



• Extended Leave Break and Unpaid Leave Policy for Police Officers

Following the implementation of the Alliance People Portfolio, a revised timeline for the review of HR policies has been agreed. This policy will therefore be reviewed in line with the new timeline and not the date specified within this document.

Please note: Where legislative change has occurred, or is scheduled to occur, ahead of the revised review date, Dorset policy and associated procedures will be applied in line with prevailing legislation.

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|----------------------|-----------------|
| Reference No. | P04:2001 |
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|----------------------------|---------------------|
| Implementation date | 20 June 2004 |
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|-----------------------|-------------|
| Version Number | 1.12 |
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| Policy/Procedure | Government Security Classification | Handling Instructions |
|-------------------------|---|--|
| POLICY | OFFICIAL | Suitable for Public Publication |
| PROCEDURE | OFFICIAL | Suitable for Public Publication |

Linked documents

| Reference No: | Name. |
|----------------------|---|
| P03:2004 | Extension of Service for Police Officers Policy and Procedure |
| P31:2013 | Flexible Working Policy and Procedure |
| P02:2006 | Business Interest and Secondary Employment Procedure |
| P15:2013 | Police Officer Maternity Policy and Procedure |

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1 Policy Section

1.1 Statement of Intent – Aim and Rationale

The aim of this policy is to enable an officer to spend a period of time pursuing a full-time activity such as further education (see 3.1.1) without having to give up their career.

In order to ensure equality of opportunity this policy applies to staff of all ages, those with a disability, lesbian, gay, bisexual and transgendered plus (LGBT+) staff, ethnic minority staff and different religions or beliefs.

1.2 Police Mission

Our **Mission** for policing is:

To make communities safer by upholding the law fairly and firmly; preventing crime and antisocial behaviour; keeping the peace; protecting and reassuring communities; investigating crime and bringing offenders to justice. This mission is set nationally and adopted locally by Dorset Police.

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.

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.

1.3 People, Confidence and Equality

Throughout history policing has been most effective when the community and the police work together, helping each other to reduce crime and fear of crime. Our priorities have been based on today's risks and from what our communities have told us are areas of concern.

This document seeks to achieve the priority of increasing the public satisfaction in the delivery of policing in Dorset.

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.

Consultation and engagement has identified a common need and expectation for communities in Dorset to be:-

- Listened to
- Have their needs understood

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- Have their expectations met where possible
- Be kept informed

2 Standards

2.1 Legal Basis

This policy reflects Annex OO of Police Regulation 33 and related historical changes published in PNB Circular 00/16 (Advisory) and confirmed in Home Office Circular 4/2001 (as amended by Home Office Circular 14/2007).

2.2 Equality Impact Assessment

During the creation of this document, this business area is subject to an 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

Adherence to this policy will be monitored centrally by the HR Specialist, Employee Relations and Contracts Management. Feedback relating to this policy can be made in writing or by email to:-

Address: HR Specialist, Employee Relations and Contracts Management, Dorset
Police Headquarters, Winfrith, Dorchester, Dorset DT2 8DZ

Email: Policy Team HR

Telephone: 01202 223764

3 Procedure Section

3.1 Principle Content

3.1.1 An extended leave break (ELB) is an opportunity for an individual to spend a period of time pursuing a full-time activity without having to give up their career. It is also an opportunity for the Force to retain skilled employees who would otherwise have to leave the police force. These activities broadly fall into three main areas namely:

- Further education;
- Travel;
- Family reasons.

3.1.2 An ELB will not normally be granted simply to allow an officer to explore an alternative paid or voluntary career. In such cases an officer will be required to resign with the appropriate notice.

3.1.3 An ELB may be for a minimum of 31 days and a maximum of five years. However, the Chief Constable has the discretion to agree a longer total period in exceptional circumstances. An officer's ELB should not extend beyond compulsory retirement age.

3.1.4 Unpaid leave can be applied for if the period of time required by the officer is 30 days or less (see section 3.3).

3.2 Status during extended leave breaks and unpaid leave

3.2.1 Officers do not resign from the Force; they retain rank, incremental point and entitlement to allowances if the break does not extend beyond five years. Therefore, officers retain their warrant cards. However, those officers travelling abroad for a long period of time may wish to forward their warrant card to People Services (for safe keeping by the Helpdesk).

3.2.2 Officers on extended leave are subject to Police Regulations and the Police (Conduct) Regulations and cannot engage in conduct incompatible with a planned return as a police officer. Officers may be subject to a recall to duty in cases of extreme emergency.

