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WEST MIDLANDS POLICE Force Policy Document

POLICY TITLE:	Special Constables:- Expenses and Allowances
POLICY REFERENCE NO:	LP/06

Executive Summary.

The aim of this policy is to standardise the process for the reimbursement of members of the Special Constabulary for out of pocket expenses incurred through attendance at their voluntary duties.

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

Intended Policy Audience.

The intended audience for this policy will include all members of the Special Constabulary, and other members of West Midlands Police who have responsibility for the management or administration of representatives of the Special Constabulary.

Current Version And Effective Date.	Version 1.8	November 2018
Business Area Owner	Local Policing	
Department Responsible	Integrated Emergency Planning	
Policy Contact	[REDACTED]	
Policy Author	Inspector [REDACTED]	
Approved By	ACC Sarah Boycott	
Policy Initial Implementation Date	November 2009	
Review Date	6 months from implementation	
Protective Marking	Official	
Suitable For Publication – Freedom Of Information	Yes	

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Supporting Documents

- *Special Constabulary Regulations 1965*
- *Police regulations 2003 - regulation 34*
- *Home Office Guidance on Special Constable expense and allowance (April 2014)*
- *National Policing Improvement Agency Circular 04/2010*
- *Code of Ethics (http://www.college.police.uk/docs/Code_of_Ethics.pdf)*

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.

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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."

Code of Ethics

West Midlands Police is committed to ensuring that the Code of Ethics is not simply another piece of paper, poster or laminate, but is at the heart of every policy, procedure, decision and action in policing.

The Code of Ethics is about self-awareness, ensuring that everyone in policing feels able to always do the right thing and is confident to challenge colleagues irrespective of their rank, role or position. Every single person working in West Midlands Police is expected to adopt and adhere to the principles and standards set out in the Code.

The main purpose of the Code of Ethics is to be a guide to "good" policing, not something to punish "poor" policing.

The Code describes nine principles and ten standards of behavior that sets and defines the exemplary standards expected of everyone who works in policing.

Please see http://www.college.police.uk/docs/Code_of_Ethics.pdf for further details.

The policy contained in this document seeks to build upon the overarching principles within the Code to further support people in the organization to do the right thing.

CONTENTS

1.	INTRODUCTION	5
2.	TRAVELLING EXPENSES.....	5
3.	OUT OF POCKET EXPENSES.	6
4.	SUBSISTENCE ALLOWANCE.	6
5.	LOSS OF RENUMERATION ALLOWANCE.	7
6.	INJURY WHILST ON DUTY (SICK PAY).....	8
7.	COMPLETION OF EXPENSE CLAIMS- DUTY SHEET.....	8
8.	FOOTWEAR ALLOWANCE.....	9
9.	EQUALITY IMPACT ASSESSMENT (EQIA).....	9
10.	HUMAN RIGHTS.....	9
11.	FREEDOM OF INFORMATION (FOI).....	10
12.	TRAINING.	10
13.	PROMOTION / DISTRIBUTION & MARKETING.....	10
14.	REVIEW.	10
15.	VERSION HISTORY.....	11
	Appendix A Special Constables: - Personal Injury Insurance.	12
	Appendix B Flowchart: Recompense for Loss of Earnings	13

