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# Police Officers "On-Call" within the Metropolitan Police Service – Joint Agreement with the Federated Ranks

HR Pay & Benefits

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## 1 Introduction

1.1 There is nothing in the Police Regulations that relates to “on-call”. The process of “on-call” has been utilised by the MPS as a means to call and recall officers often at short notice, who are then required to deal with certain types of police activity. By its nature, this will often involve specialist skills or knowledge. The requirement is outside the core responsibilities and working hours of the individual role.

1.2 There is a “statement of expectation” included in the Standard Operating Procedures for Regulation 25, Police Regulations 2003, that officers can be *recalled to duty* (see item 3.1) at any time. Constables and Sergeants would however receive compensation for being recalled, but Inspectors, Chief Inspectors and above currently do not (with the exception of a recall from a period of annual leave).

1.3 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.

1.4 By introducing a formal SOP for “on-call”, agreed with the Police Federation, it will provide guidance for MPS Managers and staff affected by “on-call” arrangements. The certainty of such “on-call” systems and rotas, within a corporate framework, will allay the concerns previously mentioned.

1.5 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 out of hours “on-call” systems are necessary at any rank.

## 2 “On-Call” – The Legal Position

2.1 As mentioned under item 1.1, there is no provision in Police Regulations for “on-call”. Constables to Chief Inspectors who are willing to volunteer to be “on-call” can be permitted to do so, on the clear understanding that officers unwilling or unable to do so cannot be *required* to undertake “on-call”. No adverse inference should be drawn from an individual’s decision not to volunteer to be on-call.

## 3 Definition for a “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”. 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 to duty at any time to deal with such an incident. This is not the same as being “on-call”.

3.2 In some OCUs (Specialist Units, e.g. kidnap, firearms, homicide, etc) a recall to duty to deal with situations arising outside normal duty hours will occur far more frequently than the norm and therefore, should be a further consideration before contemplating the need for “on-call” arrangements with those ranks applicable. Where the demand is foreseen or predicted the OCU should provide a resilience capability without the need to resort to “On-Call”; an example would be night duty or weekend cover.

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) and all ranks would be compensated under regulation 33 for being recalled from a period of leave. 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 the HR Pay & Benefits website.

#### **4 Definition for “On-Call”**

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

4.2 The predetermined requirements to be “on-call” cover one or more of the following;

- Contactable by phone to give information or advice (not authorise overtime, provide management briefings or other tasks that can be managed by staff already on duty)
- Contactable by phone to give directions/make decisions (not authorise overtime, provide management briefings or other tasks that can be managed by staff already on duty)
- Remaining within a defined geographical location
- Remaining at a specified location other than at their home or notified address, which may under the WTR be regarded as working time.
- Attending incidents within a defined timescale
- Have access to specific equipment to attend an incident, subject to appropriate risk assessment regarding safety, security and insurance issues.

4.3 Officers who are placed “on-call” undertake to make themselves available at all times during the “on-call” period to give urgent advice by telephone or to attend incidents or place of duty as necessary. Therefore, certain restrictions on their activities during the “on-call” periods may apply.

4.4 Those officers must be able to report for duty within an agreed and realistic time period (the expectation being not less than their normal home to duty travelling time).

#### **5 Working Time Regulations**

5.1 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.

5.2 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 780530.

#### **6 General Provisions of the SOP**

6.1 Earlier sections determine that Federated ranks can only be “on-call” (on a voluntary basis) at a time when they are not rostered to be on duty. However, no officer should be permanently required to be “on-call”. This means either a direct requirement, e.g. order, or an indirect requirement, e.g. specified as part of a job role or description. 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.

## **7 Detailed Provisions of the SOP**

7.1 "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.

7.2 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.

## **8 Administration**

8.1 Proposed "on-call" systems must be subject to agreement between the OCU, officers and the local (or nominated) Police Federation/Superintendents Association representative.

8.2 Any agreed "on-call" systems should be docketed and recorded both locally and centrally within HR Pay & Benefits and reviewed locally at least annually.

8.3 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.

8.4 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.

## **9 Allowances & Expenses for being "On-Call"**

9.1 At the present time, on-call allowances are still subject to national negotiation (PNB) with the Police Federation.

9.2 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.

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

9.4 For those officers using MPS vehicles whilst on duty, you should refer to the Roads Policing Policy Unit.

## **10 Conclusion**

10.1 This SOP 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".