



<u>Policy Title:</u>	Working Time Management
<u>CCMT Sponsor:</u>	Director of Resources
<u>Department/BCU:</u>	HR Department
<u>Section/Sector:</u>	Health & Safety

1.0 Rationale

- 1.1 The working of excessive hours and/or a lack of adequate daily and weekly rest breaks can often be a contributory factor to accidents and injuries sustained at work and can also be a direct or contributory cause of several work-related illnesses. It is essential that working time be appropriately managed and shift-work effectively planned in order to minimise potential for injuries on duty and sickness absence.

2.0 Intention

- 2.1 The Working Time Regulations (WTR) were introduced by the UK government in order to implement an EU Directive designed to safeguard the health and safety of workers. The Regulations specify minimum legal requirements on how working time should be organised. In line with Home Office guidance the Force is committed to compliance with restrictions and entitlements provided under the legislation. BCU/OCU Commanders and Heads of Department are accountable for ensuring compliance with this policy.
- 2.2 The Force has declared within the [Workforce agreement](#) that Police Regulations take precedence over the Working Time Regulations where conditions are more favourable. Police officers may also, due to the exigencies of duty, elect to opt out of some of the requirements of the Regulations by signing the above agreement. For the purposes of this policy the term 'police officer' includes members of the Special Constabulary.

3.0 General Principles

- 3.1 The Working Time Regulations stipulate the following: -
- Workers must not work on average for more than 48-hours per week. This average will be calculated over a rolling 17-week reference period.
 - Night-workers must not work more than an average 8-hours per 24-hour period within the 17-week reference period. (*Night work is*

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defined as the period from 2300 to 0600hrs – a night worker is defined as a person who works 3-hours or more within this time).

- c) Night-workers must be given the opportunity of a free health assessment.
- d) All workers are entitled to 11-hours (consecutive) of daily rest in each 24-hour period and one day off each week or two days per fortnight as an alternative arrangement.
- e) All workers are entitled to an unpaid rest break of at least 20 minutes if their daily working time exceeds six hours.
- f) All workers are entitled to a minimum statutory paid leave entitlement of four weeks.

3.2 A [Workforce agreement](#) is in place, which amends the requirements outlined in paragraphs 3.1a and 3.1b above as follows: -

- The 17 week reference period is extended to 20-weeks.
- Night work is defined as the hours between 2200 and 0600.

(Any further references throughout the policy will reflect this agreement).

4.0 Challenges & Representations

4.1 Any person directly affected by this policy may make representations in relation to its contents and/or any decision in consequence of it to: -

Head of HR Department
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxfordshire
OX5 2NX

4.2 The areas covered by this policy are open to scrutiny by HM Inspector of Constabulary, the Health & Safety Executive (HSE) and other enforcement agencies during official inspections

5.0 Guidance, Procedures & Tactics

5.1 Legislation. The Working Time Regulations are designed to ensure that individuals work sensible hours, take appropriate rest breaks and make a positive contribution to the effectiveness and efficiency of the Force by not increasing any risk, through fatigue or lack of concentration, to the health, safety and welfare of themselves or others whilst at work. The regulations apply to all personnel including Police officers, Police staff, Police Community Support Officers (PCSOs), Special Constables and volunteers.

5.2 Compliance. Line managers have specific responsibility to monitor compliance with this policy in respect of all personnel under their management and influence. It is essential therefore, that all managers and supervisors have a working knowledge of the requirements of this

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policy including the applicable restrictions and entitlements. It is also essential that all personnel are aware of the procedures for the recording of working time and applicable restrictions and entitlements.