3.2.3 Restrictions on private life and business interests will continue to apply (Regulations 9 and 10 of Police Regulations). An officer should not take full-time education, employment or other activities for which they are paid, reimbursed expenses or which involve them in the sale of goods and services. If an officer wishes to take part in such activities they should seek agreement via a [Business Interest Application Form](#).

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3.3 Unpaid leave

- 3.3.1 If an officer who has completed their probationary period needs to take some leave without pay that is 30 days or less they can apply for unpaid leave.
- 3.3.2 Unpaid leave is governed by Home Office guidance and the principles of the ELB scheme. However, within Dorset Police there is a distinction between ELB and unpaid leave to ensure a simpler process for shorter periods of unpaid absence.
- 3.3.3 [Please click here to access the 'Unpaid Leave Application Form'](#) This should be submitted at least one month before the unpaid leave break is required to the relevant Commander/Head of Department, but via the supervisor for initial comment. Unpaid leave can be taken for a number of reasons including but not restricted to the following:-
- For personal reasons, for example to take time off that doesn't fall under parental leave/time off for dependants and where the individual doesn't have enough annual leave/time on card to cover the period;
 - For the purposes of travel, for example 'tacked on' to a period of annual leave;
 - To undertake training that is not related to their work with Dorset Police.
- 3.3.4 The HR Business Services Support Team will process all approved unpaid applications and update the individual's personal and payroll records and also write to the individual to confirm the agreement. A copy of this letter will be forwarded to the relevant duties officer if applicable.
- 3.3.5 Service during unpaid leave will not count for the purposes of reckoning entitlement to pay annual leave or pension. Equally, there is no provision to buy pension back.

3.4 Extended Leave Breaks

- 3.4.1 Police officers of all ranks are eligible for consideration provided:-
- The length of the proposed ELB is not less than 31 days and not more than five years. The Chief Constable may agree a longer total period in exceptional circumstances;
 - They have not reached compulsory retirement age;
 - The officer must have completed their probationary period;
 - The officer confirms a return date with a minimum of one month's notice;
 - The officer applying for the extended leave break must indicate their commitment and intention to return to the Force.

3.5 Application

- 3.5.1 [Please click here to access the 'Extended Leave Application Form'](#). This should be submitted at least three months before the ELB is required to the relevant Commander/Head of Department, but via the officer's line manager for initial comment.

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- 3.5.2 The line manager should ensure that there are no court appearances pending and if there are a discussion should be held with the officer regarding arrangements for their return; these should be detailed on the application form with an appropriate recommendation/agreement.
- 3.5.3 Equally, if a court case becomes known to the officer/line manager during the application process, the HR Business Services Support Team ([please click here to open email](#)) should be made aware of the agreement as required above.
- 3.5.4 The HR Business Services Support Team will be responsible for ensuring consistent and equitable treatment of all applications, for a final decision by the HR Specialist, Employee Relations on behalf of the Chief Constable. In reaching a decision consideration will be taken of operational requirements, previous applications for extended leave and any outstanding attendance, performance, complaints or discipline matters. A commitment to returning to work within Dorset Police and the reasons for the application within the criteria must also be clearly indicated.
- 3.5.5 A decision will normally be made within 28 days of the officer's application.
- 3.5.6 If agreed, the officer will be notified in writing, including any specific conditions/obligations applicable and an agreed date of return. Failure to return on the agreed date will be deemed a termination of service.

3.6 Refusals and Right of Appeal

- 3.6.1 An unsuccessful applicant has the right of appeal against the decision to reject an application. This must be submitted within 28 days of receipt of the reasons for the decision. A successful appeal is likely to require evidence that:-
- A procedural error or abuse of process has occurred;
 - A perverse decision has been made; or
 - New evidence has come to light which could not reasonably have been available at the time of an earlier decision.
- 3.6.2 The appeal should be made in writing only unless the Review Manager, who will be another Senior Manager (normally the Head of Personnel Services) not previously involved in the case, considers a face-to-face meeting is necessary. Appeals must be considered within two working days of receipt and the appeal decision notified to the individual within ten working days.
- 3.6.3 Appeals will consider whether the decision taken by the relevant party was reasonable in light of the available evidence at the time. In exceptional cases organisational business needs may take priority and override any previous decision. There will be no further right of appeal.

3.7 Conditions of Service

- 3.7.1 ELBs will not qualify as a reckonable period for promotion, pension, annual leave or pay increment purposes. The officer's rank and pay point will however be protected. No allowances will be payable during the ELB. Entitlement to allowances on return will

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be identical to that on commencement of the ELB subject to any relevant changes in Regulations or Home Office Circulars.

