offenders Act 1974, and Rehabilitation of Offenders Act (Exceptions) Order 1975 therefore, a failure to declare past court convictions, bind-overs, cautions or any judgements or investigations pending, the employer may seek to cease the contract.

3.9 Medical Status

To ensure the health, safety and wellbeing and suitability of relief workers normal medical clearance and annual health monitoring (if applicable) will apply. Furthermore consideration of risk assessments and reasonable adjustments will also apply, particularly in the case of a relief worker having a protected characteristic as defined under the Equality Act 2010.

3.10 Probationary/Trial period

Dorset Police has an expectation of standards of performance and conduct for all staff that work for Dorset Police and therefore any continuation of the offer of work will be subject to satisfactory completion of a period of probation of 26/52 weeks (in accordance with the Police Staff Probation Procedure). A copy of the policy is available on the Force Document Library.

During this time relief workers will be expected to establish their suitability for the work that they are performing on an 'as and when required' basis. Given the nature of relief work an extension of this probationary/trial period may be deemed necessary.

If a relief member of staff is deemed unsuitable for the type of work, the agreement will be ended and they will be informed of this and given one week's notice in writing.

3.11 Courses/Training

To familiarise relief members of staff with the organisation, attendance will be required at a mandatory Induction Course (at a date and time that will be advised shortly after their first day of casual/relief work). Failure to attend this course will prevent successful completion of the probationary period.

It is likely that some relief workers may need to attend mandatory and ad-hoc training to ensure that they can competently carry out the work offered or so that they are aware of the standards of work expected. Managers will need to consider whether such training is required and appropriate for this type of worker, discussing any essential training needs with the individual. Applications for training should be submitted using the usual forms. A relief worker has a 'personnel' record to ensure that they are paid and therefore training will be recorded in the normal way by the relevant department so that it can be easily assessed and reviewed. The e-PPP or appraisal system should not apply to such workers, please refer to paragraph 4.10

When a relief member of staff is required to attend a training course that covers a full day, they should claim either a standard working day (7 hours and 40 minutes) for each day, or the length of time spent on the course, whichever is the greater.

3.12 Travelling Payments

A relief contract is such that there is no mutuality of obligation on either party to offer or accept work. Generally travelling payments will not be made to relief workers. However if there are genuine difficulties in meeting the needs of the service, for example due to difficulties in obtaining staff to cover operational demands, it may be necessary on occasions for travelling payments to be offered. These payments will be in accordance with force travel arrangements/rates. Payments will be made only under such exceptional circumstances and there will be no obligation to adhere to any previous agreement on any future offer of work.

In some cases, relief workers may be utilised in roles specifically on a peripatetic basis where they will be offered work at different locations. In these cases travelling payments will not normally be payable but the above may be applied.

3.13 Dorset Police Values

Dorset police has clear values of integrity, professionalism, fairness and respect and loyalty to these values is a non-negotiable requirement for membership of Dorset Police.

3.14 Equal Opportunities

Dorset Police is committed to equality and diversity within its workforce.

3.15 Dignity at Work and Grievance Procedure (Fairness at work)

Should a relief worker have a grievance or be faced with any problem such as bullying, harassment, victimisation or discrimination they should raise their concerns with the line manager at the earliest possible stage and the Grievance Procedure can be utilised to deal with such matters. A copy of the procedure is available on the Force Document Library.

Relief workers also have the responsibility to ensure that they do not behave in a way, which could be regarded as bullying, harassment or discrimination by others.

3.16 Conduct

The public is entitled to demand conduct of the highest standard for those working in the police service and public confidence in his/her integrity would be shaken were the least suspicion to arise that he/she could in any way be influenced by improper motives.

This has particular relevance to any individual appointed in the service of the police. A member of staff (including those working on relief contracts) who is convicted for any criminal offence (except minor offences such as motoring offences) or who engages in a close relationship with a known criminal, will be considered as unsuitable for continued offers of work with the Police Service. Additionally, it should be noted that conduct refers to that within and outside of the workplace.

3.17 Computer Security Standards

Relief workers will be supplied with a copy of the Employers Code of Practice regarding computer security standards. This has been designed to protect the confidentiality and security of the computer data, and all members of staff must adhere strictly to it. Any employee not complying with the Code of Practice will be subject to disciplinary action, which may include dismissal in serious case and may constitute a criminal offence. Similarly, if a relief member of staff is found in breach of this code of practice or any other breach of computer systems/data protection occurs during their work, consideration will given to whether they will continue to be offered work under this agreement.