- 5.3 Police Officers. Police officers must comply with the 48-hour limit unless they have signed the [Workforce agreement](#). Even where officers have signed the workforce agreement line managers must still honour their duty of care by ensuring that officers are not exposed to unacceptable risk through the working of excessive hours.
- 5.4 Police Staff. Police staff, who work their contracted hours should not normally approach the 48-hour limit.
- 5.5 PCSOs. PCSOs must comply with the 48-hour limit unless they have signed a [Workforce agreement](#). Even where PCSOs have signed a workforce agreement line managers must still honour their duty of care by ensuring that officers are not exposed to unacceptable risk through the working of excessive hours.
- 5.6 Special Constabulary. Members of the special constabulary should monitor their total working time (i.e. special's duties as well as any other employment) and should not be encouraged to exceed the 48-hour limit unless they have signed the [Workforce agreement](#) and their line management is satisfied that the health and safety of the officer concerned is not adversely affected (e.g. through the undertaking driving duties/activities etc.). Supervisors should be aware of the special constable's other work commitments (i.e. primary employment) and exercise a duty of care, which includes making reasonable enquiries to determine the number of hours worked in total within a 7-day period. It is recommended that members of the Special Constabulary notify their main employers of their voluntary work for the police service and the number of hours performed each week.
- 5.7 Volunteers. TVP now has a large number of volunteers performing a variety of tasks throughout the Force area. Volunteers do not fall within the legal definition of 'employees' or 'workers' however, under health and safety legislation the Force does have a duty of care towards them and the principles of this policy should be implemented in respect of all volunteers. It is of obvious importance that volunteers are not 'exploited' or pressured into working hours they do not wish to. All volunteers are required to record their hours as outlined below in paragraph 5.17. Completed monthly working time records should be submitted to local volunteer coordinators who will monitor hours completed. Any concerns arising will be acted upon by the Volunteer Coordinator. Volunteer coordinators should be aware of any other work commitments undertaken by volunteers (i.e. primary employment) and exercise a duty of care, which includes making reasonable enquiries to determine the number of hours worked in total within a 7-day period. Volunteers are also advised to notify their main employers (if

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applicable) of their voluntary work for the police service and the number of hours performed each week.

- 5.8 Maximum Working Week for Police Officers, PCSOs and Police Staff. Line managers must take all reasonable steps to ensure that personnel do not normally work more than 48-hours a week averaged over a rolling 20-week period. The 48-hours must include all 'working time' including overtime, annual leave, public and bank holidays and sickness leave (for further explanation see paragraph 5.9 below). Managers at all levels must exercise a duty of care to ensure the health, safety and welfare of their staff at all times. Steps should be taken to reduce the number of hours worked should the 48-hour limit be reached and/or exceeded. This could include measures such as, taking rest days, time off in lieu and/or working shorter days/shifts. Managers must carefully monitor the hours worked by their staff and should follow the procedure listed at [Appendix A](#).
- 5.9 Working Time for Police Officers, PCSOs and Police Staff. The Force will take all reasonable steps to ensure that personnel do not work more than an average 48-hours per week averaged over a reference period of 20-weeks.
- a). Working time includes: -
- Hours worked including overtime
 - Travelling time (other than to usual place of work)
 - Time dealing with a work matter when 'on-call' or off-duty)
 - Time spent on relevant training
 - Travelling time when recalled to work
 - Time on a refreshment break but still required to remain available for duty (police officers)
 - Time working on personal business interests or other employment
 - Special Constabulary duties
 - Working lunches
 - Annual leave
 - Sickness leave
 - Maternity leave
 - Bank and Public holidays
- b). Working time does not include: -
- Unpaid breaks where there is no requirement to remain available for duty
 - Time spent on-call, away from the workplace, when not dealing with a work matter
 - Non job-related training
 - Travel to normal place of work
 - Time off in lieu of additional hours worked