1. INTRODUCTION

- 1.1. This policy aims to standardise the way Special Constabulary are reimbursed for out of pocket expenses incurred during their voluntary duties. The policy attaches an overriding principle that Special Constables should not be out of pocket as a result of attending their voluntary duties. Special constables should only receive payment for the actual expenses incurred in order to perform their duty.
- 1.2. Provision for the payment of the expenses and allowances that Special Constables are entitled to, are provided for in Home Office Guidance on Special Constable Expense and Allowance Rates.
- 1.3. The expenses and allowance a special constable may be entitled to in the regulations are:-
 - Travel expenses
 - Out of Pocket expenses
 - Subsistence and lodging allowance
 - Loss of remuneration allowance
- 1.4. West Midlands Police (WMP) have elected not to supply issued foot-ware to Special Constables, but have, instead given provision for Special Constables to claim a foot-ware allowance payable annually at the discretion of the Chief Constable (see Section FOOTWEAR ALLOWANCE. for further details).
- 1.5. Special Inspectors will receive claims via Duty Sheet (dedicated IT programme for special constable duties and expenses). They will be submitted by the relevant Special Inspector on a monthly basis into Payroll where once processed will be paid into the bank account of the claimant.
- 1.6. Payment of Expenses- The general principle for out of pocket expenses is that if there is genuinely no element of profit from performance of duties then the allowance may be paid, or the expense reimbursed, tax free. These include allowances that cover the cost of travelling between home and a place of work. This general principle applies to SCs: where payments amount to no more than reimbursement of expenses and there is no element of profit involved, then they are not subject to either income tax or NICs

2. TRAVELLING EXPENSES.

- 2.1. Special Constables are entitled to reclaim the expenses that are incurred travelling to and from duty by submitting a claim through Duty Sheet- (Statement of Expenses actually & necessarily incurred by a special constable). Individuals may also claim any travel expenses that they incur whilst on duty when they have to travel to another location away from their parade station as part of the duty. (This would normally be senior grades on welfare visits, force meetings or other authorised journeys required of their post).
- 2.2. Special constables travelling on public transport may reclaim the cost of their journey unless using public transport under the provisions of the Public Transport Concession Policy. This concession may only be used whilst on duty or travelling to or from a tour of duty on the relevant service providers detailed in the policy and within the agreed area of concessions. Special Constables using this concessionary travel scheme are requested to adhere to the full requirements of this Public Transport Concession Policy including intervening where required in incident that occur, or at the request of representatives of the service provider.

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- 2.3. Special Constables who pay for transport to or from their parade station should be able to provide proof of cost of the usual journey to and from the parade station if required. There is no need for this to be submitted for each claim, however, must be able to be provided for audit should it be deemed necessary by the Special Inspector or other internal department who are charged with conducting audits.
- 2.4. Special constables who use travel cards or seasonal tickets for public transport should not be making a claim unless they are actually incurring an extra expense as a result of a duty.
- 2.5. Where a special constable who uses public transport, is requested to start or finish their duty at a time when public transport services are not running, there may be a need for the individual to use a taxi. This option may only be used in the most extenuating of circumstances and once all other options have been considered. The use of taxis by any member of the Special Constabulary will be the exception. If there are no other means of transport available then claims will be assessed on the production of a valid receipt and a brief description of the circumstances for the use of taxi transport on a WG401 (white report) submitted to their Special Inspector. The claim will also need to be submitted through Duty Sheet and the Special Inspector receiving the report will approve and submit the claim through Duty Sheet to Payroll. The claimant will need to scan and e-mail the receipt to the Sector Inspector and then retain the receipt until payment is authorised.
- 2.6. Special Constables and Special Sergeants who travel to and from their regular place of duty by their own vehicle will be reimbursed the cost of their mileage using the shortest route (Michelin <http://www.viamichelin.co.uk/> and the shortest route should be selected avoiding tolls). This mileage will be paid at the local transport rate for their journey. Special Inspectors and above are entitled to claim the casual users rate in the same way.
- 2.7. All specials choosing to use their own vehicles in the course of their business as a Special Constable must check that their insurance covers them for business use and travelling to/from work.

N.B. *This information is included in the provision of the Special Constables induction process delivered by Learning and Development. All new recruits will have the use of vehicles within their role pointed out to them along with other force regulations covering vehicle use.*

3. OUT OF POCKET EXPENSES.

- 3.1. Members of the Special Constabulary are able to claim out of pocket expenses that are reasonably incurred in the course of their duty. This may include essential phone calls, batteries for torches, etc.
- 3.2. Claims for any out of pocket expenses will be made through Duty Sheet with receipts being retained by the claimant for audit purpose should they be required. They will then be agreed and processed in the same manner by Special Inspectors through Duty Sheet. The claimant will need to scan and e-mail the receipt to the Sector Inspector and then retain the receipt until payment is authorised.

