



**HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE**

Duties and Leave Police Officers

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POLICY

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1. WHY IS THIS POLICY REQUIRED?

This policy will provide clear guidance on:

- 1.1 Entitlements for working overtime, working on a rest day, public holiday or free day.
- 1.2 Annual leave entitlements and working on an annual leave day.
- 1.3 Allocating a Winsor Day.
- 1.4 Entitlements for other types of leave or time off such as compassionate leave, paternity leave etc.
- 1.5 Procedure and rules to deal with adverse weather conditions.
- 1.6 The application of the Working Time Regulations.
- 1.7 Being on-call.

2. WHO SHOULD USE THIS POLICY?

- 2.1 This policy should be used by Police Officers only. Police Staff should refer to the Conditions of Service which can be found [here](#).

3. WHAT SHOULD I CONSIDER WHEN USING THIS POLICY?

- 3.1 This policy has been written based on the Police Regulations. Officers should refer to the regulations for additional information.
- 3.2 For further information, guidance and tutorials on overtime and TOIL Officers can access the HR SharePoint site [here](#)

4. ROLES AND RESPONSIBILITIES

4.1 LINE MANAGERS	- Are expected to maintain visibility of the Optimum balances of individuals in their teams and ensure that TOIL, Annual Leave etc. are managed effectively and individuals supported to take time off; - Authorise any claims for overtime or TOIL ensuring that the details entered on the system are correct, the budget is available to pay the overtime, and that it is feasible for the officer to take the TOIL within the specified time frame; - Ensure that officers do not have negative balances in either their TOIL or rest day balances; - Ensure that sufficient cover is maintained before granting Annual Leave.
4.2 INDIVIDUAL OFFICERS	- Responsibility to update Optimum through HR Self-Service to ensure the correct times are recorded for days worked; - Ensure that adjustments are requested and authorised by a supervisory officer before making any claim for overtime or TOIL; - Ensure that the correct codes are used for any claims for overtime or TOIL;

	• Take personal responsibility for proactively managing and taking their time off to maintain a good work life balance; • Ensure that TOIL and rest day balances are never negative; • Ensure that Optimum is always up to date to enable Line Managers and Resource Management Unit to effectively plan duties and to enable AJD to schedule court attendance.
4.3 SERVICE AREA LEADS	• Responsible for the annual overtime budget in their respective areas and will delegate nominated individuals to monitor its allocation as required.

5. DUTIES INCLUDING ANNUAL LEAVE, OVERTIME AND TOIL

5.1 Duty Day

The Chief Constable has decided for the purposes of the Regulations the expressions 'week', 'fortnight' and 'month' mean periods of seven days, fourteen days and four weeks respectively, commencing at 7 am on the first Monday in each leave year. A duty day for members on day, evening or broken shift duty will commence at 7am and end at 7am the following day, unless this is formally varied by a Variable Shift Agreement (VSA).

