

Shift Working and Working Time – Police Staff

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Policy Statement

Summary

West Yorkshire Police (WYP) have established a procedure which sets out the elements of police staff shift working and working time.

This policy explains how shift patterns will be determined and what they contain including entitlements for police staff. Details of the Working Time Regulations 1998 that the force must comply with are stated. This policy also explains how the Force Duties Management System (CARM) is used to record working times.

NPAS pilots' shift patterns also conform to the Civil Aviation Authority (CAA) Working Time Regulations 2004 and Flight Time Limitations scheme.

Scope

This policy applies to all police staff members, but the Shift Working section only applies to staff members in receipt of a shift allowance, irregular hours allowance or night working allowance and NPAS Pilots.

Shift Working

Consultation

- Consultation will be undertaken with trade union representatives when organisational changes to shift patterns are proposed. Where possible, agreement will be reached with trade union representatives over shift pattern changes.
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Shift pattern operating arrangements

- All shift arrangements will operate in accordance with the provisions of this policy, the Terms and Conditions policy and Working Time Regulations and will be subject to any Collective Agreement with trade unions which details any derogation.
- Shift patterns must:
 - Have at least 12 hours between shifts or periods of working. The recommended break between working periods is 13 hours or more;
 - Have a minimum of either a continuous 24-hour rest period each week or an uninterrupted rest period of 48 hours in any reference period of 14 days;
 - Have a minimum rest break of 30 minutes where the working day is six hours or longer;
 - Have a maximum of no more than four consecutive nights in a shift pattern (unless the person is a designated night worker); and
 - Support the delivery of local operational demand.
- Patterns must follow a forward rotational working pattern.

NPAS Pilots

- Line Pilots - are notified of the roster at least 12 months in advance.

- Senior Pilots - work a similar roster to Line Pilots but their role requires a degree of flexibility in order to meet the operational requirements of the role. They are responsible for administering their own roster which must be produced at least two weeks in advance.
- National Pilots - this role requires a high degree of flexibility in order to respond to operational requirements. They work a floater roster which is notified two weeks in advance, but can be subject to change.

**Working day
start time**

- The working week will start on Monday and the working day will be a 24-hour period normally commencing at 0700 hours each day.
- If there is a significant business need, a change to the police staff working day start time for a particular district or role may be requested. This is subject to approval by ACC People as advised by the People Systems Support Manager.
- Rest days, annual leave days, free days (for part time staff) and public holidays will be 24-hour periods commencing at the same time as the working day start time.

**Notice of shift
pattern
commencing**

- Prior to the start of a permanent change to a shift pattern, a minimum of 45 days' notice must be given to staff of their new shift pattern, however wherever possible a longer period of notice will be given.
- Notification of this permanent change shall be either in writing or email.

**Shift pattern
determination
and approval**

- Corporate shift patterns for certain roles may be set centrally by the Chief Officer Team following consultation with districts, staff associations and trade unions. In these circumstances the rest day pattern will be set with districts sometimes having the flexibility to determine the permanent start and finish times which will be subject to approval by ACC People as advised by the People Systems Support Manager.
- Districts with shifts patterns that are not centrally determined must first consider whether the corporate patterns can meet the needs of their roles. If they are unsuitable then agreement must be obtained from the People Systems Support Manager to develop an alternative pattern.
- Any revisions to police staff shift patterns will still need to be subject to consultation with trade union representatives and approval by the ACC People as advised by the People Systems Support Manager.
- Districts and departments will submit requests for approval of shift pattern changes using the Proposed Shift Pattern Revision Approval Form.
- Prior to submission to the ACC People as advised by the People Systems Support Manager, all proposed shift pattern revisions must be sent to the People Department Systems Support for consideration of working time and working pattern design issues, who will forward the proposals for decision if they pass their initial assessment.
- A new roster must be subject to an Equality and Human Rights Assessment as part of the Force's duty to promote equality.