4. SUBSISTENCE ALLOWANCE.

- 4.1. Subsistence allowance is payable to members of the Special Constabulary who are retained on duty beyond their normal voluntary hours, at the requirement of the Neighbourhood Policing Unit (NPU) or Central Unit. This allowance is not payable for duties that Special Constables volunteer for in advance that exceed their normal 4 hour tour. This allowance is to cover circumstances where members of the Special Constabulary are retained on duty for a specific purpose, i.e. to deal with a person in custody, complete a handover package or to cover some unforeseen emergency. The request to retain the officer on duty will be entered in the Special Constables

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pocket book and signed by the regular supervisor who is retaining the member of the Special Constabulary on duty. This endorsement will authorise the payment of this allowance.

4.2. Subsistence allowances are scaled depending on the time the officer is retained on duty. The maximum rates are outlined below. Rates are periodically amended by Home Office Circulars (HOC). Current rates as of April 2014 are:

- Over 4 hours but not exceeding 8 hours from the start of duty, an allowance of up to £7.23 is payable.
- Over 8 hours but not exceeding 12 hours from the start of duty, an allowance of up to £14.66 is payable.
- Over 12 hours from the start of duty, an allowance of up to £24.15 is payable.

4.3. Subsistence allowances are claimed by the officer through Duty Sheet. The receipt should be scanned and e-mailed to the Special Inspector and retained by the officer for audit purposes. The officer can only claim the true value of the expense up to the value outlined above. The payment will only reflect the receipted amount claimed. Where a Special Constable is retained on duty a police supervisor will record the reason in the officer's pocket book. Special Inspectors will authorise the claim and submit it for payment through Duty Sheet.

4.4. The general rule around expense claims is that the claim should be a re-imbursement of out of pocket expenses. Special Constables are reminded that should any payment be made in excess of out of pocket expenses then this would class as a profit and be subject to taxation and possibly NICs. Where this is the case then the individual officer has the sole responsibility of submitting form P11D to HMRC. Failing to do so may constitute tax evasion. However, West Midlands Police guides officers that they can only claim for what out of pocket expenses they have been subject to and can account for via a receipt.

4.5. Where officers attend a training day for continued professional development, if the length of the day extends beyond 4 hours then a subsistence claim can be made in accordance with the above section 4.2. Officers will need to provide a receipt for the claim and can only claim the actual cost incurred.

4.6. Where officers are posted to a pre-planned duty of over 4 hours then the above subsistence rates will apply under section 4.2. An exception to this will be where meals are provided by the organisation for staff as is usual for larger planned events.

4.7. Occasionally, officers will have the need arise to come straight to work within their role from their own private place of work without the opportunity to be able to have a meal in their normal manner. Where this is the case, the officer will be able to claim subsistence up to a maximum of £7.23. This will be a claim for the actual expense of the goods purchased and will need to be receipted in the same manner as other subsistence claims.

5. LOSS OF REMUNERATION ALLOWANCE.

5.1. The Secretary of State has approved, under Regulation 4(2) of the Special Constables Regulations 1965 that payment to a Special Constable may be paid an allowance: -

- a. in respect of loss of remuneration in his private employment while required for duty,
-or,
- b. in respect of such other matters as the Secretary of State may from time to time approve.

5.2. Loss of remuneration allowance may be claimed by a member of the Special Constabulary who is required for duty during their normal work time and this absence would affect their pay. An allowance equal to the actual loss of earnings on a daily basis in their private employment may be claimed. Members of the Special Constabulary are normally only expected to attend for duty outside their working hours, but there may be occasions, such as attendance to give evidence at

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court, where such attendance is inescapable. The circumstances in which a member of the West Midlands Police Special Constabulary can be required to attend for duty are to be determined by the Chief Constable.