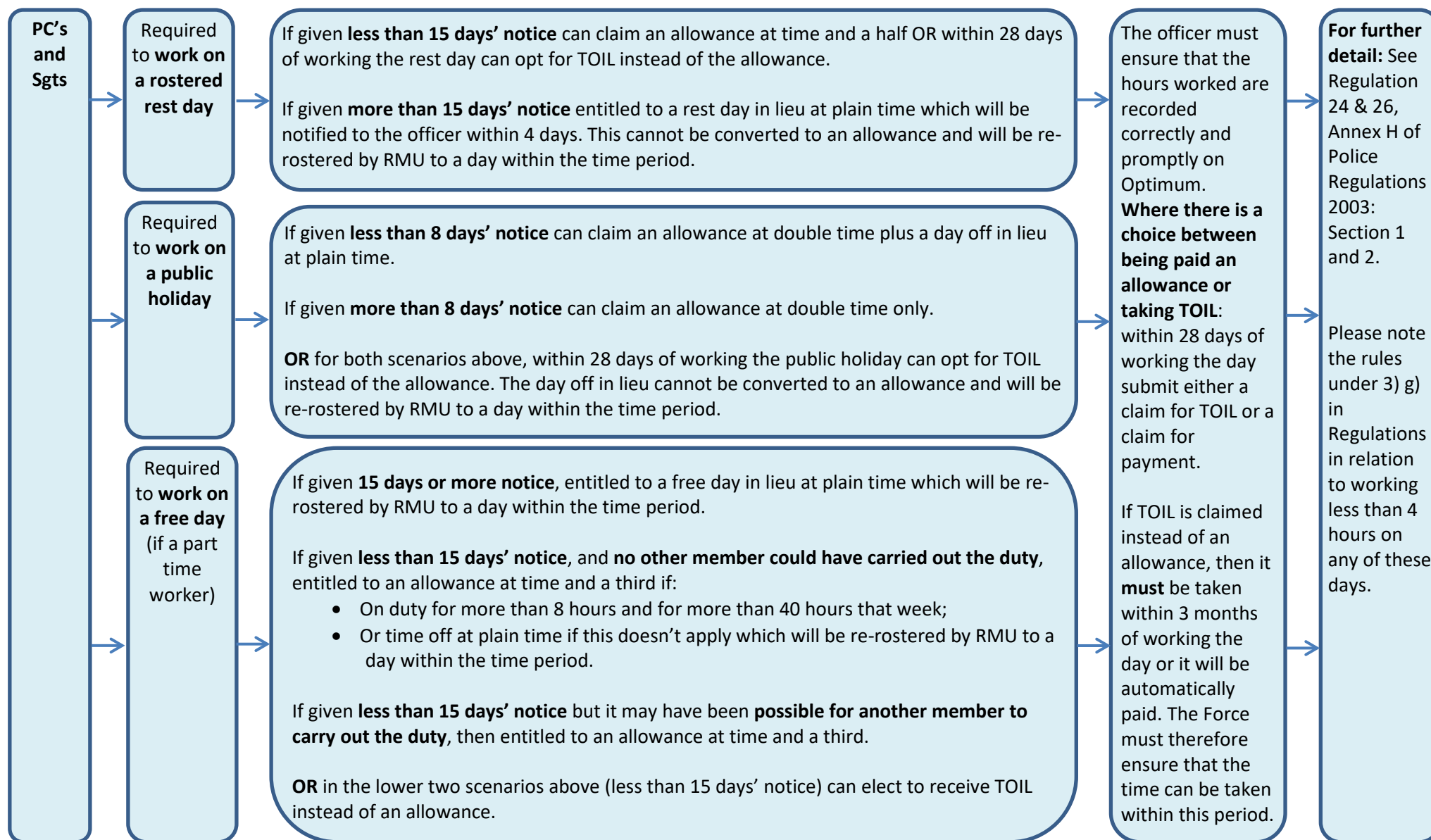
5.2 Management and Recording of Duties including Overtime and TOIL

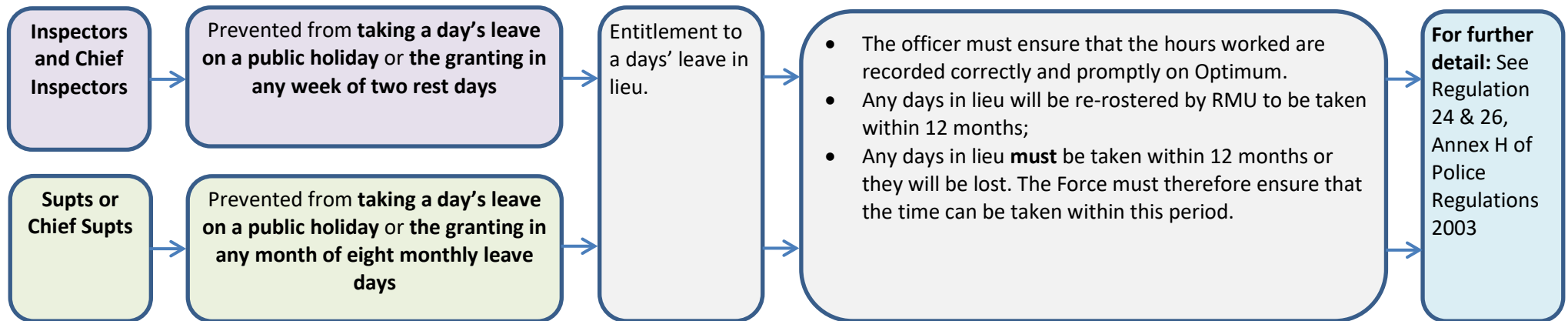
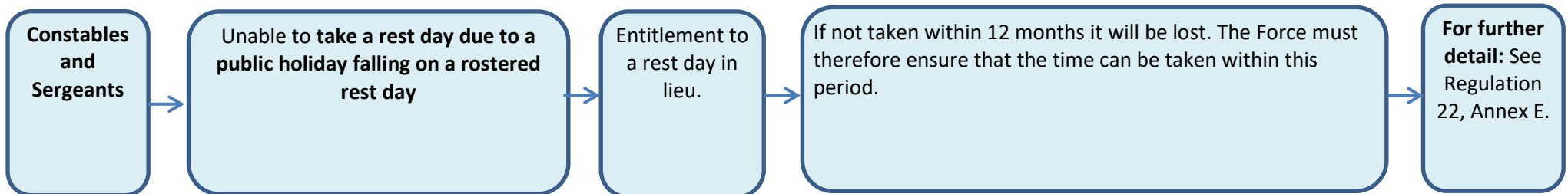
5.2.1 Hours of duty will be as per Police Regulations, Local Agreements and whatever Variable Shift Agreements are current. These are all recorded and managed through Optimum by the Resources Management Unit (RMU), officers and their supervisory officers. Optimum is part of the HR Self Service which also includes the facility for making claims for financial payment in relation to the duties set out in this policy.