Shift lengths	<ul style="list-style-type: none"> • Normal scheduled full-time shifts shall be between 8 and 10 hours. • To meet specific business requirements, shift patterns may be operated which include scheduled shifts of more than 10 hours' duration. • However scheduled shift lengths must not exceed 12 hours.
NPAS Pilots	<ul style="list-style-type: none"> • The standard working shift is 12 hours for all pilots.
Three-month working patterns	<ul style="list-style-type: none"> • A continuous rolling three-month working pattern will be prepared for all staff in roles that are covered by this policy. • The three-month working pattern will show staff: <ul style="list-style-type: none"> ○ Their rest days; ○ The public holidays on which they may be required to perform shifts; and ○ The time scheduled shifts shall begin and end. • Duty days shall not exceed seven consecutive working days before a rest day is taken and the staff member must be scheduled to take at least two rest days in any 14-day period.
Duties management system	<ul style="list-style-type: none"> • The force duties management system (CARM) will be the system of publishing three-month working patterns. • CARM will provide 12-month rolling working patterns which show rest and working days over the forthcoming 12 months with indicative shift start and finish times. The working pattern becomes fixed three months prior to the duty day. The working pattern becomes fixed, subject to provisions in the Police Staff Terms and Conditions Section 1.4.3, three months prior to the duty day.
Annual leave	<ul style="list-style-type: none"> • Annual leave may be booked up to 12 months in advance. Where a period of annual leave contains or directly adjoins a rest day, the rest day will not be subject to change. • Where a rest day does not adjoin a period of annual leave the day may be subject to change, in accordance with Police Staff Terms and Conditions section 1.4.3, unless an employee can demonstrate that they have a wholly exceptional event occurring on a rest day, and where change of that rest day would cause significant personal disruption, their line manager will, subject to the exigencies of duty ensure that the rest day remains unchanged. This section only applies where the event is arranged, and manager informed prior to a change in the working pattern. • This provision is conditional on being used for significant events, i.e. family weddings or pre-booked holidays where financial loss can be demonstrated. A guideline is that no employee should use this provision more than twice a year.
Temporary changes to	<ul style="list-style-type: none"> • Arrangements for changes to scheduled working days are detailed in Police Staff Terms and Conditions.

scheduled working days	<ul style="list-style-type: none"> Staff shall be recompensed for changes to their scheduled working day in line with terms and conditions. Forward planning is key to successful resource management.
NPAS Pilots	<ul style="list-style-type: none"> Any changes to Pilots' rosters must be in accordance with Flight Time Limitations as detailed in the NPAS Operations Manual Part A Section 7.
Temporary changes to duty start and finish times	<ul style="list-style-type: none"> Known annual occurrences (such as religious holidays and festivals, sporting and local events, New Year and other public holidays) and any other predictable event, where additional staff members or duty changes may be required, must be accounted for when working patterns are being planned. This must be done as part of an annual planning cycle, reviewed on at least a quarterly basis. In all cases, changes must be achieved through the use of staff volunteers in the first instance, with due regard to work life balance considerations. Any changes to the planned starting and finishing time of a shift must be notified to an employee as soon in advance of the intended change as possible. Staff shall be recompensed for changes to their scheduled duty start or finish times in line with Police Staff Terms and Conditions.
NPAS Pilots	<ul style="list-style-type: none"> Any changes to Pilots' rosters must be in accordance with Flight Time Limitations as detailed in the NPAS Operations Manual Part A Section 7.
Training	<ul style="list-style-type: none"> Staff undertaking training away from the usual place of duty will normally be scheduled to work 8-hour shifts.
Duration of rest breaks	<ul style="list-style-type: none"> Shift patterns will contain rest breaks which must be taken in order to protect the health and welfare of employees and to comply with Working Time Regulations. Full time police staff are contracted to work an average of 37 hours per week excluding rest breaks, and shift patterns will be designed accordingly. NPAS Pilots' rosters equate to 42 hours per week including rest breaks (38 hours, 51 minutes excluding breaks). The duration of the rest breaks will be as follows: <ul style="list-style-type: none"> In recognition of the flexibility, which is required of shift workers, the unpaid rest break will be extended by a paid element such, that for: <ol style="list-style-type: none"> PCSOs, and public enquiry counter workers, start/finish times of shifts and breaks align with police officer colleagues in their team. All shift workers' rest breaks are as follows:

Number of hours in shift	Total rest time	Rest period paid and unpaid elements
6 hours or more, but less than 7 hours	38 minutes	30 mins unpaid 8 mins paid
7 hours or more, but less than 8 hours	40 minutes	32 mins unpaid 8 mins paid
8 hours or more, but less than 9 hours	45 minutes	36 mins unpaid 9 mins paid
9 hours or more, but less than 10 hours	50 minutes	40 mins unpaid 10 mins paid
10 hours	60 minutes	45 mins unpaid 15 mins paid
12 hours	70 minutes*	54 mins unpaid 16 mins paid
*The rest time on a 12-hour shift must be taken in 2 periods, for example a 50-minute rest period and a separate 20-minute rest period		

When rest breaks will be taken

- Rest breaks will normally be scheduled at the following times:

Shift	Rest break to start between
8 hours	3 hours and 5 hours after a shift has started;
9/10 hours	4 hours and 6 hours after a shift has started;
12 hours	First rest period: <ul style="list-style-type: none"> • 3 hours and 30 minutes and 6 hours after a shift has started. Second rest period: <ul style="list-style-type: none"> • 7 and 10 hours after a shift has started.
Care should be taken, by line management, to ensure that adequate breaks and refreshments are taken in accordance with the Working Time Regulations.	

Overtime

- Staff who undertake overtime shall be recompensed as per the Terms and Conditions.
- The following applies when a member of police staff works overtime at management request on a day that they are scheduled to work.
- Was the need to work known before the start of the shift? If:
 - Yes – then they will take the rest break applicable to the extended shift length with the appropriate partially paid element included; or
 - No – then they will take the rest break applicable to the original shift length.

NPAS Pilots

- As a total pay package is agreed, no additional payments are made for overtime.

Supervisors

- Supervisors are required to monitor that rest breaks are taken. The purpose of a rest break is to allow for rest and refreshment part-way

through a shift; therefore, working through a designated rest break then leaving work early does not constitute taking a rest break.

Public holidays and rest days

- Where possible staff will be given leave on public holidays. Staff required to work on a public holiday will be recompensed as per Terms and Conditions.
 - Where an employee is due to be on a rest day on a public holiday, a day in lieu must be reallocated within the three-month working pattern in which the public holiday occurs. This may be after, or up to 14 days before, the public holiday. For part time staff the value of this day will be pro-rata based on their contracted hours.
 - Where an employee works on a rest day and a day in lieu is due this must be reallocated within the three-month working pattern in which the rest day occurs. This may be after, or up to 14 days before, the day worked. For part time staff the value of this day will be pro-rata based on their contracted hours.
 - Where it has not been possible for a day in lieu to be re-allocated within three months of the day in which it was accrued, the day in lieu provisions detailed in Section 2 of police staff Terms and Conditions will apply.
 - Where a public holiday falls on a work free day for a part time worker they will receive a credit to their core hours' time bank equal to the value of their pro-rata working day rate.
 - NPAS Pilots – where a day in lieu is rostered against a shift of greater duration the deficit must be made using TOIL /leave.
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Annual leave

- Entitlement to annual leave will be as provided within Police Staff Terms and Conditions of service on an hour for hour basis. Annual leave entitlements for shift workers must be converted into hours at the rate of 7 hours 24 minutes per annual leave day.
- Annual leave will be deducted equivalent to the actual time the staff member is absent from work. This does not include rest breaks.

NPAS Pilots

- Owing to the longer working hours in the roster, pilots leave will be calculated in hours at the rate of 7 hours 46 minutes per annual leave day. Leave must be taken in complete shifts.
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Allowances

- All shift working allowances and unsocial, irregular hours allowances will be paid in accordance with Terms and Conditions.

