Police Officers “On-Call” within the Metropolitan Police Service – Joint Agreement with the Federated Ranks

HR Total Reward

Version: 2
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1 Introduction

1.1 “On-call” has traditionally been utilised by the MPS as a means to call and recall officers to duty either between rostered shifts or on rest days, often at short notice, to provide a specialist police service or response. By its nature, this will often involve immediate deployment of specialist policing skills or knowledge not available from the general policing response. The requirement is outside the core responsibilities and working hours of the individual role.

1.2 Amendments to the determination under regulation 34 of the Police Regulations 2003 (Annex U – Allowances) introduced the concept of an “on-call” allowance into Police Regulations for Federated ranks from 1 April 2013.

1.3 An “on call” requirement should be subject to a risk and cost/benefit assessment before implementing “on-call” arrangements. Where a level of operational capacity or demand is reasonably foreseeable or predictable, the OCU should roster an on duty resilience capability without the need to resort to “on-call”; which may include variable rosters, shift working, night duty or weekend cover.

1.4 Whilst in many circumstances it may be operationally impractical immediately, the target should be to have sufficient resources, and a process framework (roster or rota) whereby no or minimal out of hours “on-call” systems are necessary at any rank.

1.5 To date, “on-call” arrangements lack consistency as some have been reached by local agreement, whilst management has imposed others. Whilst we would not wish to restrict the options open to management in meeting OCU demands, the Police Federation have expressed their concerns to Management Board that there is broad abuse of “on-call” systems by managers, placing an even greater restriction on the private lives of their members. This cannot be permitted without the consent of the individual. All on call is voluntary, however there may be some roles where a requirement to undertake on call duties will be fundamental.

2 Definition for “On-Call”

2.1 Unlike a “recall to duty”, which is defined below, “on-call” is “a predetermined requirement for an officer to be available, outside of their normal working hours, to attend or undertake duty”.

2.2 An officer who is on-call is essentially off duty and free to undertake the majority of his personal pursuits.

2.3 For this reason, on-call does not qualify for overtime, for which the officer becomes eligible once the recall to duty has taken place.

2.4 In readiness for duty, it is necessary that the officer on call is:

- Contactable by telephone or pager;
- Available to return to duty within a reasonable period of time;
- Able to obtain access to appropriate transport; and
- Fit for duty (this includes not having consumed alcohol).

3 Recall to Duty

3.1 It is important to note that there is a clear distinction between being “recalled to duty” and being “on-call”.

3.2 There is a “statement of expectation” included in the Standard Operating Procedures for Regulation 25, Police Regulations 2003, that officers may be recalled to duty at any time. A recall to duty would normally arise only in respect of urgent and unforeseen events (exigencies of duty) and all police officers must recognise there is the potential to be recalled
3.3 Constables and Sergeants recalled to duty are compensated in accordance with regulations 25 and 26 (Recall to duty and minimum compensation for rest days/public holidays; there is no minimum payment for a recall between two tours of duty). All ranks would be compensated under regulation 33 for being recalled from a period of leave. A recall to duty is best described as an island of duty between 2 tours of duty. Dealing with a brief telephone call or email correspondence does not constitute a recall to duty. It is anticipated that a continuous period of half an hour or series of activities totalling half an hour would be required.

Work on a rest day for Inspecting ranks would also be subject to compensatory rest under Regulation 26.

3.4 For Inspecting ranks, managers and staff should also read the “Guidance on hours worked – Inspectors & Chief Inspectors” published in August 2005 and available on PeoplePages

4 Working Time Regulations

4.1 Care must be taken to avoid breaching the Working Time Regulations. While officers are not, as a rule, on duty whilst “on-call” (and therefore, hours “on-call” do not count for working time purposes) unless and until they are contacted and/or called out to report for or undertake duty, managers must be aware that the requirement of any officer to undertake duty will be working time. In order to avoid a breach of the WTR it will therefore be necessary either to ensure that any call would not interrupt an entitlement under the WTR or that regulation 18 (excluded sectors) or regulation 21 (special cases) applies. Where officers are called they should not be retained on duty any longer than absolutely necessary.

