**Guidance on the use of Targeted Variable Payments**

**with effect from 1st July 2021**

**Any queries on this Guidance should be sent to NRT Enquiries <enquiries.nationalrewardteam@thamesvalley.pnn.police.uk>**

**GUIDANCE FOR TARGETED VARIABLE PAY**

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1. **Purpose of the Guidance**
   1. This guidance is intended to assist forces when reaching decisions on the use of the discretionary payments permitted to police officers, following a determination (Annex U (amended)), under regulation 34 of the Police Regulations 2003. It should be read in conjunction with the legislation. It will be reviewed at regular intervals by the National Reward Team (NRT) and updated, as necessary.
   2. Targeted Variable Pay (TVP) is the collective term used throughout this document to describe any one of the range of payments made by virtue of Annex U (amended), under regulation 34 of the Police Regulations 2003.
   3. As with all legislation, particularly that of a discretionary nature, it will be for each Force when considering the use of TVPs to take into account the risk of discrimination and the requirement to fulfil their Public Sector Equality Duty (PSED). This will involve gathering information on whether there is the potential for discrimination and to consider mitigation before coming to a decision on whether payments are justified. Each force will have their own procedures for completing Equality Impact Assessments (EIAs). That process will involve data gathering, staff consultation and reviewing the evidence before going through each of the protected characteristics to look at the negative (and positive) effects on each protected characteristic before considering the risks and reaching a decision as to whether to use TVPs.
   4. We know that there are certain areas in teams, ranks and policing where there is underrepresentation from some groups in society. However, as each Force is unique and has its own individual set of risk factors, the NPCC is not in a position to speak to the context of all teams in all forces. This guidance is, therefore, directional and seeks to assist forces in considering the use of the various types of TVPs whilst complying with their obligations under the Equality Act 2010.
   5. Following the introductory paragraphs outlining the background to TVPs and the overarching principles and policy intent, the body of this guidance is divided into two sections. **Section 1** provides broader guidance on TVPs and **Section 2** provides a suggested process that forces may choose to follow when considering their use.
2. **Background to Targeted Variable Payments**
   1. In 2017 the Police Remuneration Review Body (PRRB) made a recommendation in relation to targeted pay arrangements for police officers. This was subsequently supported by the Home Office[[1]](#footnote-1). The latest determinations take effect from 1st July 2021 and replace these temporary arrangements. The determinations are, again, temporary and will cease at the end of June 2023. This is to allow the Home Office to evaluate its use by the service and to complete a full Equality Impact Assessment (EIA) before making the arrangements permanent.
3. **Purpose and Intent**
   1. These payments have been introduced to assist chief officers with the movement of police officers into service critical roles. They are available as a recruitment and retention tool; where normal advertising and posting methods have proved ineffective and vacancy levels present a significant risk to service delivery. The provisions also allow chief officers to award a payment to Superintendent and Chief Superintendent ranks, if it is considered that the role that they are performing is demanding.
   2. The proposals provide chief officers[[2]](#footnote-2) with the discretion to make additional and targeted payments to officers in circumstances where the prescribed criteria are met. The payment criteria have been strengthened to afford greater flexibility and also to accommodate the needs arising from Operation Uplift; specifically, the retention of expertise whilst the service grows by 20,000 officers.
   3. In brief, the proposals will allow discretion for:
4. Payments where chief officers are satisfied that the member of their force has performed work of an outstandingly demanding, unpleasant or important nature (as per the current regulation 34 bonus payment provision but with broader application) [Bonus Payments – Reg 34 section 1(8)].
5. Financial incentives to assist with recruitment of officers into ‘hard to fill’ roles; to retain officers in demanding roles and for skills that are in short supply by virtue of the role/or location [Service Critical Skills Payment – Regulation 34 section 2(15)].
6. The financial recognition of demanding Superintendent and Chief Superintendent roles [Recognition of Workload Payment - Regulation 34 section 2(16)].
   1. The ability for a Chief Officer to post an officer anywhere within the force boundary for policing purposes remains unchanged[[3]](#footnote-3). Such a posting amounts to a lawful order but it is recognised that, with a modern workforce and growing levels of role specialisation, mandated postings are sometimes neither possible nor desirable.
7. **Overarching Principles**