- 3.7.2 Officers can continue to pay existing contributions for example to the Police Federation, Group Insurance whilst on their ELB. A standard pro-forma will automatically be sent to each officer.
- 3.7.3 The Force is not obliged to allow an officer living in accommodation provided by the Force to remain in the property whilst on an ELB. Therefore such officers should discuss their future in the property with the HR PST ([please click here to open email](#)) prior to applying. An officer who is allowed to remain in Force accommodation for the entirety of the ELB may be charged an appropriate market rent. In circumstances where an officer is living/married to a police officer, this would be subject to the partner's eligibility for provided accommodation.
- 3.7.4 The officer should remain in regular contact with the Force using the email account ELBUnpaidleave@Dorset.pnn.Police.Uk. A contact address/email address should be provided, and the officer must access their email account on a regular basis so that contact can be made with the officer by the Force if required. The HR Business Services Support Team will make contact at least annually to request the officer confirms any change in circumstances.

3.8 Pensions

- 3.8.1 Pension contributions cannot be paid during the break and years cannot currently be bought back on return to the Force. Officers on extended leave will have protected entitlement to all pension benefits at the point of commencement of the ELB including death benefits, enhanced ill health pensions and injury benefits. However, any injury sustained whilst on ELB will not be regarded as an injury on duty as defined in Regulations.

3.9 Maternity Leave

- 3.9.1 Extended leave is a separate provision to maternity leave. An officer on extended leave who becomes pregnant should give notice as soon as practicable of **their** expected date of confinement. The provisions of the maternity scheme will then take effect and the ELB will be suspended. Resumption of the ELB in due course will be subject to further agreement between the Force and the officer.
- 3.9.2 Officers wishing to apply for extended leave immediately following maternity leave should apply in writing no later than two months before the expected date of completing the maternity period. In these circumstances the officer should be offered a return to work interview as per the Maternity Policy.

3.10 Resignation

- 3.10.1 If an officer decides to resign from the Force and leave the scheme they must formally write to the Chief Constable via the HR Business Services Support Team ([please click here to open email](#)) giving one month's notice.

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3.11 Return to work

- 3.11.1 Three months before the agreed date of return the officer will contact the HR Business Services Support Team ([please click here to open email](#)) who will send the officer a return to work form for completion alongside other key documents i.e. vetting form, training needs analysis form and Physical Activity Readiness Questionnaire. An officer should declare any material change in their personal circumstances, particularly any new health/medical issues. A failure to return within the three months, of having given notice, will be deemed a termination of service.
- 3.11.2 Officers who have been on an ELB for more than six months will require 'role specific' security vetting. In these circumstances a full vetting application, including a declaration indicating whether or not they have come to the attention of the police or other law enforcement agencies, will be submitted prior to their return. The vetting application will be sent to the officer by the HR Business Services Support Team upon receipt of their notification to return. Applications should also include details of any period spent outside the UK. Officers will not be permitted to return until the Force Vetting Officer has granted vetting clearance. Officers who have been on an ELB for six months or less will be subject to a general vetting review.
- 3.11.3 If any adverse information is found or declared during the vetting process, the Force Vetting Officer will notify the Professional Standards Department who will consider if the officer has breached Regulations and take action accordingly.
- 3.11.4 If the adverse information relates to the National Security Vetting the appropriate measures should be taken by the Force Vetting Officer immediately.
- 3.11.5 No guarantee is given that the officer will return to the same command or role in which they were previously serving, nor the same determined hours. This will be managed by the Workforce Planning and Development Manager (Organisational Development) through the Postings Board following notification of a return to work date. Organisational Development also has responsibility for managing the training needs analysis process.
- 3.11.6 Officers may be subject to a medical examination upon their return. An officer should declare any material change in their circumstances, in particular health issues, before their return. In some cases it may be necessary to refer an officer to Occupational Health. This may include an OH re-assessment linked to a previous supportive attendance/performance action plan review.
- 3.11.7 Officers who have been on an ELB will be required to complete a Physical Activity Readiness Questionnaire (PARQ) in anticipation of undertaking the Job Related Fitness Test and personal safety training. This will be arranged by Organisational Development. Positive replies i.e. those highlighting health concerns, will be forwarded directly to Occupational Health so that the Force response is supportive and timely.