3.18 Notice of termination of the agreement

Dorset Police will review the need for relief workers and if an individual has not been utilised in this capacity for a period of 12 months, consideration will be given to removing them from the list of workers available for this type of work.

In the above scenario, the relief worker will be given the opportunity to meet with the relevant Departmental Manager should they wish to discuss the termination of the agreement. Should a meeting be held at the request of the worker the relevant manager will write to the relief worker to confirm the discussions that took place and the final decision made in relation to the termination.

If the relief worker wishes to appeal against the decision to terminate the agreement then they can submit their reasons to the HR Service Support Manager within 10 days of receiving this letter.

Please refer to paragraph 3.6.1 in respect of payment in lieu or overpayment of outstanding statutory holiday due on termination of a relief agreement.

3.19 Service Rights

The terms of a relief contract are such that there are no continuous service rights. Therefore any period of relief working will not count for the purposes of calculating continuous service rights upon transfer to a fixed-hours contract of employment.

3.20 Retirement

As relief workers are not employees, relief workers will simply advise the Force that they do not wish to continue to be offered worker on a relief basis should they wish to retire from working on this basis. If an employee retires from a fixed-hours role and wishes to remain with Dorset Police on a relief basis then the terms of relief working should be discussed between both parties; any pension or tax implications should be discussed with the Local Government Pension Scheme provider or the Finance Department.

3.21 Other

Any issue that may arise that has not been covered in this policy can be directed to the HR Service Support Manager who will provide the necessary advice. If any individual or manager wishes to appeal against such advice this can be directed to the Head of Personnel Services.

4 Consultation and Authorisation

4.1 Consultation

| Version No: | Name | Rank/Role | Date |
|---|------|-----------|------|
| Police & Crime Commissioner | | | |
| Police Federation | | | |
| Superintendents Association | | | |
| UNISON | | | |
| Other Relevant Partners (if applicable) | | | |

4.2 Authorisation of this version

| Version No: | Name | Rank/Role | Date |
|------------------|------|-----------|------|
| Prepared: | | | |
| Quality assured: | | | |
| Authorised: | | | |
| Approved: | | | |

5 Version Control

5.1 Review

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| Date of next scheduled review | Date: 15122013 |
|-------------------------------|----------------|

5.2 Version History

| Version | Date | Reason for Change | Created / Amended by |
|---------|------------|--|----------------------|
| 1.0 | 15.12.2011 | Initial Document | Mrs L Tong |
| 1.1 | 22.5.2012 | Amendment to paragraph 5.8 to reflect annual leave entitlement in decimalised format. Amendment to paragraph 10.2.6 to provide further clarity re overtime payment for part-time staff. | Mrs L Tong |
| 1.2 | 28.11.12 | Amendment to paragraph 19.2 to reflect 'any individual appointed in | Mrs L Tong |

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| | | the service of the police'. For clarity, this paragraph previously referred to the service of the Police Authority. Amendment to reflect changes to The Local Government Pension Scheme (LGPS) Regulations 2012. 'Fit for purpose review undertaken'. | |
| 1.3 | 17/3/14 | Insertion of stage 2 transfer paragraph into Aims and Rationale. No other changes. | Kate Berchem (Force Policy Coordinator) |
| 1.4 | 24/11/14 | The policy has been reviewed in preparation for NICHE implementation (April 2015), no changes necessary | Policy Co-ordinator (6362) |
| 1.5 | 09/02/15 | Updates to para 2.1 and 3.4 re LGPS 2014 | Mr I Coombs |

5.3 Related Forms

| Force Ref. No. | Title / Name | Version No. | Review Date |
|----------------|--------------|-------------|-------------|
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| | | | |

5.4 Document History

| | |
|---|---------------------------------|
| Present Portfolio Holder | Mrs N Anderson |
| Present Document Owner | Mrs L Tong |
| Present Owning Department | Organisational Development Unit |
| Details only required for version 1.0 and any major amendment ie 2.0 or 3.0: | |
| Name of Board: | |
| Date Approved: | |
| Chief Officer Approving: | |

Template version January 2013