

# Northamptonshire Police



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## Continuous Service

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Department Responsible	People Services		
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Senior Owner	Paula Baker (C1146)		
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## **1. Introduction**

Terms of continuous service for Police officers and Police staff members

## **2. Legislative Compliance**

This document has been drafted to comply with the principals of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individuals and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with current Equality Legislation and policies. In addition, Data Protection, Freedom of Information and Health Safety issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all legislation and internal policies.

## **3. Policy Statement**

A member of staff's period of continuous service will be the date of commencement of employment with the Force.

Where a member of staff leaves one job to take up employment in another job within the Force, subject to there not being a break in service of one week or more, continuous service is maintained. This excludes previous service as a Police Officer when commencing any employment as a member of Police Staff and when a Police Staff member commences employment as a Police Officer.

For the purposes of entitlements regarding annual leave, occupational sickness entitlement, parental leave, adoption leave and maternity pay/leave, continuous service will include continuous previous employment with: a Police Force, Scottish Joint Board or NCS, NCIS, SOCA, NPIA (or predecessor), PSNI (or predecessor), and non Home Office Forces, also the Metropolitan Police

- a Police & Crime Commissioner
- a Chief Constable
- a Police Authority
- Police Service of Scotland
- Scottish Police Services Authority
- Scottish Drug & Crime Enforcement Agency
- Scottish Joint Police Board
- National Crime Agency
- Serious & Organised Crime Agency
- National Crime Squad

- National Criminal Intelligence Service
- College of Policing
- National Policing Improvement Agency
- Centrex
- Police Service of Northern Ireland
- Royal Ulster Constabulary
- Non-home Office Forces
- Metropolitan Police
- British Transport Police

From 1 April 2007 previous continuous employment with an organisation(s) covered by the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999 (Appendix One) will be classed as continuous service for the purposes of 2.1 and calculating entitlements at 2.3 for police staff. There must be no break in service; the only exception to this rule is a break in service due to a weekend.

In order to determine eligibility for continuous service at 2.3 and 2.4 a reference will be required from the previous employer confirming the dates of employment. Potential Police Staff members must highlight their eligibility for continuous service on the police staff application form. The MFSS Recruitment Team will request a reference from the previous two employers. Should the new Police Staff member believe they are eligible for continuous service with previous employers it is their personal responsibility to provide references to the MFSS Recruitment Team. The MFSS Recruitment Team will check all references. The MFSS Recruitment Team will write to the police staff employee confirming what additional benefits and/or accrued service they are entitled to.

Individuals are entitled to a further 5 days annual leave after 5 years continuous service. It is the responsibility of the individual to notify their line manager of the date that 5 years continuous service is accrued.

#### **4. MATERNITY LEAVE AND CONTINUOUS SERVICE**

If a member of Police Staff has left a Police Force for maternity reasons or reasons concerned with caring for children or other dependents, continuity of service in respect of entitlements as detailed in 2.3 will be protected provided that the break does not exceed 8 years and has not been in permanent full time paid employment since. The above should also apply except for the calculation of annual leave entitlement. In the calculation of annual leave entitlement the 8-year time limit should not apply, provided that no permanent full time paid employment has intervened.

#### **5. REDUNDANCY AND CONTINUOUS SERVICE**

If a member of Police Staff was previously made redundant by an organisation

covered by the Redundancy Payments (Local Government) (Modification) Orders the period of service with that organisation should count for the purposes of (2.1) above provided the break in service does not exceed two years regardless of whether or not there has been other paid employment in the meantime.

## **6. TUPE AND CONTINUOUS SERVICE**

Where an employee is transferred to an organisation not covered by 2.3 continuity of service is protected under the TUPE Regulations where there is a TUPE transfer. Where an employee returns voluntarily to the police service after such a transfer, without a break between employments, continuity of service in respect of entitlement set out in 2.3 will be protected. This is subject to the return to service being within five years of the original transfer. This applies to employees who have returned to the Police Service since 1 April 2010 and calculation of any benefits will only take effect from this date.

## **7. Monitoring and review**

The senior owner will review the content of this guidance annually to ensure that this is relevant and up to date. The author has agreed that this document will be reviewed within 12 months of the effective date.

## **8. Related Documents**

Any related policy / procedure links can be found via the policy library.