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3.12 Returning to work prior to the agreed date/Requesting an extension

- 3.12.1 Whilst an officer should not ordinarily be required to return to duty from an ELB before the agreed date without their consent the officer may be required to attend a review appointment if the Chief Constable has reasonable grounds for believing that the agreed objectives and timescales of the break may not be achievable. As a result the Chief Constable may require that an officer returns to duty. In such circumstances the officer will be allowed to make appropriate representations before a final decision is reached by the Chief Constable or delegated authority.
- 3.12.2 If the officer is required to return to Force for a short period of time, for example a pre-identified court case, appropriate/reasonable pay and expenses will be paid for the duration of the commitment only.
- 3.12.3 Officers wishing to return prior to the agreed date will be required to give one month's notice in writing to the Chief Constable via the HR PST ([please click here to open email](#)). Officers will be permitted to return, subject to there being a suitable vacancy, but as stated earlier there is no guarantee of a return to the same command/role or previous determined hours. In any event an officer should return within three months of having given notice. The month's notice may be waived in exceptional circumstances.
- 3.12.4 Officers wishing to seek an extension to their agreed extended leave break should submit a request in writing to the Chief Constable via the HR PST ([please click here to open email](#)), at least three months prior to their agreed return date, detailing the rationale for their request. These requests will be reviewed by the HR Specialist, Employee Relations who will make the final decision, in liaison with other parties if relevant. Extensions beyond the five year agreed period will not be granted unless there are exceptional circumstances.

4 Consultation and Authorisation

4.1 Consultation

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

4.2 Authorisation of this version

| Version No: | Name | Signature | Date |
|------------------|--------------------------|------------------|------------|
| 1.11 | | | |
| Prepared: | Teri Roberts (7403) | <i>T Roberts</i> | 11.08.2017 |
| Quality assured: | Karen Duke-Glover (6539) | | |
| Authorised: | | | |
| Approved: | | | |

5 Version Control

5.1 Review

| | |
|-------------------------------|--------------------------------|
| Date of next scheduled review | Date: 2 YEARS FROM PUBLICATION |
|-------------------------------|--------------------------------|

5.2 Version History

| Version | Date | Reason for Change | Created / Amended by |
|---------|---------------|--|----------------------|
| 1.0 | | Initial Document | |
| 1.1 | 2004 | Reformatting | Ms M Ashdown |
| 1.2 | 2006 | HR Designation Changes | Mr S Hounsell |
| 1.3 | January 2008 | Incorporate vetting requirements and other minor changes | Miss J Wells |
| 1.4 | February 2010 | Formatted to reflect new HR Business Structures | Mr S Martin |
| 1.5 | July 2010 | Designation changes | Mrs E Jacobs |
| 1.6 | Nov 2010 | Review of policy and addition of | Mrs E Jacobs |

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| | | Unpaid Leave | |
| 1.7 | Dec 2011 | Unpaid leave application amended | Mr K Davidge |
| 1.8 | 26/11/14 | The policy has been reviewed in preparation for NICHE implementation (April 2015), no changes necessary | Policy Co-ordinator (6362) |
| 1.9 | November 2015 | See full 'Key Information Summary' held by Corporate Development. Key changes include – various forms have now been removed and located under HR forms and templates – decisions on ELB applications has been delegated to the HR Specialist, Employee Relations with appeals to the Head of Personnel Services – attendance and performance has been added to the selection process. | Mr I Coombs |
| 1.10 | 6/4/16 | Amendment to 3.5.1. change from two to three | Mr I Coombs |
| 1.11 | 11/08/2017 | Put on to new force template. Government marking. Changes to designations. | Teri Roberts (7403) |
| 1.12 | 14.01.19 | Front page updated with statement to reflect harmonisation process. | Teri Roberts (7403) |

5.3 Related Forms

| Force Ref. No. | Title / Name | Version No. | Review Date |
|----------------|--|-------------|-------------|
| A21b | Application for Extended Leave Break (ELB) | 10.2015 | As per 5.1 |
| A21d | Application for Unpaid Leave | 10.2015 | As per 5.1 |
| A21c | Return from Extended Leave Break Form | 10.2015 | As per 5.1 |

5.4 Document History

| | |
|---|-----------------------------|
| Present Portfolio Holder | Director of Human Resources |
| Present Document Owner | Head of Personnel Services |
| Present Owing Department | Human Resources |
| Details only required for version 1.0 and any major amendment ie 2.0 or 3.0: | |
| Name of Board: | Strategic People Board |
| Date Approved: | 5 November 2015 |
| Chief Officer Approving: | Director of Human Resources |

(Template version August 2017)