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- 5.10 Opt-Out Agreement for Police Officers, PCSOs and Police Staff. Personnel can agree to work more than 48-hours by signing an opt-out agreement. However, this option is not encouraged as the Force is committed to all personnel working sensible hours.
- 5.11 Night Working for Police Officers, PCSOs and Police Staff. A night worker is defined as a person who normally works at least 3-hours between 2200hrs and 0600hrs. The Force will take all reasonable steps to ensure the 'normal hours' of a night worker do not exceed an average of 8-hours for each 24-hours averaged over a rolling 20-week reference period.
- 5.12 Health Assessment. All personnel classified as night workers will be offered a free health assessment by the Occupational Health Unit (OHU) before undertaking shifts that include night work as defined at paragraph 5.11 above. In the first instance this assessment will be in the form of a self-generated questionnaire to be completed individually, monitored by OHU and followed up by additional medical examination if considered necessary by a medical practitioner. Completed forms should be returned to OHU, who will retain them on file until they are no longer valid.
- 5.13 Rest Breaks. Line managers must ensure that their staff can and do take rest breaks. It is also the individual's responsibility to ensure they take the required/recommended breaks. Whilst at work for a period exceeding 6-hours all personnel are entitled to a rest break of 20-minutes. Although this is the legislative minimum break time, the Force exercises provisions as follows: -
- a) Police Staff. All police staff should take an unpaid break of 30-minutes if they work 6-hours or more. Ideally this break should be taken away from the place of work (i.e. office, desk, vehicle etc.).
- b) Police Officers. Police Regulations state that as far as exigencies of duty allow, police officers should take breaks as follows: -

<u>Number of Hours Worked</u>	<u>Break Time</u>
• Less than 6-hours	30-minutes
• 6-hours to 7-hours	35-minutes
• 7-hours to 8-hours	40-minutes
• 8-hours to 9-hours	45-minutes
• 9-hours to 10-hours	50-minutes
• more than 10 hours	60-minutes

- 5.14 Daily Rest Breaks. All personnel are entitled to a daily rest period of not less than 11-hours (consecutive) between each shift/working day. Line managers of Police officers, PCSOs and Police staff must plan shift patterns and monitor overtime worked by their staff to ensure they are given the opportunity to have appropriate rest before their next shift. Employees may, by means of a workforce agreement (variable shift agreement), exclude or amend the 11-hour daily rest period

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providing a compensatory rest period is included within the shift pattern (see paragraph 5.16 below).

- 5.15 Weekly Rest Breaks for Police Officers, PCSOs and Police Staff. Personnel should be given an uninterrupted weekly rest period of not less than 24-hours in each 7-day period. The weekly rest period can be taken as either two separate periods of at least 24-hours or one uninterrupted period of not less than 48-hours in each 14-day period.
- 5.16 Compensatory Rest for Police Officers, PCSOs and Police Staff. In accordance with Regulation 24 (WTR) where personnel are denied, due to the signing of a workforce agreement and/or the exigencies of their duties, their right to daily and/or weekly rest breaks they must be provided with equivalent periods of 'compensatory rest' within a reasonable timeframe (i.e. no longer than 72-hours later). In exceptional circumstances in which it is not possible for operational reasons to grant such a period of rest officers and staff must be afforded appropriate protection to safeguard their health and safety.
- 5.17 Record Keeping. All personnel have a responsibility for the accurate and timely recording of all of their working time. Police officers, PCSOs and Police staff should use Force Form GEN 22 (electronic or hard copy). Members of the Special Constabulary should use the SC 22. Volunteers should use a monthly working time record as outlined above at paragraph 5.7. Records must be retained by line managers for 2-years and must show: -
- a) Weekly hours worked including the calculated 20-week average.
 - b) Number and length of 'night work' hours.
 - c) Periods of absence listed at paragraph 5.9(a) above, which qualify as working time including annual/maternity leave, sickness absence etc. should be recorded as an average of time worked over the preceding 5-day period in accordance with HSE guidance and HO Circular 21/2002.

Volunteers are to complete a 'Volunteer Record of Hours Form'. Completed forms must be forwarded to the relevant Volunteer Coordinator who will collate the information in respect of each volunteer on a monthly basis. This total is to be forwarded to HQ for final recording. Completed hours are to be recorded throughout the volunteer's time with TVP.

