

POLICE FEDERATION WORKING TIME AGREEMENT

1 NOVEMBER 2012

1.0 Introduction

1.1 This agreement is made between Hampshire Constabulary and the Police Federation. It defines working time and identifies the provisions of the regulations which affect Hampshire Constabulary.

2.0 Effective Date of the Agreement: 1 November 2012

3.0 Duration of the Agreement

3.1 This agreement shall last for 3 Years. Either party to the agreement may give the other party 3 months written notice to terminate all or specified parts of this agreement.

4.0 Scope of the Agreement

4.1 This agreement applies to all Federated ranks.

5.0 Definition of Working Time

5.1 For the purposes of the Working Time Regulations, working time shall include:

- a) Any period where an officer is working, at the Chief Constable's disposal and carrying out his/her activities or duties.
- b) Travel on the Chief Constable's instructions between home and any place of duty not being the officer's usual place of duty
- c) Travel between two places of duty.
- d) Periods when the officer, when on call or on standby, is interrupted for a work related matter (over the telephone or otherwise).
- e) Time that the officer is undertaking training.
- f) Time taken to travel from home to and from any place where residential training courses are being conducted,
- g) Time spent working at home undertaking approved work for the Constabulary.

- h) All time spent carrying out the duties of a Federation Representative or if acting on behalf of an officer or the Federation.

6.0 Maximum Weekly Working Time

- 6.1 The regulations stipulate that working time, including overtime, shall not exceed an average of 48 hours per week in any 17-week period. For the purposes of this agreement it is agreed any 20-week period will be used as the reference period and not 17 weeks.
- 6.2 Some absences from duty e.g. annual leave, sickness absence, maternity leave are defined under WTR 1998 as “excluded days”. This has the effect that the hours on these days will be replaced by the hours worked on the corresponding amount of duty days in the next reference period.
- 6.3 For the purpose of this Agreement the working week shall commence on Mondays at 0700 hours.
- 6.4 All parties to this agreement do not encourage officers to work in excess of an average 48 hours in the reference period. It is however recognised that in the police service at times of emergency, extended hours are unavoidable.

7.0 On Call and Standby

- 7.1 If an officer is required to participate in formal “on call or standby” arrangements, then this time is in itself NOT regarded as working time. Unless during that time they are required for duty. If an officer is required to immediately attend duty, for the purposes of this Agreement, the time is counted from when they were called until the duty ends. This includes any relevant travel.
- 7.2 If an officer is contacted by telephone to provide advice in relation to police matters, the time spent dealing with the issue is counted for the purposes of working time.

8.0 Meal Breaks/Rest Breaks

- 8.1 The length of daily meal breaks will be set by the current Police Regulations (Reg 22 para 1. c)iii and 1.d and for part time officers Reg 22 para6. a) ix an x.
- 8.2 Officers are entitled to take their meal break away from their usual workstation (i.e. in a rest room), and where possible this break should be free from interruption. In the event that the meal break cannot comply with this or the minimum of 20 minutes then compensatory rest is owed to the officer. It is for the officer to bring this to the attention of their line manager.
- 8.3 Interruptions to meal breaks should be the exception rather than the rule. Exigencies of duty must not be used as a means of excluding an officer from taking a meal/rest break on a regular basis. Meal breaks must be recorded on the AD97 or CARM system.

- 8.4 Where an officer is required to remain on call in the station or at other locations during refreshment breaks this will be classed as working time, in addition if an individual does not have a reasonable expectation of an uninterrupted break then this will also be counted as working time.
- 8.5 Meal breaks should not normally be taken at the beginning or end of a tour of duty.

9.0 Daily Rest

- 9.1 A period of not less than eleven consecutive hours daily rest (between each rostered duty period) is required in every twenty-four hour period. Every duty period shall therefore make provision for an interval of not less than eleven hours between the ending of a daily period of duty and the beginning of the next period of duty.
- 9.2 Any recall to duty, including emergencies e.g. while on call, will create an entitlement to a new uninterrupted period of eleven hours, prior to the next duty period and could result in a delayed return to the next duty. Where this is not possible an equivalent period of compensatory rest will need to be provided.
- 9.3 Where recalled to duty from either standby or call out, entitlement to a new eleven-hour rest period will commence from the time of returning home. If the requirement to work can be achieved whilst remaining home, then the eleven-hour rest period will commence from when that work is concluded.
- 9.4 Where an eleven hour rest period is interrupted, and a delayed return cannot be arranged, compensatory rest will need to be provided. If granted, it should immediately follow the interruption. If operational demands prevent officers from taking their rest period entitlement, the date on which the compensatory rest is to be provided must be notified to the officer concerned as soon as possible and no later than four days after interruption to which it relates.
- 9.5 Compensatory rest should not be accumulated, since it is required for safety reasons. It should therefore be taken within ten days of the interruption.