- 5.3. A member of the Special Constabulary may claim the allowance back by submitting a WG 401 together with a letter attached from their employer which confirms the net amount (Gross wage less tax and National insurance) the individual has lost from their earnings by being absent from work. The claim will also be submitted by the officer through Duty Sheet. These claims should be authorised by the Specials Inspector and then submitted through Duty Sheet for payment. All claims submitted will be paid 25th of the month following the month of the submission into Payroll, directly into the individuals preferred bank account.

N.B. *Special constables must not claim such expenses through the Court.*

- 5.4. Tax implications for Special Constables are contained in Home Office Guidance on Special Constable Expense and Allowance Rates April 2014:
(<https://www.gov.uk/government/consultations/special-constables-revised-expense-and-allowance-rates>).

6. INJURY WHILST ON DUTY (SICK PAY).

- 6.1. Provision of sick pay for members of the Special Constabulary injured on duty is contained within Regulation 5 of the Special Constables Regulations 1965.
- 6.2. If a Special Constable is injured (or contracts a disease) whilst in execution of their duty, (including traveling to and from that duty) and that injury results in them being unable to complete their normal employment; they will be entitled to claim sick pay from West Midlands Police (WMP) whilst recovering subject to there being a loss of remuneration. WMP will cover the officer's loss of earnings whilst they were unable to work for a period of injury up to 28 weeks. If the officer is entitled to any of the following entitlements then the entitlement will be deducted from the total sick pay.
- any sickness benefit under the Social Security Act 1975, or
 - any statutory sick pay under the Social Security and Housing Benefits Act 1982.
- 6.3. Any member of staff (including member of the Special Constabulary) injured on duty must report the accident/injury using the iCASS online accident form (<http://icass/CASS/servlet/CASSStart>). The procedure for claiming recompense for loss of earnings due to an injury incurred on duty is included within the flowchart shown in Appendix B.
- 6.4. All members of the Special Constabulary whilst on duty are covered by WMP employee liability insurance and as such are eligible to claim for injuries caused in the course of their duty. Full details of insurance cover can be obtained from the Force Insurers. Details of the main areas of Personal Injury Insurance cover are shown in Appendix A.

7. COMPLETION OF EXPENSES CLAIMS INTO DUTY SHEET

- 7.1. Special constables of all ranks will complete an entry into Duty Sheet for each duty performed regardless of whether claiming allowances or not. This will act as a record of duties performed for each officer. Each officer will submit their own claims into Duty Sheet where an expense has been incurred. Specials Inspectors will be responsible for the review of expenses, authorising and submitting them to Payroll.
- 7.2. A date will be identified internally for the submission of each month's expenses to be entered into Duty Sheet. This will allow for the time-lining, authorising and processing of expenses by

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Special Inspectors. Currently, all expenses are required to be uploaded by the last day of the month for processing by Special Inspectors.

- 7.3. The payment of expenses directly into an officer's account will be paid 25th of the Month following the claim being processed by Payroll. Claims can be tracked for progress through Duty Sheet and My Service Portal.

8. FOOTWEAR ALLOWANCE.

- 8.1. Members of the Special Constabulary may claim up to £50 each year (Part 1 Order 12/2008 refers) for the provision of footwear used in the course of their duties subject to the following criteria set out below: -

- all claims should be made retrospectively in March each year;
- Claims will be submitted via Duty Sheet for approval by the Specials Inspector responsible for the individual submitting the claim. They will consider the number of duties undertaken by the officer claiming the allowance. Claimants should have complied with the Service Level Agreement to receive this allowance.

- 8.2. If the Special Inspector authorises the allowance payment, this will be submitted by the Special Inspector as authorised, through Duty Sheet.

- 8.3. Should an allowance be refused the grounds for refusal will be submitted in writing to the claimant explaining the reason for refusal.

- 8.4. Any appeals against this refusal should be submitted in writing to the Departmental Head for the area in which the Special Constable works who will then determine the reason for the refusal and if these grounds are suitable. If the claim is upheld the officer will be informed of this in writing. If an appeal reveals that there are extenuating circumstances that would overrule the refusal then the claim should be authorised for payment.