* 1. When using TVPs forces should adhere to the following overarching principles. This is covered in greater detail under Section 2:

1. Appointment of a senior responsible officer to oversee the TVP process.
2. Use an evidence-based approach when considering the use of TVP.
3. Assess the equality impact and act accordingly.
4. Consult on proposals to promote transparency and allow test and challenge.
5. Communicate decisions and confirm arrangements in writing.
6. Capture equality data of those offered and in receipt of TVPs.
7. Regularly review the justification for TVPs (at least annually).
8. Review equality data associated with TVPs and act accordingly.
9. **The Use of TVPs**
   1. TVPs are at the discretion of chief officers and should not be viewed as a substitute to addressing any underlying cause of any ongoing vacancy levels. Factors such as leadership, the working environment, training and working practices should be considered, so that, where possible, the situation can be improved and targeted payments are either unnecessary and/or can be withdrawn.
   2. Regulation 34 6. f) and g) (iii) make reference to making payments conditional and linked, for example, to obtaining the necessary level of accreditation and withholding payments in relation to attendance. In cases of attendance and UAP, an officer should not have a payment withdrawn if:
10. the Force is satisfied that, in the case of a local attendance criteria, that any exemption criteria has been met or the chief officer considers it reasonable to make the payment.

or

1. the officer is defined as disabled under the Equality Act (EA) 2010 and that non-attendance is for reasons linked to the disability. Existing appeal processes should be used where the decision to remove a payment is disputed.

**Section 1 – Guidance on Targeted Variable Pay**

1. **Service Critical Skills Payments** **[Section 15]**
   1. Service critical skills are those skills essential to the delivery of an effective policing service and payments can be considered when the specific criterion for skills in short supply or hard-to-fill roles is met. [Regulation 34 section 15b]. The term ‘skills’ refers to the combination of knowledge, skills, and experience possessed by the individual concerned. As per the determination, this could apply to a new recruit.
   2. The responsibility for identifying roles and/or locations that present a service critical risk should be delegated to the senior officer or staff member with overall responsibility for workforce planning (e.g. Assistant Chief Officer or Director of HR) and any decision to make TVPs should take place as part of the workforce planning process. Payments should not be made outside of this process.
   3. The delegated responsible officer should consult with senior operational colleagues and local staff association representatives prior to making any recommendations on posts and/or locations that are deemed to fulfil the criteria (dealt with in Section 2). This should include the amounts to be paid and the methods of payment. The rationale for payments should be recorded[[4]](#footnote-4).

* 1. A TVP under the service critical skills category of hard-to-fill is aligned to officers undertaking a specific role and/or working in a defined location. In the interests of fairness and consistency, payments should apply to all officers where the same, or similar, individual circumstances apply. In this regard, the rationale for the payment will be an important factor. For example, the payment could be to assist with recruitment into a role or area, retention of officers in post, or both. Where the criterion for making payments is met, officers on temporary promotion should receive payments in line with colleagues of the same rank.
  2. When interpreting the determinations at 15 c) (i), ‘*it has not been possible to fill it despite advertising or posting attempts and this has resulted in an ongoing and unacceptably high vacancy rate’,* the ‘vacancy rate’ should be established by determining a minimum staffing level for the team concerned against agreed full-time establishment (FTE). This should be commensurate with operational risk and is likely to vary between functions. If this minimum staffing level is subsequently breached the vacancy rate could then be considered unacceptably high[[5]](#footnote-5).
  3. In relation to the determinations at 15 c) (ii), ‘past levels of officer retention in the role have been poor’, refers to the high rate of officer-turn over in a team, over a reasonable period of time, when compared to organisational norms.
  4. Reference at 15 c) (iii) in the determinations to ‘preventing officers from voluntarily applying for alternative roles’, refers to the practice in some forces of preventing officers in under-resourced teams from applying for, or moving to, other roles.
  5. Roles qualifying as hard-to fill will be unpopular with officers for a range of reasons, either real or perceived. These will include –
* The potentially distressing nature of the work.
* The qualifications or skills required prior to taking on the role or to be acquired once appointed.
* A geographically undesirable location and/or working environment, associated travel cost and/or time.
* High and relentless workloads and insufficient resources.
* High profile roles that attract considerable personal and/or career risk by virtue of their stressful nature, the level of public scrutiny and/or their public profile.
  1. The above list is not exhaustive and a combination of these factors will often apply. Ways to mitigate against them should always be considered together with any TVPs. For example, some resourcing issues can be tackled as part of a wider workforce strategy but, the reality is, that others cannot and TVPs are, therefore, intended as an optional pay lever to use alongside longer-term interventions.
  2. A service critical skills payment may be paid: as a one-off payment upon recruitment; as a one-off payment on achieving a specific qualification that is required to carry out the role; every 3 months as a lump sum in monthly salary payment; on a monthly basis as part of monthly salary; as a lump sum in salary 12 months after appointment; or in instalments.