5.2.2 Hours worked which then lead to a claim for time off in lieu or for payment must be entered on Optimum in order for claims to be made.

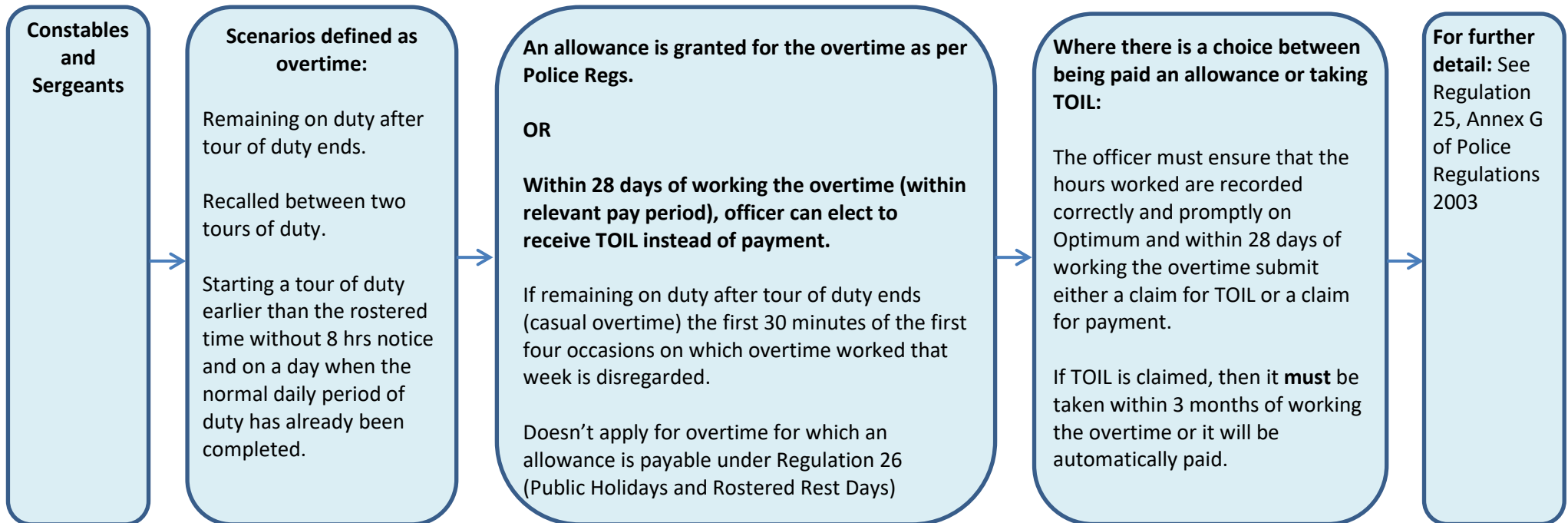
5.2.3 Please note there are particular rules set out in Police Regulations (Annex X and Annex J) about those carrying out Acting or Temporary roles and the entitlement to overtime. Please read the summary guide within the Pay folder of the HR SharePoint site [here](#).

5.3 Requirement to work on a rostered rest day, a public holiday or a free day:

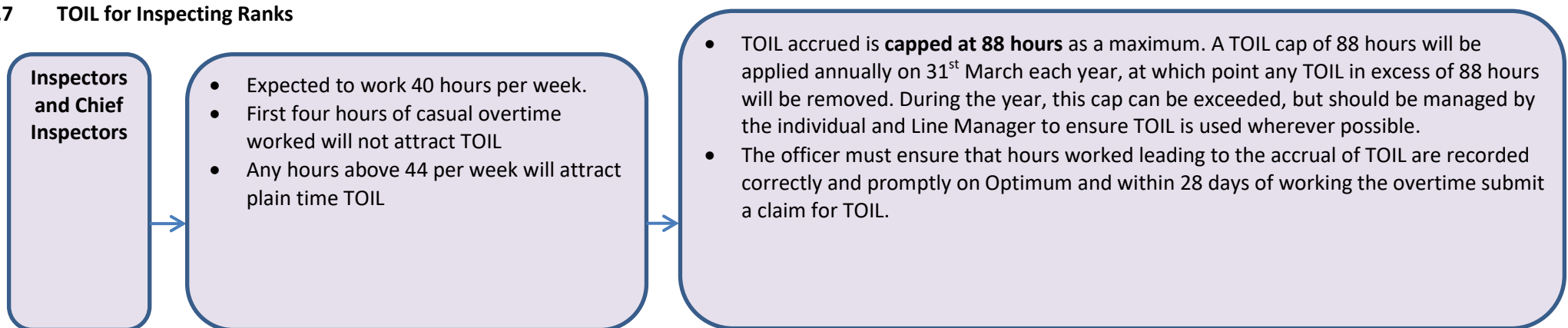


5.4 Prevented from taking leave on a public holiday and/or prevented from taking a rest day:**5.5 Unable to take a rest day due to a public holiday:**