- 5.18 Monitoring. At the end of each month completed GEN 22 and SC 22 forms must be signed and submitted to line managers who are to monitor the hours worked, ensure the 48-hour limit is not being breached and sign off to confirm their staff are compliant with the WTR and this policy. Management of working time will be audited periodically as part of the Force Inspection Process.

- 5.19 Special Circumstances. The duration and pattern of working time for those in the police service must comply with the WTRs. However, where particular circumstances of a police operation conflict, the following two regulations allow some flexibility: -
- a) Regulation 18 (WTR) Allows Police officers and Special Constables to exceed the maximum weekly working time limit and the length of night work and their entitlement to rest breaks if they are involved in activities such as dealing with civil unrest, major crime investigations, terrorism etc.
 - b) Regulation 21 (WTR). Allows the restrictions on the length of night work and the entitlements to rest breaks to be exceeded for the following reasons: -
 - Security or surveillance activities
 - Where there is need for continuity
 - Where there is a foreseeable surge in activity
 - Where the individual's activities are affected by unusual or unforeseen circumstances, exceptional events, or an accident or imminent risk of one.
- 5.20 Young Workers. A young worker is defined as anyone under the age of 18-years and above the minimum school leaving age (MSLA). There are special requirements within the Working Time Regulations for young workers which must be complied with as follows: -
- a) Maximum Working Time. A young worker's working time shall not exceed 8-hours per day or 40-hours per week.
 - b) Night Work. An employer shall ensure that no young worker works during the restricted period of 2200 to 0600 (or 2300 to 0700 if contracted to work after 2200).
 - c) Rest Breaks. A young worker is entitled to rest periods as follows: -
 - a. not less than 12 consecutive hours rest in each 24-hour period
 - b. not less than 48-hours rest in each 7-day period

6.0 Communication

6.1 Links to Other Policies

This policy has links to the following other policies: -

[Health & Safety Management](#)

6.2 Communications Strategy

A communication strategy will be managed by Head of Health & Safety. Target audience will include all TVP personnel, and interested partner agencies. This policy will be published on the Policy

Management Unit intranet and internet site and will be advertised in Manager's Briefing and Weekly Orders.

7.0 Compliance and Certification

7.1 Human Rights Certification

A human rights impact assessment has been completed by a [*Human Rights Auditor*](#).

(i) Legal Basis

The legal basis for this policy includes: -

- a. The Health & Safety at Work etc Act 1974
- b. The Police Health & Safety Act 1997
- c. Management of Health and Safety at Work Regulations 1999
- d. The Working Time Regulations 1998 (as amended)

(ii) Prohibition of Discrimination

The policy has been subject to a diversity impact assessment and no significant issues have been identified.

7.2 Diversity Impact Assessment

The policy has been subject to a diversity impact assessment and has been rated as 'LOW' relevance to the six strands of Diversity.

7.3 Diversity (Human Resources)

The policy has been subject to a diversity impact assessment and no significant issues have been identified

7.4 Data Protection

The policy is open and does not contain any personal data or information.

7.5 Freedom of Information Act

The policy is not protectively marked and is considered open/available to the public and without risk of a breach of security or impedance to the course of a criminal investigation.

7.6 Protective Markings

This policy document is not protectively marked.

7.7 Health & Safety at Work

The main aim of this policy is to ensure TVP compliance with all applicable health and safety legislation.

8.0 Monitoring and Review

The level of compliance with this policy will be monitored annually as part of the Force Inspection Process

8.1 Links to Best Value/PPAF/Priorities/Performance Indicators

This policy relates to Domain B – Resource Usage of the Policing Performance Assessment Framework.

8.2 Review Process

This policy will be reviewed and updated annually by Head of Health and Safety, or sooner if new legislation is implemented or existing legislation changes and following any accident or incident which casts doubt on its continued relevance and effectiveness.