1. **Recognition of Workload Payment [Section 16]**
   1. Payment under Section 16 may only be paid to the superintending rank and is known as a recognition of workload payment. Whilst the national context might be taken into account when considering payments under this heading, whether or not the demands of a role are deemed to *exceed those usually placed on other officers of the same rank,* should be considered against local (in-force) norms. As a further reference point, it would be reasonable to look to recent years and any associated reduction in superintending posts when making these judgements.
   2. To qualify for a payment at least one of nine defined factors should apply to the officer as described in Section 16b). These include: reference to working antisocial hours or out of hours work; command responsibilities with multiple stakeholders; command responsibilities working with collaborations or nationally outside force boundaries; accountabilities attracting personal or career risk; roles requiring lengthy and regular travel; a span of control deemed exceptionally high in terms of geography or headcount; commanding officers across more than one force (involving different structures); exceptionally high operational demand of continuing intensity; managing a large change process.
   3. For the purposes of Section 16 b) (i), payments for unusually frequent antisocial working and/or high levels of ‘out of hours’ contact/disruption to those not on a shared roster could be eligible for consideration; such as designated authorising officers.
   4. If an officer has line management, policy, process, command or on call/cadre responsibilities in a force in addition to their own force, then this would qualify as per the definition of *‘command responsibilities outside force boundaries’* or, if an officer is posted to a national/regional role, has a national/regional portfolio or supports national/regional NPCC activity, this would qualify as working nationally or regionally for the purposes of Section 16 b) (iii).
   5. Eligible roles can be identified either by the Chief Officer, members of the command team, or proposed by an individual officer, the specific decision and rationale noted against the relevant clause wording.
   6. Consultation should take place with the local Superintendents’ Association regarding posts that are deemed to fulfil the criteria. This should include discussion on the rationale, the proposed amount to be paid and the method of payment. Chief officers should ensure their decisions are recorded.
   7. Officers temporarily posted to or temporarily promoted to a demanding role are eligible for payments.
2. **General Guidance on Making TVPs**
   1. Ongoing payments should be for a defined period and the officer in receipt of the payment must be notified of the relevant dates [Regulation 34 section 16 d).
   2. Chief officers should be mindful of the financial dependency of officers in receipt of payments that might arise from TVPs. Officers in receipt of a TVP should be alerted to its nature and urged not to rely on it beyond an agreed review date. Ongoing payments should be for a clearly defined period, ideally linked to an annual workforce planning cycle, and the duration of the payment should be confirmed to the officer in writing. Where appropriate, the defined period should be re-affirmed at least annually. Similarly, notice should be given prior to the removal or reduction of a payment taking place.
   3. At a Chief Officer’s discretion, a payment may be tapered down gradually to ease the impact of its removal. Each case should be considered on its merits and this should be for a limited period only.[[6]](#footnote-6)
   4. Payments are non-pensionable, cease when an officer vacates the role attracting a payment and will be pro-rated for part-time officers[[7]](#footnote-7).

