

ISLE OF MAN CIVIL SERVICE JOINT NEGOTIATING COMMITTEE

TREASURY - CUSTOMS AND EXCISE DIVISION - DRUG STRATEGY ALLOWANCE

1. **Introduction**

Following a review of the Drug Strategy Allowance (hereafter the Allowance), the Isle of Man Civil Service Joint Negotiating Committee is agreed that the Allowance as set out in this revised agreement should continue to be paid to those civil servants on the staff of the Treasury (Customs and Excise Division) who will provide 24 hour cover, 7 days a week, 365 days per year in respect of duties related to the control of illegal drugs and other investigation, preventive and intelligence work undertaken by the Division. The Allowance replaces the existing provisions of the IOM Civil Service Regulations in respect of unsocial hours, on-call and some excess hours during the periods that the officers are rostered to undertake these duties. It is designed to provide the participating officers with a single regular payment; and allow flexibility in responding to the requirements of the work.

2. **Eligibility**

The Allowance will be paid to officers who will be on call to provide 24-hour cover for drug strategy and associated investigation and intelligence work. Officers at all grades from SEO down will be eligible for the Allowance subject to the following condition:

- Selection of an SEO grade post-holder for eligibility to the Allowance is subject to this being of benefit to the Division and will be approved at the discretion of the Collector or Deputy Collector of Customs and Excise

The officers to whom the Allowance is allocated will be selected by senior management following consultation with the Coxswains, wherever possible officers who wish and are trained to undertake the duties covered by the Allowance will be selected.

Officers selected for the Allowance will be required to obtain Security Vetting to at least CTC level.

All staff selected for the Allowance will have an MCA medical examination every two years paid for by the Division. Officers failing the medical may have their allowance adjusted to reflect them only being available for non-patrol craft work or be ineligible for the allowance.

3. **Existing Provisions of the IOMCS Regulations Replaced by this Allowance**

For officers working hours covered by the Allowance the following provisions of the IOM Civil Service Regulations will not apply:-

On-Call Allowance (Regulation [C47](#))

Weekend and Public Holiday Allowances (Regulations [C38 to C46](#))

Overtime (Regulations C25 to C32) for hours worked in excess of normal conditioned hours (37 per week). Hours in excess of 90 hours per quarter and/or 200 hours per calendar year for those on the full allowance and pro rata for those on the half and quarter allowance will be paid at the appropriate overtime rate **or** time off in lieu given for the excess hours as per Regulations [C25 to C32](#).

Call Outs (Regulation **C33 to C36**) an officer on the Allowance will not be eligible to claim overtime where they are called out but the calculation of the DSA hours to be claimed for attending should be calculated in line with **C34**, subject to paragraph **C36** also applying. A call out is where there is an urgent requirement for the officer to attend Custom House or the port / airport to deal with an issue. Dealing with a telephone call at home is not regarded as a call out and only the time spent dealing with the call should be claimed.

Shift Disturbance Allowance (Regulation [C48](#)). Should a 'regular shift roster' as defined in the regulations be introduced, eligibility for this allowance will be reviewed.

Night Duty Allowance (Regulation [C49](#)).

Meal Allowances (Regulations **at C50**). Except where due to operational or unforeseen circumstances the vessel is required to stay overnight away from the Isle of Man or remain at sea for over 10 hours.

4. **Amount of Allowance**

With effect from 1st April 2016, the Allowance is as follows:-

	Basic	Qualified Coxswains
Full Allowance (22 weeks on call & 200 hours)	£8,471 pa	£9,624 pa
Three Quarter Allowance (17 weeks on call & 150 hours)	£6,355 pa	£7,217 pa
Half Allowance (11 weeks on call & 100 hours)	£4,233 pa	£4,812 pa
Quarter Allowance (6 weeks on call & 50 hours)	£2,119pa	£2,407 pa

NOTE:

For staff working within Law Enforcement normally only hours worked outside of the conditioned hours of 08:00 to 18:00 on Monday to Friday would be covered by the Allowance. There may be cases when time within these hours

may be claimed under the Allowance with the agreement of the SEO Law Enforcement when it is beneficial to the Department.

Staff not working within the Law Enforcement District should claim DSA Monday to Friday –

- In a morning from signing on duty until they commence their normal duties (provided this is after 07:30),
- On the rare occasions that a morning operation goes beyond 09:30, the amount of time allocated to DSA will be negotiated between the SEOs,
- On an evening from the time they start undertaking LE duties (provided this is after 16:00) until the operation is concluded,
- Officers can take a break between duties if they want but this should be in their own time.
- Unless an operation is at short notice, and prior agreement has been given by the SEO Law Enforcement, officers will not be entitled to claim any mileage for DSA worked Monday to Friday where the work is a continuation of their normal working day even if they take a break between their normal work and commencing DSA duties.

As an example, if there is an operation on to meet the evening arrival of the ferry from Heysham, then officers not working in Law Enforcement would generally be expected to sign on to DSA from 17:00 to allow 15 minutes for getting changed and be ready for a briefing at 17:15 before departing for the port. If they have work to do in their home section then they can carry on with this until 17:00 or if they wish to take a break getting changed they should sign-out at the time they start their break.

5. **Payment of the Allowance**

The Allowance will be paid with salary in 12 equal monthly instalments.

6. **Officers Leaving the Roster**

Officers wishing to leave the roster should normally give at least 6 weeks notice. Officers may have the Allowance removed for good reason (e.g. to rotate the Allowance between officers who wish to participate; regular unavailability for attendance, health reasons or a reduction in the requirement for investigation/intelligence/patrol work). Officers taken off the roster will be given at least 6 weeks notice (unless there are exceptional circumstances to justify a shorter period).

