Shift Working and Working Time for Police Staff

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Policy Statement

Summary

West Yorkshire Police 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. Also how the Force Duties Management System (CARM) is used to record working times.

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.

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.

Shift Pattern Operating Arrangements

● All shift arrangements will operate in accordance with the provisions of this policy, Terms and Conditions for Police Staff and Working Time Regulations and will be subject to any Collective Agreement with trade unions which details any derogation.

● Shift patterns must:
  o Have at least 12 hours between shifts or periods of working. The recommended break between working periods is 13 hours or more;
  o 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;
  o Have a minimum rest break of 30 minutes where the working day is 6 hours or longer;
  o Have a maximum of no more than 4 consecutive nights in a shift pattern (unless the person is a designated night worker); and
  o Support the delivery of local operational demand.

● Patterns should follow a forward rotational working pattern.

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 Chief Constable/Deputy Chief Constable as advised by the People Director.

- 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.

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<thead>
<tr>
<th>Notice of Shift Pattern Commencing</th>
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<tr>
<td>• 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.</td>
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<td>• Notification of this permanent change shall be either in writing or email.</td>
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<tr>
<th>Shift Pattern Determination and Approval</th>
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<tr>
<td>• 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 Chief Constable/Deputy Chief Constable as advised by the People Director.</td>
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<td>• 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 should be obtained from the People Director (People Department SLT Member, if delegated) to develop an alternative pattern.</td>
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<tr>
<td>• Any revisions to police staff shift patterns will still need to be subject to consultation with trade union representatives and approval by the Chief Constable/Deputy Chief Constable as advised by the People Director.</td>
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<tr>
<td>• Districts and departments will submit requests for approval of shift pattern changes using the Proposed Shift Pattern Revision Approval Form.</td>
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<tr>
<td>• Prior to submission to the Chief Constable/Deputy Chief Constable as advised by the People Director, all proposed shift pattern revisions should 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.</td>
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<tr>
<td>• A new roster should be subject to an Equality and Human Rights Assessment as part of the Force’s duty to promote equality.</td>
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<tr>
<th>Shift Lengths</th>
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<td>• Normal scheduled full time shifts shall be between 8 and 10 hours.</td>
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<td>• To meet specific business requirements shift patterns may be operated which include scheduled shifts of more than 10 hours duration.</td>
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<td>• However scheduled shift lengths should not exceed 12 hours.</td>
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<tr>
<th>Three Month Working Patterns</th>
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<tr>
<td>• A continuous rolling 3 month working pattern will be prepared for all staff in roles that are covered by this policy.</td>
</tr>
<tr>
<td>• The 3 month working pattern will show staff:</td>
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<tr>
<td>o Their rest days</td>
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</tbody>
</table>
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 7 consecutive working days before a rest day is
taken and the staff member must be scheduled to take at least 2 rest days
in any 14 day period.

Duties
Management
System
• The force duties management system (CARM) will be the system of
publishing 3 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 3 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, 3 months prior to the duty
day.

Annual Leave
• 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
Scheduled
Working Days
• Arrangements for changes to scheduled working days are detailed in Police
Staff Terms and Conditions.
• 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.

Temporary
Changes to Duty
Start and Finish
Times
• 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, should be accounted for when working patterns are
being planned. This should be done as part of an annual planning cycle,
reviewed on at least a quarterly basis.
• In all cases, changes should 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 should 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.

**Training**

- Staff undertaking training away from the usual place of duty will normally be scheduled to work 8 hour shifts.

**Duration of Rest Breaks**

- 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.
- The duration of the rest breaks will be as follows:
  - 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:
    1. PCSOs, and public enquiry counter workers, start/finish times of shifts and breaks align with police officer colleagues in their team.
    2. All shift workers, rest breaks are as follows:

<table>
<thead>
<tr>
<th>Number of hours in shift</th>
<th>Total rest time</th>
<th>Rest period paid and unpaid elements</th>
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<tbody>
<tr>
<td>6 hours or more, but less than 7 hours</td>
<td>38 minutes</td>
<td>30 mins unpaid 8 mins paid</td>
</tr>
<tr>
<td>7 hours or more, but less than 8 hours</td>
<td>40 minutes</td>
<td>32 mins unpaid 8 mins paid</td>
</tr>
<tr>
<td>8 hours or more, but less than 9 hours</td>
<td>45 minutes</td>
<td>36 mins unpaid 9 mins paid</td>
</tr>
<tr>
<td>9 hours or more, but less than 10 hours</td>
<td>50 minutes</td>
<td>40 mins unpaid 10 mins paid</td>
</tr>
<tr>
<td>10 hours</td>
<td>60 minutes</td>
<td>45 mins unpaid 15 mins paid</td>
</tr>
<tr>
<td>12 hours</td>
<td>70 minutes*</td>
<td>54 mins unpaid 16 mins paid</td>
</tr>
</tbody>
</table>

*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:

<table>
<thead>
<tr>
<th>Shift</th>
<th>Rest break to start between</th>
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<tbody>
<tr>
<td>8 hours</td>
<td>3 hours and 5 hours after a shift has started;</td>
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<tr>
<td>9/10 hours</td>
<td>4 hours and 6 hours after a shift has started;</td>
</tr>
</tbody>
</table>
### 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.