10.0 Weekly Rest

Officers are entitled to:

- two uninterrupted rest periods of not less than 24 hours in each fourteen day period or
- one uninterrupted rest period of not less than 48 hours in each fourteen day period

- 10.1 All shift patterns should be accepted in accordance to Police Regulations (Reg 22 annex E2a). Under no circumstances should any proposed pattern exceed the minimum requirements of the Working Time Regulations.

- 10.2 In providing any additional period of daily or weekly rest, the Chief Constable shall be entitled to rely upon any additional provisions of the Police Regulations 2003 as fulfilling the purpose of this provision. By way of example, rest days provided by police regulations, which are over and above the entitlement for rest days within the working time regulations, may be used to provide the compensatory rest period.
- 10.3 These conditions apply only to the entitlement to compensatory rest created under the Working Time Regulations. They are in no way meant to alter or amend the entitlement created under the Police Regulations 2003 in respect of cancelled or re-rostered rest days.

11.0 Annual Leave

- 11.1 All staff will be entitled to annual leave as prescribed in Regulation 33 and Annex O of the Police Regulations 2003. This may be taken in accordance with the procedure laid down with force Policies and Procedures. The annual leave year for all officers who joined the force after 1st April 1998 starts at the date of appointment to the Force.

12.0 Night Working

- 12.1 A night worker is recognised as someone who is rostered to work at least three hours of his or her daily working time, during the night time. Night time being the period between 2300 and 0600 hours each day.
- 12.2 It is agreed that Police work can constitute a special hazard or involve heavy physical or mental strain. Where a risk assessment has identified such hazards or strain in the case of an officer who is a "Night worker", then that officer shall be treated as undertaking those activities for the purpose of WTR. However, this agreement modifies the application of regulation 6 (7) of the Working Time Regulations in relation to the maximum of 8 hours night shift for Night workers, in order to maximise flexibility in utilising shifts of up to ten hours in length. No officer shall be required to work more than 12 hrs in any 24-hour period during which the night worker performs work.
- 12.3 Night Workers will have the opportunity to undergo a regular free health assessment conducted by Occupational Health and Wellbeing section. The frequency of such assessments will be reviewed and consulted between the Constabulary and the Federation. Questionnaires will take place at least every three years. This is to identify the conditions which might affect or be affected by night working. Where an officer is found to be suffering health problems connected with night work the Force will attempt to post to a role which involves less or no night work (ie this **cannot** be guaranteed).

13.0 Records

All working time must be recorded by the officer. Line Managers shall review records regularly to ensure each officer's hours do not exceed the maximum. Records shall be kept for a minimum of six years.

- 13.1 The records will be made available to safety representatives as required.
- 13.2 The records will be available to the Secretary, Chairman or their deputies of the Hampshire Police Federation as required with reasonable written notice.

14.0 Business Interests

- 14.1 It is a requirement for officers to seek permission if they wish to take on any other “business interests”. Officers who have an approved business interest must declare the hours spent on all non-Constabulary work.

15.0 Opt-Out Agreement

- 15.1 Although Hampshire Constabulary has a duty to ensure that officers do not work more than an average 48 hours per week, individual officers may opt-out of the 48 hour limit by written agreement. In these situations, managers will review the performance of an officer regularly to ensure that any excessive weekly working is not adversely affecting their health. The agreement will be reviewed annually or if the role of the officer changes or if there are concerns over the health of the officer. Records of these reviews must be kept with the Area or Portfolio for a period of six years. Officers do not have the right to opt-out of any other provision of the Working Time Regulations.
- 15.2 Agreements will be retained by Area Commanders/Heads of Department and a copy is to be provided to the HR Department for inclusion on the officers personal file.
- 15.3 The officer or the manager has the right to terminate any such agreement by giving 28 days notice. However, where a recommendation has been made by the Occupational Health and Wellbeing Section to terminate the agreement on medical grounds it may be terminated after 7 days notice.
- 15.4 The requirement to enter into an agreement to opt-out of the 48-hour limit shall not be included in any job description or role requirement.
- 15.3 Note: All references to Police Regulations 2003 will be taken to mean any amended regulations or determinations after 2003.

Signed:

(Chief Constable, Alex Marshall for Hampshire Constabulary)

Signed:

(PC John Apter, Chairman of Hampshire Police Federation)