7. **Use of the Allowance**

Officers in receipt of the Allowance may be required to undertake a variety of duties which include, but are not limited to, Maritime patrols on the Customs RHIB, shore support when the boat is out, preventive duties at the airport or around the ports on the Island, work connected to investigation cases, undertaking work on behalf of Immigration and supplying and receiving intelligence in connection with subjects linked to the Isle of Man.

Officers may also be required to attend Custom House out of hours should the building alarm be activated or access be required by workmen outside of normal office hours.

When on call, the designated officer will be the contact for any Customs and Excise issues that require urgent action outside of office hours. They will also deal with any information supplied via the Customs Hotline outside of office hours.

8. **On Call**

Whenever officers are on call they must comply with the following provisions:

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Availability

Officers on call will be available for duty twenty four hours a day for a period of seven consecutive days including weekends and Public holidays. Officers will be available for call out by mobile telephone. Officers should be both fit for duty and able to report immediately after call out. Officers who are unable to provide this cover for any reason (e.g. illness) must notify the nominated manager as soon as they become unavailable for call-out.

Attendance

Attendance may be required at any time during the week for investigation/intelligence/patrol work either as crew of the patrol vessel or other anti-drug / excise fraud duties.

Failure to attend may result in the following:

Oral warning

Written warning

Suspension from the Allowance

Removal from the Allowance

(Regulation B7 gives full details about disciplinary options and how these are applied.

Cover and additional weeks on call

If the on call officer is not available because of illness, then officers volunteering to cover at short notice will receive 45 minutes for each day they cover.

If there is insufficient cover available for every week in the year then an officer covering an additional week on call can claim 4 hours for each week they cover or 30 minutes for each day if a full week cannot be covered by one person.

9. **Shore Support duties**

When the boat is on patrol outside of office hours there should be an officer working as shore support to maintain contact with the vessel while at sea.

The officer undertaking shore support will operate from home and they will be recorded as working half of the time the patrol was at sea.

10. **Staff Welfare**

Rest Periods

Officers will not normally be expected conduct work for which the allowance is payable (e.g. before 8.am or after 6.pm) for more than 8 hours continuously, however, there will be rare occasions when this scenario will arise and in those circumstances where officers have worked for 16 hours or more in any 24 hour period and: -

- a) Where the next rostered attendance starts within 8 hours of finishing, then officers would not be expected to resume normal duties until the rostered attendance after the next is due to commence.
- b) Where the next rostered attendance starts within 12 hours of finishing officers would not be expected to resume normal duties until half way through the next rostered attendance.
- c) For the purposes of (a) and (b) where the next rostered attendance is a normal working day falling within conditioned hours it will be deemed to commence at 0900 hours.
- d) No officer will be expected to be on duty for more than three weekends in five, or work the equivalent of 90 hours overtime per calendar quarter.
- e) Insurance: Officers engaged on work covered by the Allowance are insured against personal injury and personal indemnity under the Isle of Man Government Insurance policy.
- f) Personal Insurance: Officers receiving the allowance should check that the nature of the work does not affect their personal insurance policies. If as a result of performing the work their policy premiums increase they should SEO Law Enforcement who will consider claims for the Division's payment of the additional premiums.
- g) The Health and Safety of those officers performing work for which the Allowance is payable is of paramount importance in particular those crewing the patrol craft. All officers will therefore receive training appropriate to their duties in order to minimise the Health and Safety risks and to increase their skills and professionalism.

NOTES:

With regard to (a) to (c) on the rare occasions when this happens officers affected will receive time off in lieu for any shortfalls resulting from a missed part or full rostered attendance. As this is a health and safety issue, time off must be taken immediately.

With regard to (d) officers who are asked to exceed any of these limits (including the equivalent of 200 hours overtime per annum covered by the allowance - pro rata for three quarter, half and quarter) will be under no obligation to do such excess hours under the terms of the allowance. Any hours that are agreed to be worked beyond these limits will be paid for as overtime or other allowances as per the Civil Service regulations.

Management of the Allowance

Day to day rostering of the on call list will be overseen by the HEO Law Enforcement.

The on call officer should, as part of their duties, consider in liaison with one of the coxswains if the weather is suitable during the week for a maritime patrol to be undertaken. If the weather is suitable then the coxswain will email others on DSA to see if sufficient people are available to crew the boat and act as shore support. The Coxswain will maintain a record of the patrol and hours used.

Management / monitoring of the Allowance overall will be undertaken by the SEO Law Enforcement including maintenance of the welfare agreement, however it also the responsibility of each individual to ensure that their work patterns etc. are within the terms of the agreement and to report to the SEO any possible breaches.

Whilst the approximate number of patrols and or other duties required under the Allowance will be indicated on an individual basis at the beginning of the year, the Surveyor Investigation/intelligence may alter this at any time in order that the Division's Business Plan targets and responsibilities under the Chief Minister's Drug Strategy are met.

11. **Review**

The provisions of this agreement may be subject to annual review and may be varied by agreement through the JNC. Management may withdraw the Allowance if it is decided that there is no longer a requirement for the provisions of this agreement. In the event of such a decision the officers eligible to the Allowance would be given at least 12 weeks notice.

12. **Value of the Allowance**

Subject to any amendments due to the annual review in paragraph 11 of this agreement the value of the Allowance will be increased by the same percentage as that applied to the PSCCS pay spine under the PSCCS Pay Agreement from the same date as the revised pay spine comes into effect.

13. **Status**

The Allowance is not superannuable, nor will it be included for overtime or other purposes. The Allowance includes an enhancement to take account of the impact the status may have on superannuation benefits.

14. **Commencement**

The operative date of this agreement shall be 1st April 2001

Agreement amended May 2018.