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Guidance On Hours Worked – Inspectors & Chief Inspectors

HR Pay & Benefits Branch

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1. Introduction

1.1 Concern is frequently expressed about the number of hours officers in Inspecting ranks are expected to work. This guidance therefore, which has been agreed with the Met's Inspector's Branch Board, is intended to assist those concerned (Inspecting ranks and their line managers) and provide practical examples of how to mitigate against long hours.

1.2 Line managers should assume that the normal working week for (full time) Inspecting ranks is a minimum of 40 hours. A higher limit of an average of 48 hours per week is provided by the Working Time Regulations (WTR), when averaged over a reference period – see below. Unless agreement has been reached on a variable shift arrangement (VSA) or flexible roster, the conditioned hours would normally be comprised of 5 working days and 2 rest days.

1.3 Managers should recognise the need for Inspecting ranks to be able to plan, with a degree of certainty, both for their work commitments and for their personal commitments; the work/life balance. Without overlooking urgent operational requirements of duty, managers should take into account these factors when considering hours worked, on call rota arrangements and rest day cancellations.

1.4 Long hours worked, as a matter of course would be contrary to the intention and the spirit of the agreement reached in Police Negotiating Board at the time that changes to Inspecting ranks' hours and conditions of working were introduced.

2. Application of Working Time Regulations

2.1 The WTR apply to police officers. They limit the number of hours an individual should be working to 48 per week averaged over a reference period. For example, it would not be a breach of the WTR for an officer to work 50 hours in one week, provided that, over the reference period, he or she averaged no more than 48 hours.

2.2 In normal circumstances, the reference period is 17 weeks, but can be extended, normally up to 26 weeks, but potentially to any period up to 52 weeks provided it is agreed in advance. For a VSA and a flexible roster, the reference period would normally be the cycle of the roster in accordance with MPS Policy on annualised hours (see item 4 of Notices 5/2008 for details). Extensions should not be agreed merely to ensure a longer period over which to calculate average hours worked.

2.3 The WTR also provide for rest breaks of at least 11 hours between tours of duty, subject to later compensatory rest periods if on specific occasions such a break cannot be taken. WTR also provide for the taking of one non-working day per week averaged over the reference period ie if the reference period is 17 weeks then 17 non-working days must be recorded within that period. A non-working day could be a rest day, Annual Leave or Special Leave.

2.4 Managers must keep records of hours worked by **all staff**. Likewise, Inspectors and Chief Inspectors are required to record their hours of duty, either electronically (e.g. MetDuties, PDA's, etc), or on manual duty state systems.

2.5 Hours of duty should also be recorded in CARM, Computer Aided Resource Management, which remains as the corporate resource management system for the MPS. CARM provides managers with access to the "Average Hours" report to provide an indication if any officers have worked excessive hours under the WTR limits.

2.6 Individual officers may presently seek, prior to the reference period, to opt out of the 48-hour weekly average set by the WTR and management may seek individuals' agreement to an opt-out. Management though cannot impose opt-out agreements on individuals. Opt-out agreements must be in writing and can be of indefinite duration. In general, however, the MPS would not wish to have significant numbers of opt-out agreements of indefinite duration; they should be used to cover specific circumstances affecting particular officers.

3. Guidance on number of hours worked

3.1 As specified earlier, line managers should consider the normal working week to be no less than 40 hours. Whilst officers can be required to work beyond those hours, the requirement to work should not become the norm, be abused or become regular and expected.

3.2 Where it is necessary for additional hours to be worked, officers should be limited to the average of 48 hours per week over the appropriate reference period as provided for by the WTR. It could be a criminal / disciplinary offence for a manager to permit hours above the WTR limit.

3.3 Officers who are aware that they have reached the 48 hours prescribed by the WTR cannot decline to continue working into the 49th hour. In such circumstances, officers should bring the number of hours worked to the attention of their managers who should ensure that compensatory arrangements are made to reduce the average to the 48-hour limit within the reference period.

3.4 In practice, therefore, it would not be appropriate for an officer to claim that he or she cannot work beyond 48 hours in a single week. Any additional hours should be compensated for over the reference period by fewer hours in other weeks.

3.5 Similarly, an officer who works 40 hours in four days cannot automatically expect to have the fifth day off, particularly if that day is a normal duty day. However, with line manager's authority, if an officer works, or anticipates working a longer shift, they may be granted, subject to the exigencies of duty, permission to work a shorter day subsequently in the working week or take an outstanding rest day, to ensure the average hours stay below the prescribed WTR limit.

4. Frequently Asked Questions

Question 1

Are Inspecting ranks required to work five 8hr days?