* 1. A year is deemed as the force financial year (April – March).
  2. The use of these pay arrangements must be subject to a Force Equality Impact Assessment (EIA) and on-going analysis, in terms of impact on potential discrimination. In the context of TVP, a high-level equality risk assessment suggests the following considerations (in addition to the data recording covered at Section 2 below) might be advisable to mitigate against the risk of discrimination:
* Publish entry requirements for roles which they intend to apply TVPs.
* Under represented roles, in any of the protected characteristics, should have a clear action plan to rectify the imbalance prior to a TVP being applied.
* Data should be collected to monitor the proportion of under-represented candidates applying for roles once the TVPs have been applied, to assess the impact.
* In the case of disability, reasonable adjustments should be considered by each force to enable officers with disabilities to undertake roles / remits which attract TVPs.
  1. To monitor the use of and any future requirement for TVP, the NPCC National Reward Team will survey forces for a defined period. The information gathered will be monitored by the Home Office, to inform its EIA assessment, used to inform annual submissions to the Police Remuneration Review Body and will also be shared with forces and the Police Consultative Forum.
  2. In the interests of fairness, transparency, and consistency, forces must put a process in place that allows an officer to appeal a decision in relation to the local use of TVPs, by making formal representation to the appropriate person. Whilst not being overly prescriptive, forces are encouraged to mirror established appeal processes relating to pay. The ‘appropriate person’ should not be the decision maker and an officer should be permitted to lodge their appeal either in person or via their staff association. The officer may be represented by their staff association at the appeal.

1. **Seconded Officers**
   1. Existing College of Policing (CoP) guidance states that seconded officers should, in principle, not be disadvantaged by their secondment and are, therefore, eligible for a TVP where the qualifying criteria is considered to be met. However, seconding bodies may not be in a position to make payments under police regulations and chief officers are urged to consider payments where a seconding body might deem it appropriate; this is particularly so in respect of NPCC agreed national or regional positions.

**Section 2 – Suggested Process for Use**

1. **Implementation Process for Payments** 
   1. The need for forces to comply with the duties imposed by the Equality Act (2010) has been at the forefront of considerations throughout the development of TVPs and steps set out at below are is seen as a way to help a Force meet its obligations.
   2. TVPs are designed to help forces fill service critical roles, attract and retain skills and to make payments in recognition of specific work or demanding roles. The main objective is to improve service delivery by ensuring priority areas are properly resourced with officers who have the right skills. Improvements in wellbeing and morale should also follow. These must be seen as legitimate aims but in applying TVPs it is equally important for forces to comply with the Equality Act 2010 and do their utmost to avoid any actual or potential discrimination. Where there is a risk of indirect discrimination (because the policy in itself is not discriminatory but it may have a discriminatory effect) then a force must be able to show that the policy introduced is a proportionate means of achieving a legitimate aim. Basically, the importance of the aim must outweigh the discriminatory effects. Analysis of other less discriminatory aims will be necessary to show that these have been considered and discounted, or are running in parallel as part of an EIA action plan. This would involve showing:

* A legitimate aim for the policy which must not be discriminatory in itself and must be a genuine/real reason.
* The means is ‘proportionate’. This means it must be appropriate and necessary.
* That there are no alternative measures available that would meet the aim and avoid the discriminatory effect.
  1. Understanding what, if any, disproportionate treatment of those with protected characteristics is occurring, what proactive steps are being taken to mitigate against it and to facilitate a culture of inclusion, is likely to be a key factor should a challenge arise. Differential treatment will not amount to indirect discrimination in law if the payments are considered a proportionate means of achieving a legitimate aim.

1. **Overall Approach and Steps in the Process**
   1. Good workforce data will be of pivotal importance at almost every stage of the process and consideration of the use of TVPs is best applied as part of corporate workforce planning.
   2. As previously stated, it is suggested that responsibility for this force process sits with a nominated senior officer (most likely the Director of Human Resources, or equivalent) and the review process should be carried out on a cyclical basis and at least annually. The exception to this would beskills-basedpayments. Such payments will more likely be linked to an individual(s) and the surrounding process will, necessarily, be a more dynamic one. These payments are dealt with in a separate section.
   3. Establishing a force-wide moderating panel to discuss and allow the Chair to agree payment proposals is also advised. Representation from staff associations and network groups should be encouraged at these panel meetings.
2. **SERVICE CRITICAL SKILLS PAYMENTS – HARD-TO-FILL**