9. EQUALITY IMPACT ASSESSMENT (EQIA).

- 9.1. This 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.

10. HUMAN RIGHTS.

- 10.1. This policy has been implemented and reviewed in accordance 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.

11. FREEDOM OF INFORMATION (FOI).

- 11.1. Public disclosure of this policy document is determined by the Force Policy Co-ordinator on agreement with its owner. Version 1.6 of this policy has been GCS marked as Official.
- 11.2. 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	Yes	N/A

12. TRAINING.

- 12.1. This policy will be published on the Equip Policy Portal and circulated to all Special Constables currently on the establishment and reiterated through Special Constabulary training sessions. This policy will also be delivered to newly recruited Special Constables through initial recruitment training.

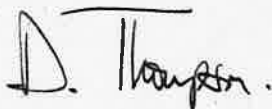
13. PROMOTION / DISTRIBUTION & MARKETING.

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

- Published on Equip Policy Portal
- Message of the Day
- Training delivery to all Special Constable recruits.

14. REVIEW.

- 14.1. The policy business owner is the West Midlands Police, Head of Special Constabulary who maintains outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.
- 14.2. 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.
- 14.3. 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.
- 14.4. Any amendments to the policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.
- 14.5. Feedback is always welcomed by 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

15. VERSION HISTORY.

Version	Date	Reason for Change	Amended/Agreed by.
1.0	November 2009	Part 1 Order 38/2009	Previously published
1.1	September 2014	Policy Reviewed	Amended by T/Inspector [REDACTED] on behalf of Michael Rogers Head of Special Constabulary.
1.2	October 2014	Initial Feedback from review by [REDACTED]	T/Inspector [REDACTED]
1.3	November 2015	Feedback from Michael Rogers	T/Inspector [REDACTED]
1.4	December 2014	Feedback from Meeting with Michael Rogers and [REDACTED]	T/Inspector [REDACTED]
1.5	January 2015	Injury Flow Chart Added to document	T/Inspector [REDACTED]
1.6	July 2017	Reviewed and updated in line with new IT systems being introduced to streamline expense claims and to identify new claim rates.	Inspector [REDACTED]
1.7	Feb 2018	Additional expense sections around subsistence, training sessions that run over 4 hours as well as pre-planned tours of duty beyond 4 hours.	Inspector [REDACTED]
1.8	November 2018	Expense claim procedure changed from using Oracle Fusion system to Duty Sheet direct process claim system with payroll.	Special Inspector [REDACTED] [REDACTED]

Appendix A Special Constables: - Personal Injury Insurance.

West Midlands Police has arranged Personal Injury Insurance at nil cost to Special Constables.

Cover operates whilst an insured person is engaged in their duties as a Special Constable for the West Midlands Police including activities complementary thereto; journeys directly connected therewith and journeys between private residence/usual place of employment (whichever is left last) to the place of duty for the police and journeys between place of duty for the police to private residence/usual place of employment (whichever is reached first).

The following is a summary only of the main Benefits payable:

- | | |
|---|--|
| • Death | £50,000 |
| • Permanent Total Disablement (from ANY occupation) | £50,000* |
| • Permanently Disabling Injuries | £50,000 (<i>Loss of limb(s), sight, hearing in both ears, speech, intellectual capacity</i>) |

N.B. Lesser degrees of permanently disabling injuries are paid on a percentage of £50,000.

- Temporary Total Disablement: £ 100 per week for up to 104 weeks.
(No waiting time.)
- *In the event of Paraplegia, the Insurer will pay £50,000 in addition to the Permanent Total Disablement benefit, making £100,000 in total.
- *In the event of Quadriplegia, the Insurer will pay £125,000 in addition to the Permanent Total Disablement benefit, making £175,000 in total.
- Bodily injury resulting in Coma £50 per day, up to 730 days.
- Dependent Adult Benefit, (per adult) £5,000
- Dependent Child Benefit, (per child) £5,000
(Dependency benefits become payable only in the event of death of the insured person.)

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Appendix B Flowchart: Recompense for Loss of Earnings

