



NOT PROTECTIVELY MARKED

WEST MIDLANDS POLICE

Force Policy Document

POLICY TITLE:	Away from Home Overnight and Hardship Allowances
POLICY REFERENCE NO:	HR/13

Executive Summary

This policy explains the eligibility criteria for payment of the Away from Home Overnight Allowance and the Hardship Allowance.

**Any enquiries in relation to this policy should be made be made directly with that of the policy contact / department shown below.

Intended Policy Audience

All police officers up to the rank of Chief Inspector employed by West Midlands Police

Current Version And Effective Date.	Version 2.1	04.06.2013
Business Area Owner	Human Resources	
Department Responsible	Human Resources	
Policy Contact	Tina Fergus	
Policy Author	Tina Fergus	
Approved By	Director of Resources: David Wilkin	
Policy Initial Implementation Date	04.06.2013	
Review Date	24 months from date of implementation	
Protective Marking	Not protectively marked	
Suitable For Publication – Freedom Of Information	Yes	

Supporting Documents

- Regulation 34, Police Regulations
- Home Office circular 010/2012

Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

Please Note

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UPTO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP DATABASE ON THE INTRANET.

Force Diversity Vision Statement and Values

“Eliminate unlawful discrimination, harassment and victimisation. Advance equality of opportunity and foster good relations by embedding a culture of equality and respect that puts all of our communities, officers and staff at the heart of everything we do. Working together as one we will strive to make a difference to our service delivery by mainstreaming our organisational values”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

Table of Contents

1.	INTRODUCTION	4
2.	AWAY FROM HOME OVERNIGHT ALLOWANCE - PAYMENT CRITERIA.	4
3.	HARDSHIP ALLOWANCE – PAYMENT CRITERIA	4
4.	CLAIMS PROCESS	5
5.	EQUALITY IMPACT ASSESSMENT (EQIA).....	5
6.	HUMAN RIGHTS.....	5
7.	FREEDOM OF INFORMATION (FOI).....	5
8.	TRAINING.	5
9.	PROMOTION / DISTRIBUTION & MARKETING.....	6
10.	REVIEW	6
11.	VERSION HISTORY.....	6

APPENDIX

1. INTRODUCTION

The Away from Home Overnight and Hardship Allowances were introduced following the publication of the Winsor 1 report. They came into force on 1 April 2012. Regulation 34, Police Regulations, applies to police officers up to and including the rank of Chief Inspector.

2. AWAY FROM HOME OVERNIGHT ALLOWANCE - PAYMENT CRITERIA

- a) An officer is “held in reserve” if he/she is serving away from their normal place of duty and is required to stay in a particular, specified place rather than being allowed to return home. The normal place of duty is the current place of duty whether this is on a temporary or substantive basis.

Officers who are “held in reserve” overnight may be eligible for payment of the Away from Home allowance (£50 per night) in the following circumstances:

- The officer is required by the Force to stay in a particular, specified place overnight rather than being allowed to return home
- The officer is deployed by the Force overseas on operational duties (which does not include international training/conferences)

The allowance will not be paid in the following circumstances:

- Officers will not be entitled to the allowance, if they are away from home for training purposes. This includes formal and informal training courses, conferences, seminars and any briefings which are ancillary to the training event.
- Officers carrying out routine duties. Officers carrying out routine enquiries or everyday duties, which form a regular part of their role, are not entitled to the allowance, whether within Force or otherwise (see scenario examples at Appendix 1). Where there are exceptional circumstances that may warrant consideration of paying the overnight allowance outside of the examples given, a business case should be prepared for the consideration of the appropriate territorial ACC and the Head of HR.

- b) There are no mandated restrictions on officers when off duty and any reference to being “held in reserve” simply relates to the officer being required to stay in the provided accommodation.
- c) The deployment may be to provide assistance to another Force under Section 24 of the Police Act 1996 or otherwise.
- d) The Overnight Allowance is paid in addition to pay for hours actually worked and travelling time, including overtime and unsocial hours' allowances where applicable.

3. HARSHIP ALLOWANCE – PAYMENT CRITERIA

Officers who are eligible for payment of the Away from Home Overnight Allowance (held in reserve) may also be eligible to receive the Hardship Allowance (£30 per night) if they are not provided with proper accommodation, defined as a single occupancy room with use of en suite bathroom facilities. The allowance is not payable in circumstances where proper accommodation is available to the officer, but not taken.

4. CLAIMS PROCESS

Where there are large-scale deployments (e.g. the Olympics) payments will be co-ordinated by Operations Department on behalf of the officer and there will be no requirement to submit individual claims. Officers involved in smaller scale deployments should arrange completion of the Fin 150a 'Away from Home Overnight Allowance' form by their line manager for verification prior to obtaining an authorised signatory and submission to payroll. This form allows for multiple officers to claim on one form. Individual officers eligible for the allowance should complete a Fin 150 form for verification by their line manager prior to obtaining an authorised signatory and submission to payroll.

5. EQUALITY IMPACT ASSESSMENT (EQIA)

The Policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:

- Eliminate discrimination, harassment, and victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this Policy

6. HUMAN RIGHTS

6.1 This policy has been implemented and reviewed in accordance with that set out with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties and values of WMP (and its partners), to uphold the law and serve/protect all members of its community (and beyond) from harm.