For use by the Policy Management Unit Only

<u>Policy Authorisation</u>	
Policy signed off by:	
<hr/>	
(Director of Resources)	(Date)

HUMAN RESOURCES

WORKING TIME REGULATIONS

WORKFORCE AGREEMENT

1. This agreement comprises a workforce agreement for the purposes of Regulation 23 and 41 of the Working Time Regulations 1998.
2. This Agreement applies to all Thames Valley Police officers up to and including the rank of Chief Inspector.
3. Parties to the Agreement
 - a) The Chief Constable of Thames Valley Police *and*
 - b) The Joint Branch Board of the Thames Valley Police Federation.

4. Definition

In this Agreement

- a) 'WTR' means the Working Time Regulations 1998 and 1999. For the purposes of this agreement a Police Officer will be deemed an employee.
 - b) 'Employee' means any Police Officer serving in a rank below Superintendent in Thames Valley Police.
 - c) Maximum weekly working time is 48 hours in a seven day period averaged over 20 weeks.
 - d) Compensatory rest means a period of rest provided to an employee who is unable, due to the exigencies of duty, to take his normal Daily or Weekly rest periods. The compensatory rest should be equivalent to the period of rest not taken by the employee. However, this is not an additional period of rest and can be taken on a rostered rest day.
5. Entitlements Under Other Provisions

This agreement is made recognising that where Police Regulations provide more favourable conditions for staff those Regulations will take precedent over the Working Time Regulations.

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In accordance with Regulation 17 WTR the standards adopted in this agreement in respect of:

- a) Meal Breaks
- b) Rest Days
- c) Duty Rosters
- d) Annual Leave

shall be those granted under Police Regulations.

6. Definition of Working Time for the purposes of the Working Time Regulations

For the purposes of the WTR, working time shall include:

- a) Any period which the employee is working, at his/her employer's disposal and carrying out his/her duties whether paid nor not.
- b) Any period during which the employee is receiving relevant training (any training which is a requirement of the role or future designated role) and shall include agreed time limits for pre-reads.
- c) Any time spent travelling as a requirement of the role. This does not include travelling between their home address and their normal place of duty except in circumstances described in e) below.
- d) Travel time which is outside of normal rostered duty hours and not currently covered by police regulations 22 (England and Wales) and Equivalent regulations for Scotland and Northern Ireland), to and from duty other than the normal place of duty, e.g. temporary postings.
- e) Travelling time to and from home when required to:
 - i) work on a rest day or Public Holiday with less than five days notice; or
 - ii) required to perform your normal daily period of duty in more than one Tour of Duty; or
 - iii) recalled to duty between two Tours of Duty.
- f) Travelling between home and the location of a training course other than at their normal place of duty.
- g) Any period when the employee is on call or on standby and is contacted over a work related matter.

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- h) Any time spent working at home on any job related issue at the request of a Line Manager.

7. Modification of the Reference Period in relation to the maximum weekly working time

It is agreed that the reference periods specified in Regulations 4 (3)a and 4 (3)b of the WTR shall be modified under Regulation 23 (b) of the WTR such that:

- a) The reference period for the 48 hour average working week shall be 20 weeks.
- b) The reference period shall be a rolling period of 20 weeks commencing on the start date of this agreement.

8. Individual agreement to exclude the maximum weekly working time

In order to ascertain whether or not individual employees would want to agree to exclude the maximum weekly working time as is permitted by Section 5 of the WTR the Chief Constable shall, in the case of each employee, contact the employee in writing explaining this right. This letter will be jointly signed by the Joint Branch Board Secretary of the Police Federation. Any employee will, therefore, be enabled to exclude the maximum by indicating their agreement to the same in writing to the Chief Constable.

This agreement does not negate managerial responsibility either for ensuring adequate work/home life balance or for ensuring that the health, welfare and safety of employees are not affected adversely by excessive voluntary hours

An employee will not be encouraged or coerced into signing any such agreement, or suffer any detriment for failing to sign it.

9. Night Working

- a) For the purposes of the WTR it is agreed that the night time period shall be from 2200 to 0600.
- b) A night worker is recognised as someone who as a normal course works at least three hours of each daily working time during night time.
- c) A night worker's normal hours of work in the 20 week reference period shall not exceed an average of eight hours for each 24 hours.