NPAS Pilots

- As a total pay package is agreed no additional of individual allowances are paid.
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Earnings protection

- As part of the consultation process, carried out in accordance with the Organisational Change policy, each member of staff must be informed of the impact on their earnings that the shift pattern change will create.

- The organisational change policy details the protection of earnings arrangements.

Agreement on the Working Time Regulations 1998

Information

- The following agreement is the result of consultation and negotiation between the West Yorkshire Police Force and recognised Trade Unions with regard to the implementation of the EU Directive 93/104/EC.
- The “Directive” states that workers will be entitled to a minimum daily rest period of 11 hours.
- Managers will ensure, that, in any change of existing shift rotas or design of new rota’s, proper consultation will take place with the Trade Unions, if necessary through the Force’s formal machinery, with the spirit and conditions of the Directive in mind. Such consultation will be subject always to the needs of the Force to provide an effective service to the public.

NPAS Pilots

- NPAS Pilots work in accordance with the CAA Working Time Regulations 2004 which cover rest periods, annual leave, rest breaks, maximum working time, work patterns and health assessments.

Breaks

- Where the working day is six hours or longer, individuals will receive a minimum rest break of 30 minutes, subject to suspension where the ability of the Force to provide emergency services would be adversely affected.
- If due to operational necessity individuals are required to work through a scheduled rest break, then supervisors must ensure that the break is taken as soon as it is practicable, to ensure that the Force complies with the Working Time Regulations. Supervisors will determine when the rest break can be taken.

Weekly rest periods

- Individuals will receive a minimum uninterrupted rest period of 48 hours in any reference period of 14 working days subject to the ability of the Force to provide emergency services.
- Periods on standby will be excluded from the agreement’s provisions, except that when actually “called out” to work, individuals will receive eight hours’ break from work between the finishing time of the last call out and the start of normal working hours. The subsequent normal working pattern will be adhered to.

Maximum Weekly Working Time/ Opt Out Agreement

- The average working time for each 7-day periods, including overtime, **will not exceed 48 hours** as an average over a 17-week period or a longer agreed multiple of a shift pattern, unless an opt out agreement is in place.

- Staff over the age of 18 can choose to 'opt out' of the Working Time Regulation in relation to the 48-hour maximum working week. **This agreement relates to this element of the Working Time Regulations only.**
 - The agreement is valid for 12 months at which point the agreement will be terminated.
 - If the individual wants the agreement to continue, it is their responsibility to submit a new request prior to the termination date.
 - The agreement can be terminated with seven days' notice by either the individual or the organisation.
 - Staff must not exceed a maximum of 60 hours per week. The number of hours worked per week must include any hours attributed to an approved business interest.
 - Requests must be made on a Working Time Opt Out Agreement. This must be emailed directly to the HR System Support mailbox, with a copy sent to their line manager. The People System Support team will then update the individual's personal record.
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Annual leave

- Individuals will receive paid annual leave in accordance with Police Staff Terms and Conditions of service and in all cases, as governed by the Working Time Regulations.
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Length of night work

- The normal hours of work for night workers will not exceed an average of eight hours in any 24-hour period over a four-week cycle.
 - Night work is a period of not less than seven hours including in any case the period between midnight and 0500am.
 - A night worker is any worker who works at least three hours of their daily working time as a matter of course in the night work period detailed above.
 - Staff engaged on security work are derogated.
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Health Assessment and Transfer of Night Worker to Day Working