7. FREEDOM OF INFORMATION (FOI)

7.1 Public disclosure of this policy document is determined by the Force Policy Co-ordinator on agreement with its owner. Version 2.1 of this policy has been GPMS marked as 'Not protectively marked'.

7.2 Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

Which exemptions apply and to which section of the document?	Whole document	Section number
None		

8. TRAINING.

No specific training is required.

9. PROMOTION / DISTRIBUTION & MARKETING

The following methods will be adopted to ensure full knowledge of the Policy:

The policy will be placed on the HR intranet site with worked examples to aid understanding. It will also be published on the force intranet on the EQUIP database.

10. REVIEW

- 10.1 The Policy business owner, Corporate HR, will maintain outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.
- 10.2 The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc.
- 10.3 A formal review of the Policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.
- 10.4 Any amendments to the Policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.
- 10.5 Feedback is always welcomed by that of the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.



CHIEF CONSTABLE

11. VERSION HISTORY

Version	Date	Reason for Change	Amended/Agreed by.
1.0	25 March 2013	Winsor Report followed by Regulations change. Distributed for consultation with key stakeholders	Tina Fergus
2.0	24 th May, 2013	Final Draft to Command Team	PS 4566 Brookes

The Away From Home Overnight Allowance - Interpretation Examples

The Away From Home Overnight and Hardship Allowances are cited in Regulation 34, Police Regulations 2003, Annex U and became statute in Determinations which came into force on 1st April 2012. These Determinations were subsequently expanded upon in Home Office Circular 010-2012, which were published on 16th April 2012.

The following scenarios have been compiled to assist claimants, verifying officers and authorising officers with their interpretation of the determination, to decide upon the eligibility to claim the Away From Home Overnight Allowance. The interpretation of each of the scenarios listed has been formally agreed between Corporate HR and the Police Federation.

Where there are exceptional circumstances that may warrant consideration of paying the overnight allowance outside of the examples shown below, a business case should be prepared for the consideration of the appropriate territorial Acc and the Head of HR.

Scenario	Eligible	Reason
<i>A Football Intelligence Officer or Spotter is required to stay away from home overnight the evening before or after a football fixture.</i>	No	Football Intelligence Officers and Spotters are deemed to be carrying out routine enquiries or everyday duties which form a regular part of their role.
<i>Officers travel abroad to collect a wanted criminal and are required to stay in a hotel the night before returning with the detained person.</i>	Yes	The officers are eligible to claim as they are abstracted from their everyday routine duties to travel abroad to escort a detained person back to force. Overseas travel is deemed as not being routine due to authorisation process required such as pension & insurance detail being required.
<i>Officers travel within the UK to obtain statements for an investigation and are required to stay overnight due to location of enquiries.</i>	No	Obtaining statements is considered to be a routine enquiry within the context of police duties. Allowance is therefore not payable.
<i>Officers travel within the UK to attend court and are required to stay overnight due to location of court appearance.</i>	No	Attending court is considered to be a routine enquiry within the context of police duties. Allowance is therefore not payable.
<i>Officers are required to stay away from home to attend a training event. This includes training events both within and outside the force area.</i>	No	Officers accommodated away from home overnight for the primary purpose of training are not eligible to claim.

NOT PROTECTIVELY MARKED

<p><i>Surveillance officers follow a suspect and he travels out of the county with the surveillance continuing, resulting in the officers being required to stay overnight.</i></p>	<p align="center">Yes</p>	<p>Surveillance officers can be reasonably expected to follow suspects away from the force area, however it is only in exceptional circumstances that they would stay away overnight. Consequently, the impromptu overnight stay is not deemed to be carrying out routine enquiries. The officers are eligible to claim the allowance.</p>
<p align="center"> </p>		
<p><i>Officers are required to stay away from home to facilitate/ support a training exercise. This includes events both within and outside the force area.</i></p>	<p align="center">No</p>	<p>Officers accommodated away from home overnight for the primary purpose of training are not eligible to claim. This applies to all training events, not just if officers are being trained themselves.</p>
<p align="center"> </p>		
<p><i>Officers are sent to another UK force on Mutual Aid or equivalent to assist an operation or investigation and are required to stay overnight due to location of enquiries.</i></p>	<p align="center">Yes</p>	<p>Whilst conducting investigations are normally a routine duty, being sent out of force by a national body to assist an investigation in another force is not deemed as routine. Allowance would be payable.</p>
<p align="center"> </p>		
<p><i>Officers are sent to enforce entry to conduct a warrant in another force area. Due to early start they are instructed to stay overnight to enable effective operation.</i></p>	<p align="center">Yes</p>	<p>Whilst conducting forced entries would normally be classed as a routine duty, being sent out of force to do so is not deemed to be routine as the home force would normally be requested to conduct entry. Allowance would therefore be payable.</p>
<p align="center"> </p>		
<p><i>Officers are sent to produce a prisoner for extradition on a European Arrest Warrant. Transport plane is delayed overnight and at short notice officers have to return prisoner to prison and re-produce early next morning.</i></p>	<p align="center">Yes</p>	<p>Whilst conducting a pre-planned production would be classed as a routine enquiry, individual circumstances of the case required an unforeseen and short notice overnight stay. This is therefore not deemed to be routine and allowance would be payable.</p>
<p align="center"> </p>		