### 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 should be reallocated within the 3 month working pattern in which the public holiday occurs. This may be after or up to 14 days before the public holiday.
- Where an employee works on a rest day and a day in lieu is due this should be reallocated within the 3 month working pattern in which the rest day occurs. This may be after or up to 14 days before the day worked.
- Where it has not been possible for a day in lieu to be re-allocated within 3 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.

### 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 should 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.
Allowances

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

Earnings Protection

- HR managers are required to identify the financial impact of a shift pattern change on their affected staff.
- As part of the consultation process, that is carried out in accordance with the Organisational change policy, each member of staff should 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 rota’s 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.

Breaks

- Where the working day is 6 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 8 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
- 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.
- The Force will not agree to an opt out from average 48 hours per week maximum working hours, except to facilitate voluntary activity, such as being a special constable, where their wellbeing is monitored by line management. Where an opt out is agreed, paid work cannot exceed the average of 48 hours per week.
- In any case, this agreement will be subject to the fact that the ability of the Force to provide emergency services is not affected.

### 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.

### Length of Night Work
- The normal hours of work for night workers will not exceed an average of 8 hours in any 24 hour period over a 4 week cycle.

**Definitions of:**

<table>
<thead>
<tr>
<th>Stage</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Night work is a period of not less than 7 hours including in any case, the period between midnight and 5:00 am.</td>
</tr>
<tr>
<td>2</td>
<td>A night worker is any worker who works at least 3 hours of their daily working time as a matter of course in the night work period detailed above.</td>
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<tr>
<td>3</td>
<td>Staff engaged on security work are derogated.</td>
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</tbody>
</table>

### Health Assessment and Transfer of Night Worker to Day Working

**Information**
- As a night or shift worker, regularly working nights as part of their rota’s, 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.

**Notification of**
- 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**
  - 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**
  - 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**
  - 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**
  - This questionnaire aims to collect information about health issues and working nights.
  - Individuals are invited to complete the questionnaire, Per 50 (Word & PDF force forms) 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 HR manager/HR officer (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**
  - 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:
    - 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 11.00 p.m. and 6.00 a.m.
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 hour’s debits or credits.
- Any working pattern adjustments will be for a minimum of 1 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.

Clocking in Machines

- Clocking in machines will not be installed or replaced unless, in exceptional circumstances, this is agreed with a member of the People Department SLT. (Typically, this agreement will only be given where staff members are unable to easily access a computer to input their working times directly on to the CARM system, e.g. vehicle workshop.)
- Some police staff members currently use clocking in machines as the daily method to record their working time. The clock card entries are then transferred to the individual’s CARM working time record.
- The Force does not intend to remove existing clocking in machines but individual staff members have discretion over whether they choose to use clock cards as an initial method to record their working hours.
- However, this discretion only applies in areas where a clocking in machine is still in operation, in other areas, where there is no clocking in machine in use working hours must be directly entered onto the duties management system (CARM).
• If a staff member chooses to use clock cards to record time worked, they must not manually calculate their times and hours, since the CARM system does this automatically, and cards will not be routinely checked.

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Extreme Weather

**Reporting for Duty**

• Individuals should 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 should seek to contact their manager or the duty inspector for operational staff prior to attending at another WYP station.

• For staff in certain post, 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 should be approved with their manager, prior to attending the alternative location unless agreed in advance.
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

Policy Database Administration

<table>
<thead>
<tr>
<th>Item</th>
<th>Details</th>
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<tbody>
<tr>
<td>Document title:</td>
<td>Shift Working and Working Time for Police Staff</td>
</tr>
<tr>
<td>Owner:</td>
<td>Human Resources</td>
</tr>
<tr>
<td>Author / Reviewer:</td>
<td></td>
</tr>
<tr>
<td>Date of last review:</td>
<td>03/05/2017</td>
</tr>
<tr>
<td>Date of next review:</td>
<td>03/05/2018</td>
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The Equality and Human Rights Assessment for this policy is held on Force Registry which can be accessed via [this link](#).

The table below details revision information relating to this document:

<table>
<thead>
<tr>
<th>Topic title</th>
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