Information

- As a night or shift worker, regularly working nights as part of their rotas, individuals will receive free health assessment, in accordance with Regulation 7 of the Working Time Regulations, before their assignments and thereafter annually or on self-referral.
 - When suffering from health problems associated with night work, individuals will be transferred where possible to day work to which they are suited at the appropriate rate for the job, subject to consideration of the appropriateness of other Force policies in each case.
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Notification of regular use of night workers	<ul style="list-style-type: none"> • A database of night workers and shift workers has been set up for statistical analysis and provision of data as required under the provisions of the Directive.
Health and safety protection	<ul style="list-style-type: none"> • The Force will ensure that as a night or shift worker individuals will have health and safety protection appropriate to the nature of their work, equivalent to those applicable to other workers and available at all times (i.e. that the Force's Health and Safety policy be uniformly applied).
Pattern of work	<ul style="list-style-type: none"> • The Force will ensure that in organising patterns of work, account will be taken of the general principle of adapting work to the individual and the need for good health and safety practices especially as regards breaks during working time.
Continuous review	<ul style="list-style-type: none"> • The Force will jointly review this agreement on a regular basis in consultation with the Trade Unions, taking into account any changes to legislation or its interpretation which extend the scope of the agreement.

Night Workers Questionnaire

Information	<ul style="list-style-type: none"> • This questionnaire aims to collect information about health issues and working nights. • Individuals are invited to complete the questionnaire, Per 50 and return it directly to the Occupational Health, who will screen the questionnaire. • If the information individuals provide identifies a need for them to see a health practitioner, then the department will write to their Employee Relations Advisor (with a copy to the individual) asking them to arrange an appointment. • An appointment with a health practitioner can only be made by way of a formal referral. Medical confidentiality will be respected.
Definition	<ul style="list-style-type: none"> • While it is not possible to state which specific posts within West Yorkshire Police are occupied by night workers, as a general guide those who qualify are: <ul style="list-style-type: none"> ○ Anyone who works the Force Variable Shift Arrangement; ○ Police staff in receipt of the 20% shift allowance; and ○ Anyone who frequently works between the hours of 1100p.m. and 0600 a.m.

Working Time

Recording

- Police staff members must record their working time on the Force Duties Management System (CARM).
- This requirement covers all members of police staff, including those who work:
 - Shifts, as defined in chapter 1;
 - Fixed hours; and
 - Flexi-time.
- The CARM system provides the definitive record of a person's working time.

Core hour balances

- In order to ensure that staff members complete their designated average number of hours per week it may be necessary for duties teams to make adjustments on the duties system to re-allocate core hours' debits or credits.
- Any working pattern adjustments will be for a minimum of one hour unless the total core hours credit or debit amounts to less than 60 minutes.
- Additional working days will not be scheduled to recover core hour deficits, without the staff member's agreement. If, due to a rota change, e.g. because of a change of shift team or training course, a staff member receives a higher or lower number of rest days than they would otherwise have, replacement shifts or rest days can be scheduled.
- Duties teams may recover working hours credits arising from attendance at training courses or from attendance at court by allocating the additional hours worked against a core hours deficit, if held.

Monitoring

- The staff member's working hours recorded on CARM must be regularly checked and monitored by their line manager to determine and sign off the level of working hours that the individual has carried out.

Extreme Weather**Reporting for duty**

- Individuals must attend at their usual place of duty, if this is possible. However, if they are unable to attend at their usual place of duty due to extreme weather, they must take annual leave, TOIL, RDIL or unpaid leave etc. Also, if they are late or finish early, they must take leave or make up for time missed.
- In some instances, it may be possible for the individual to work from another WYP location, e.g. if they are a PCSO, detention officer or despatch operator.
- Unless agreed in advance individuals must seek to contact their manager or the duty inspector for operational staff prior to attending at another WYP station.

OFFICIAL

- For staff in certain posts, such as those in regional or national roles, their department head may agree that they can work at another suitable location. If so, each instance must be approved with their manager, prior to attending the alternative location unless agreed in advance.
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Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- Working Time Regulations 1998
 - Organisational Change policy
 - Terms and Conditions for Police Staff
 - Health and Safety policy
 - CAA Flight Time Limitation scheme
 - CAA Working Time Regulations 2004 (amendment 2010)
 - NPAS Operations Manual
 - Data Protection Act 2018
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