Answer

Unless other arrangements exist, e.g. Inspecting ranks working a variable shift arrangement (VSA) or flexible roster, line managers should assume that the working week is a minimum of 40hrs, comprised of 5 working days and 2 rest days and the hours worked each working day can be subject of negotiation between the individual and line manager.

Question 2

What happens if an Inspecting rank works (or plans to work) 4 long shift days (40hrs or more), can they have the fifth day off?

Answer

Unless other arrangements exist, e.g. Inspecting ranks working a variable shift arrangement (VSA) or flexible roster then the answer is no. They are expected to work 5 days in a week. The options of leave, re-rostered rest day or if line managers consider it is a welfare or health & safety issue, compensatory rest (in CARM this can be created under the category of "Special Leave").

Question 3

Can the hours in one week be balanced into the next week?

Answer

For the purposes of the WTR, hours worked would need to be monitored as a matter of routine and would be taken as an average over the reference period, so an element of balancing hours already exists which could be applied to the normal working week. In not monitoring hours worked, it would increase the risk of officers working in excess of the 48hr week average imposed by the WTR.

Question 4

An Inspector is asked, with 3 weeks notice, to cover Night Duty Inspector on Friday, Saturday and Sunday evening. The officer had planned to work Monday-Friday of that week.

Answer

The officer could negotiate, if it is practical for them and the OCU to do so, to take rest days on the Monday and Tuesday, work the remainder of the week as night duty and then have rest days again on the following Monday and Tuesday.

Alternatively, the officer could agree to work on Monday – Thursday and then the night duty from Friday-Sunday, with compensatory rest days on the following Monday and Tuesday.

A variation on the above would be to work on Monday-Wednesday, take a rest day on Thursday; work night duty Friday-Sunday, with compensatory rest days on the following Monday and Tuesday.

The aim should be to maintain the requirement of 5 working days and 2 rest days in each week. Where this is not possible, line managers should arrange for appropriate compensatory rest days as soon as practically possible.

Question 5

A Chief Inspector, who on average has worked just over the 48hr threshold for a period of 16 weeks (48.25hrs), has in the 17th week, worked 44hrs in 4 days and is rostered to work an 8hr tour of duty on the fifth day.

Answer

At this point the Chief Inspector has reached the limit provided by WTR (816 hours). The only options open to the line manager to remain within the WTR limit would be to roster an outstanding rest day or, where none are banked, grant compensatory rest (in CARM this can be created under the category of "Special Leave") for the fifth day.

Question 6

An Inspector, having already worked 40hrs from Monday-Thursday in a week, is required (at short notice) to cover 12hr night duty shifts on Saturday and Sunday.

Answer

The Inspector has, subject to agreement with the line manager, a number of options available.

The Inspector could take the Friday off as one of the 2 rest days in that week and work the Saturday as the 5th working day. The Sunday would be a cancelled rest day to be taken within the following 12 months. The hours worked would then be balanced within the reference period by reduced hours in other weeks.

The Inspector could work the Friday as the 5th working day then both Saturday and Sunday would be cancelled rest days to be taken within the following 12 months. The hours worked would then be balanced within the reference period by reduced hours in other weeks.

Question 7

Within what period should any outstanding rest day be taken by Inspecting ranks?

Answer

Inspecting ranks outstanding rest days must be taken within 12 months of the date of cancellation of the original rest day. If they are not taken within this period, they are lost (and should be shown as such in CARM).

Question 8

What happens to outstanding rest days when an officer transfers to another OCU?

Answer

Normally officers should not be allowed to accumulate (bank) a large number of rest days, especially if they are working excessive hours, as these "banked" days should be used to reduce their average weekly hours. Where rest days remain outstanding the existing OCU and individual officer should make every practical effort to take outstanding rest days before transferring, but this may not always be possible. In cases where it may not be possible to take all outstanding rest days it is advisable to inform the new "owning" OCU and make the necessary arrangements to take outstanding rest days as soon as practicable.

Question 9

When a rest day is cancelled for an Inspecting rank, do they have to work for at least 8hrs?

Answer

No. Earlier answers provide the requirement for Inspecting ranks to work a minimum of 40hrs in a week, usually over 5 working days. Working on a rest day would be an additional requirement and could potentially take an officer over the 48hr weekly limit prescribed by the working time regulations. Receipt of a compensatory rest day, on a day on which the officer would otherwise have worked would help to ensure the average hours remain below the WTR limit.

5. Further information and advice

Information about the implications of and requirements arising from the WTR can be found on the AskHR website. Managers who seek further advice should contact Barbara Leach, Employee Relations Unit, on extn 780529.

Further information about the content of this document can be obtained from Tim Bamforth-White, HR Pay & Benefits Branch, on extn 780530.