

Public Holiday Allocation and Payment

As a result of the Winsor recommendations on Police Pay and Terms and Conditions, changes have been made to the public holiday regulations for police officers. This has caused some confusion as Winsor's original report made certain recommendations that do not appear to have been included in the published Determination. Therefore, for the purposes of clarity, I've created a Frequently Asked Questions below which outline exactly what the new regulations entail.

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Q. What is a Determination?

Since the Police Regulations of 1987 were amended in 2003, Determinations were added so that any amendments to those Regulations could be made by the Home Secretary without the need to change the primary legislation. They are, effectively, addendums to the Regulations which put meat on the bones of the overarching framework. Determinations are an integral element of the Regulations and, therefore, share their legal status.

Q. So what does the Determination on Public Holidays say?

The new Determination states that if you wish to substitute a statutory Public Holiday, other than Christmas Day, for another day, you can, with the approval of the Chief Officer, choose another day as your Public Holiday. In other words, you can swap one of the days you currently think of as a Public Holiday (such as Boxing Day) and take that Public Holiday on another day in the year of your choosing.

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Q. Can I take any other day as a Public Holiday?

You can apply for any other day but the Determination states that approval for that substitution must be given by the Chief Officer. Approval can only be refused if subject to the exigencies of duty. You're likely to find that if you ask for a day which is a known day of exceptional demand, such as New Year's Eve, approval may be justifiably rejected.

Q. What happens if I don't nominate any days or wish to remain with the statutory Public Holidays?

In that case, your statutory Public Holidays will be retained, ie those days you currently consider to be Public Holidays. Chief Officer approval is not required for the statutory Public Holidays.

Q. Will I get paid overtime if I have to work a Public Holiday?

Yes. If you are required to work a Public Holiday, you will be paid double time for the hours you've worked. That applies to both statutory Public Holidays and, if applicable, substituted Public Holidays.

Q. What would I get paid for the statutory Public Holidays if I've substituted them?

If you have chosen to substitute one or more statutory Public Holidays, that day would then become a normal working day so you would it at flat rate. Therefore, if you chose to substitute Boxing Day for, say, 15th January, you would work Boxing Day at flat rate and either take 15th January off or, if required to work it, be paid at double time for that day.

Q. Can the force cancel my Public Holidays?

No. If you are required to work on a Public Holiday, you will be paid at a rate of double time.

Q. So the suggestion that no Public Holiday will be paid in future is wrong?

Correct. We initially feared that, as Winsor had been talking of the ability of the force to cancel Public Holidays, where resilience did not exist and officers were required to work, the force may simply cancel the Public Holiday and require officers to work at flat rate. However, the Determination makes no reference to the cancellation of Public Holidays and they cannot, therefore, be cancelled. As a result, if you are required to work on a Public Holiday (either statutory or substituted) you will get paid double time.

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Q. If I nominate another day for a Public Holiday, will I definitely be able to work that day?

No. In fact, as Chief Officer approval has to be given, it is quite likely that sufficient resilience will be available on that day to allow you to take your entitlement of a day's leave on that day. If, however, you are required to work it, you will get paid double time.

Q. When do I have to nominate my substituted Public Holidays?

You must nominate your substituted Public Holidays by 31st January.

Q. What happens after I've nominated a substitute date for my Public Holidays?

Each chief officer must prescribe:

How the notice of a proposed substitution should be made; *Those on the CARM system email requests to your Resource Team. Those not on CARM arrange via line management.*

The time within which an officer will be notified of the chief officer's decision on the proposed substitution; *Such occasions will be notified by 15/2/13.* and

The arrangements for proposing a different date, if the officer wishes to do so, where exigencies of duty prevent a chief officer approving a proposed substitution. *Those on the CARM system will be invited to make application for alternative dates. Email requests to your Resource Team. Those not on CARM arrange via line management.*

Q. Does this change apply to all ranks?

No. This change applies only to Constables and Sergeants. Inspectors and above cannot nominate days other than statutory days. If they are required to work a Public Holiday, they are entitled to take another day off within the following 12 months.

Q. Can I choose to substitute just 1 Public Holiday and retain the other statutory Public Holidays?

Yes. That just needs to be submitted for approval as above.

Q. Can I apply to take all 7 substituted days in a single block?

Yes but approval will still be subject to the exigencies of duty. If there's insufficient resilience available for any of those days then approval may be declined. This shouldn't be a simple case of the manager not liking you having that time off though. It must be a policing imperative to activate the exigency of duty clause.

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Q. What happens if my PH falls on a rest day?

They are two separate types of duty. Therefore, where a statutory PH falls on what would otherwise have been your rest day, that rest day (for 8-hour and 2x2x2 officers) will be reallocated on that same rota. A simple example is that an 8-hour officer should have 8 rest days per month. If a PH appears within that rota, the officer should still get 8 rest days showing regardless of other considerations.