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| **STAGE 1** |  |
| Chart clipart math graph, Chart math graph Transparent FREE for ...  **Identify Problem & Commence**  **EIA** | * Identify the problem that may require the use of TVPs and commence an EIA * Data is key to highlighting where the criteria for TVPs (*service critical skills*) might be met and workforce databases should, wherever possible, be configured to capture the protected characteristics of all officers and those potentially eligible for TVPs. * Use this the data as an indicator of any potential indirect discrimination, should TVPs be applied. * Promote a culture of openness where people feel comfortable disclosing protected characteristics. |
| **STAGE 2** |  |
| Meeting Clipart | Clipart Panda - Free Clipart Images  **Moderating**  **Panel** | * Present findings and payment proposals to the Moderating Panel (including the EIA) for discussion and decision by the Chair (consider representation from staff associations, support groups and local management teams) If there are data gaps, agree what next steps might be required. * Where TVPs are considered legitimate, agree the amount to be paid and the duration and frequency of payments. * Where data shows the potential for indirect discrimination to occur, ensure an action plan is in place as part of the EIA. This should document what pro-active action is being taken to address the issues. |
| **Stage 3** |  |
| **Communicate**  **Decision** | * Communicate details of the decision to make a TVP to the recipients and Payroll. * Notification should include reasons for the payment; the amount; the method of payment; when it will cease/be reviewed and the conditions surrounding the payment (i.e. non-pensionable and can be withdrawn) should also be covered. Officers must be aware that they cannot rely on the payment beyond the agreed period. * Notification to officers should be by way of a formal letter, which they should acknowledge in writing. * Capture protected characteristics of those in receipt of payments and the data referenced at 15 e) (i) in the determinations (skill and the roles for which an officer is receiving a payment)[[8]](#footnote-8). |
| **Stage 4** |  |
| Free Review Cliparts, Download Free Clip Art, Free Clip Art on ...  **Review** | * Review as part of the agreed workforce planning cycle – repeat/update the EIA. * Any changes to existing payments should be notified to recipients and Payroll with as much notice as possible. * Any associated action plans dealing with underrepresentation should also be reviewed and updated as necessary. |

1. **SERVICE CRITICAL SKILLS PAYMENT – FOR SKILLS**
   1. TVPs for skills will tend to be more person, rather than role, specific and the decision-making process will need to reflect this. It is again suggested that responsibility for oversight sits with a nominated senior officer (most likely the Director of Human Resources, or equivalent) and that the use of this provision is reviewed as part of the force workforce planning process.

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| **Stage 1** |  |
| Detective With Magnifying Glass Clipart - Clip Art Magnifying ...  **Identify candidate**  **pture data** | * An individual that is considered to meet the criteria for a payment is identified. * Management team (endorsed by the unit/departmental head) triggers request for a *skills-based payment* to be considered, with a provisional view on why the qualifying criteria is met. |
| **Stage 2** |  |
| **Complete**  **EIA** | * Complete an Equality Impact Assessment (EIA) to identify risk. * The EIA should be used to inform any subsequent action plan to deal with potential discrimination. |
| **Stage 3** |  |
| **Review**  **Panel** | * Convene a dedicated panel to review the application (consider representation from staff associations and local management teams). * If an offer is supported, document the qualifying factors and agree the terms of the arrangement. |
| **Stage 4** |  |
| **Make the**  **Offer** | * Present the officer/new recruit with the offer (suggest this is done initially by line management). * If the offer is accepted, confirm the terms of the offer in writing; emphasising the conditions attached. This should include the information set out at 15 e) (i) in the determinations. * Acceptance of the offer, and the associated conditions, should be confirmed by the officer/recruit in writing. * Keep Payroll informed of arrangements and relevant dates. |
| **Stage 5** |  |
| Chart clipart math graph, Chart math graph Transparent FREE for ...  **Capture**  **Data** | Record the known protected characteristic of all officers/new recruits   * Formally offered a skills-based payment. * Where an offer has been made and has been **rejected.** * Where an offer has been made and **accepted.** * The data referenced at 15 e) (i) in the determinations (skill and the roles for which an officer is receiving a payment)[[9]](#footnote-9). |
| **Stage 6** |  |
| **Free Review Cliparts, Download Free Clip Art, Free Clip Art on ...**  **Review** | * Monitor the data captured at Stage 5 and update the EIA to identify any potential discrimination issues. The EIA should be used to inform any subsequent action plan. |