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- d) That a Police Officer who regularly works shifts which includes nights, irrespective of the shift pattern actually worked, should be a night worker for the purposes of this agreement.
- e) It is agreed that for night workers the risk assessment procedure under the management of Health and Safety Regulations 1999 shall be implemented to identify special hazards, heavy work or mental strain. Where it is identified that individuals are working in such conditions their working hours at night time will be limited to eight hours maximum.
- f) Any worker classified as a night worker must be given the opportunity of a free health assessment before undertaking night work and be moved from night work where a doctor has advised that his or her health may be suffering as a result of working at night. However it is agreed that it would be good practice for all Police Officers regardless of whether they are 'night workers', to be given the opportunity of a free health assessment, (which in the first instance will be a self generated completed questionnaire followed by additional assessments if required).

10. Modification of the reference period in relation to the length of night work

It is agreed that the reference periods specified in regulation 6 (3)a and 6 (3)b of the WTR shall be modified under Regulation 23 (b) of the WTR such that:

- a) The reference period shall be 20 weeks; and
- b) the reference period shall be a rolling period of 20 weeks commencing on the start date of this Agreement.

11. Daily Rest Period

A rest period of not less than eleven consecutive hours in each 24-hour period; unless the Joint Branch Board agrees otherwise and subject to an equivalent period of compensatory rest, e.g. quick changeovers.

12. Weekly Rest Period

For the purpose of the Regulation 11 WTR, the seven day period shall commence at the start of the working day on the Monday of each week.

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13. Compensatory Rest

- a) It is agreed that where, due to exigencies of duty or the interruption of a period of rest **while on call**, an employee is precluded from enjoying a rest period of not less than 11 consecutive hours in a 24 hours period, the employee shall whenever possible receive appropriate compensatory rest.
- b) Except in extreme circumstances of exigencies of duties, a daily rest period of 11 hours compensatory rest will be granted within 7 days, a weekly rest period of 24 hours compensatory rest will be granted within 28 days.
- c) It is agreed that if, **whilst on call**, an employee receives a telephone call/s which totals more than 10 minutes he/she shall, except in extreme circumstances of exigencies of duty, receive appropriate compensatory rest.

14. Compensatory Rest on Rest Days

Under this agreement Compensatory Rest can be granted on only one of the rest days granted under the Police Regulations. However, this shall not be the first of any rest day period. Not more than one period of compensatory rest shall be allocated to any one nominated day.

15. Annual Leave

It is agreed that the Annual Leave period shall commence on 1 January each year.

16. Notice

- a) This Agreement shall last for a period not exceeding two years;
- b) The agreement may be terminated by either the JBB or Chief Constable giving to the other no less than three months notice to terminate all or such part of this Agreement as may be specified in the notice in relation to all employees as may be specified in the notice;
- c) The Agreement, or parts of it, may be terminated immediately if both the JBB and the Chief Constable agree:

This Agreement is made the 4th day of June 2008 between:

Signed by:

Ms Sara Thornton

The Chief Constable of Thames Valley Police

Signed by:

PC Andrew Viney (Police Federation Secretary)

**The Joint Branch Board Secretary, for and on behalf of, the Joint
Branch Board of Thames Valley Police Federation.**

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THAMES VALLEY POLICE

**Individual agreement to be excluded from
the maximum weekly working time**

**Maximum weekly working time for Thames Valley Police 48 hours per
seven day period averaged over 20 weeks (the reference period)**

Ihereby agree that the 48
hour limit on average weekly working time should not apply in my case.

I understand that :

1. This agreement is for a period of two years.

OR

2. Will end on (insert date).....

AND

3. That I can terminate this agreement after giving 7 days notice

Signed.....

Date.....

Name.....

Rank/Number.....

BCU/OCU/Dept.....

This form should be returned to: The officer's local HR Manager

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