4.2 An exception would be where the requirement of “on-call” includes staying at a specific location (e.g. a hotel). It would be recorded as working time with, where necessary, compensatory rest days or annual leave applied. Specific advice on this aspect should be sought from HR Pay & Benefits on 783742.

4.3 Any hours worked whilst “on-call” (if outside a published shift roster) must be recorded on CARM (and on local or corporate systems, e.g. MetDuties, duty states, etc) in line with the requirements of the WTR’s.

5 General Provisions of the Protocol

5.1 Officers can be “on-call” (on an agreed basis) only at a time when they are not rostered to be on duty. However, no officer should be permanently required to be “on-call”. There should also be predetermined periods (e.g. a day, weekend or week at a time) when officers who agree to be on-call will be notified of a requirement and time span not normally exceeding 7 days in a 28-day period. All on call is voluntary, however there may be some roles where a requirement to undertake on call duties will be fundamental.

6 Detailed Provisions of the Protocol

6.1 The requirement for officers to be on call within an OCU must be assessed by the OCU Commander and agreed by the relevant Assistant Commissioner or Management Board member. (see Appendix 1)

6.2 “On-call” systems must include clear written arrangements for;

- The hours in the day an officer will be “on-call”
- The days of the week an officer will be “on-call”
- The minimum (1) and maximum (7) consecutive number of days in any period.
The restrictions, if any, to be imposed on an officer who is “on-call”, including the requirement to respond to a telephone call, the requirement to attend the normal place of duty, the requirement to attend a temporary place of duty, the equipment (and access to the equipment) necessary to attend an incident and the requirement to be retained away from home, e.g. in a hotel, or be within a specified geographical area.

6.3 The above would need to be measured after consideration is taken of the following;

- The freedom to be away from home
- The freedom to engage fully in personal commitments, e.g. family life, activities or business interests, consumption of alcohol, etc.

7 Administration

7.1 Proposed “on-call” systems must be subject to consultation with the OCU, officers and the local (or nominated) Police Federation representative.

7.2 Any agreed “on-call” systems should be docketed and recorded both locally and centrally within HR Total Reward and reviewed locally at least annually.

7.3 Any subsequent changes to the “on-call” system should only be implemented after agreement with the affected officers/staff associations and will be properly docketed as per item 8.2 above.

8 Allowances & Expenses for being “On-Call”

8.1 The allowance has been set as £15 for “each day during which he is on-call.”

A member of the rank of Constable, Sergeant, Inspector or Chief Inspector shall receive an allowance of £15 in respect of each day on which he spends any time on-call. “Day” means a period of 24 hours commencing at such time or times as the chief officer shall fix after consultation with the joint branch board, and the chief officer may fix different times in relation to different groups of members.

For the purposes of this allowance the 24 period will commence at the moment that the on-call requirement commences. Each new period will commence at the end of each 24 hour period.

Officers should claim using form PS26.

8.2 Those officers in receipt of mileage allowance for using their own vehicle whilst on duty, or using their own vehicle as an alternative to public transport, should refer to the standard operating procedures for Regulation 34 and 35, Police Regulations 2003.

8.3 Officers claiming expenses should refer to the SOP for Regulation 35, Police Regulations 2003.

8.4 For those officers using MPS vehicles whilst on duty, you should refer to the Roads Policing Policy Unit and the SOP for Use of Official Vehicles for Home to work travel which is attached to the Roads Policing Policy.

9 Conclusion

9.1 This Protocol is intended to provide a properly regulated and recorded system of “on-call” in the MPS, which satisfies legal requirements; and the needs of MPS Managers to meet their business demands, whilst protecting officer’s interests when “on-call”.

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