1. **RECOGNITION OF WORKLOAD PAYMENT (FOR SUPERINTENDENT AND CHIEF SUPERINTENDENT ROLES)**
   1. Nominations for *recognition of workload payments* will ordinarily be generated from within the chief officer team or following representation by potential recipients and/or their local staff association representative.

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| **Stage 1** |  |
| Detective With Magnifying Glass Clipart - Clip Art Magnifying ...  **Capture data** | * Gather the information on roles under consideration for recognition of workload payments. |
| **Stage 2** |  |
| **Complete**  **EIA** | * Complete an Equality Impact Assessment (EIA) to identify risk. * The EIA should be used to inform any subsequent action plan to deal with potential discrimination. |
| **Stage 3** |  |
| **Chief Officer Group** | * Share details of proposed nomination and discuss with chief officer group. * Consult on proposals, and the accompanying rationale, with local staff association representative(s); PSA and/or CPOSA. * Decision is made by the Chief Officer, or a senior nominated officer, on whether or not to make a payment and, if so, the amount and the duration. |
| **Stage 4** |  |
| **Make the**  **Offer** | * Notify the officer of the proposed payment (suggest this is done initially by line management). * If the offer is accepted, confirm the terms of the offer in writing; emphasising the conditions imposed by the determination. * Acceptance of the offer, and the associated conditions, should be confirmed by the officer in writing. * Keep Payroll informed of arrangements and relevant dates. |
| **Stage 5** |  |
| Chart clipart math graph, Chart math graph Transparent FREE for ...  **Capture**  **Data** | Record the known protected characteristic of all officers in receipt of payments, to include:   * Where a *recognition of workload* *payment* has been made and has been **rejected.** * Where a *recognition of workload* *payment* has been made and **accepted.** * The data referenced at 16 d) (i) in the determinations (the considerations on the basis of which an officer is receiving the payment)[[10]](#footnote-10). |
| **Stage 6** |  |
| Free Review Cliparts, Download Free Clip Art, Free Clip Art on ...  **Review** | * Review the justification for all *recognition of workload* *payments* at least annually and renew (repeat stage 2) or discontinue. * Monitor the data captured at Stage 5 and update the EIA to identify any potential discrimination issues. The EIA should be used to inform any subsequent action plan to deal with potential discrimination. Ordinarily, this should also consider what wider steps can being taken to improve attraction and retention, such as improving overall working conditions. |

1. *"We recommend the introduction of appropriate targeted arrangements in 2017/18 to allow for local flexibility for chief officers to make additional payments to officers in hard to fill roles and in the superintending rank. This interim measure should have a time limit through to September 2020 and no payment can be made after this date”. Note: this legislation was extended until 30th June 2021.* [↑](#footnote-ref-1)
2. Chief Constable or Commissioner [↑](#footnote-ref-2)
3. By virtue of Reg.20 of The Police Regulations 2003. [↑](#footnote-ref-3)
4. It should, however be noted that staff associations will not be responsible for deciding which roles receive TVPs and those which do not. [↑](#footnote-ref-4)
5. Clearly, if the role is a ‘single post’ then the minimum staffing level is breached if that post is vacant. [↑](#footnote-ref-5)
6. For example, where an officer is moved for operational reasons prior to the defined period for payments ending, thus creating actual or potential financial hardship. [↑](#footnote-ref-6)
7. Payments will continue to be paid to those in post during sickness absence and will also continue during family leave, e.g. maternity, shared parental and adoption leave. [↑](#footnote-ref-7)
8. Home Office data returns will be required (file with Uplift data reporting). [↑](#footnote-ref-8)
9. Home Office data returns will be required (align with Uplift data reporting). [↑](#footnote-ref-9)
10. Home Office data returns will be required (align with Uplift data reporting). [↑](#footnote-ref-10)