5.6 Scenarios defined as overtime and relevant entitlements



5.7 TOIL for Inspecting Ranks

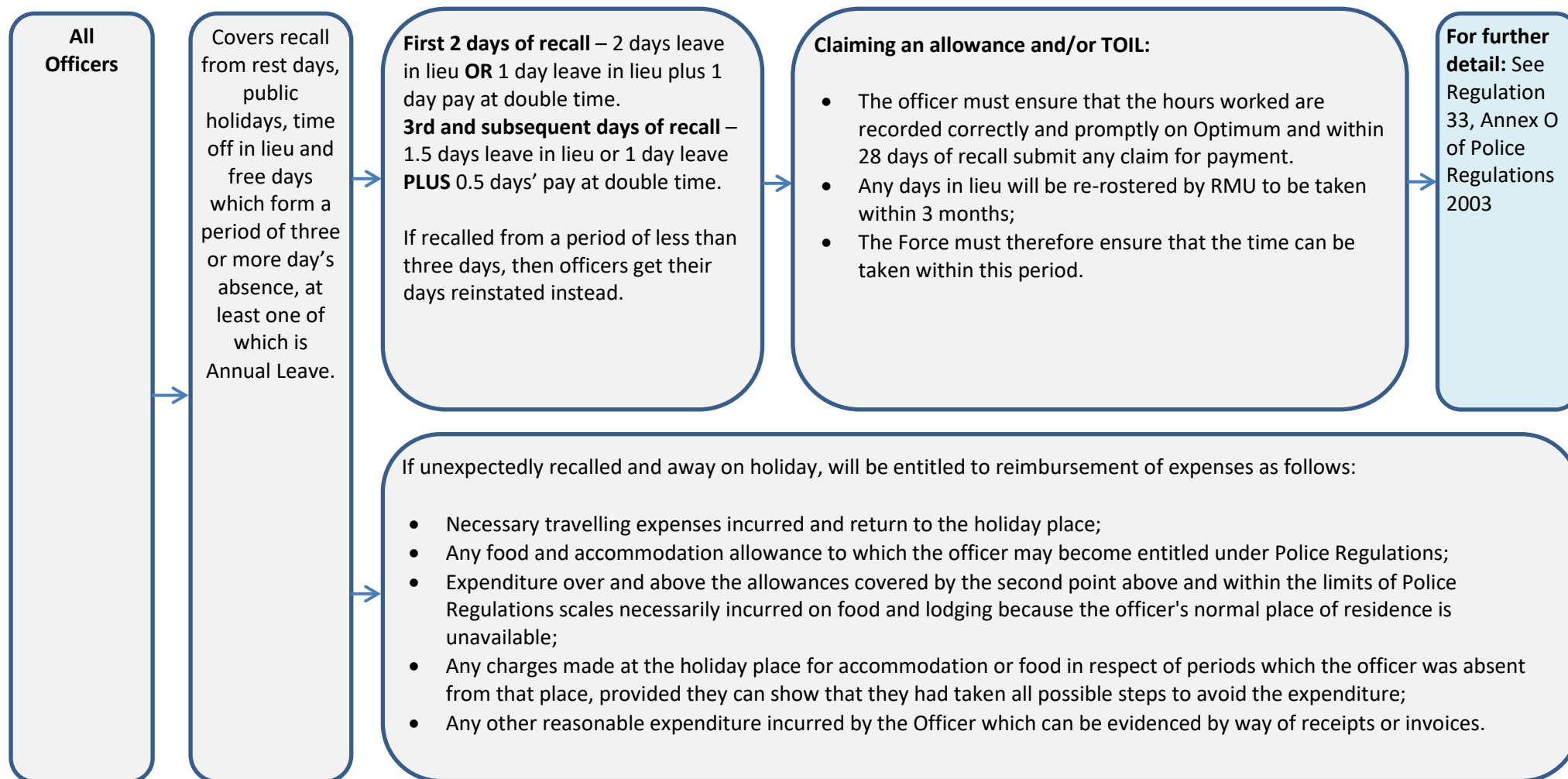


5.8 Annual Leave

Please see Annex O, Regulation 33 within the Police Regulations 2003 for details regarding entitlements and granting of annual leave.

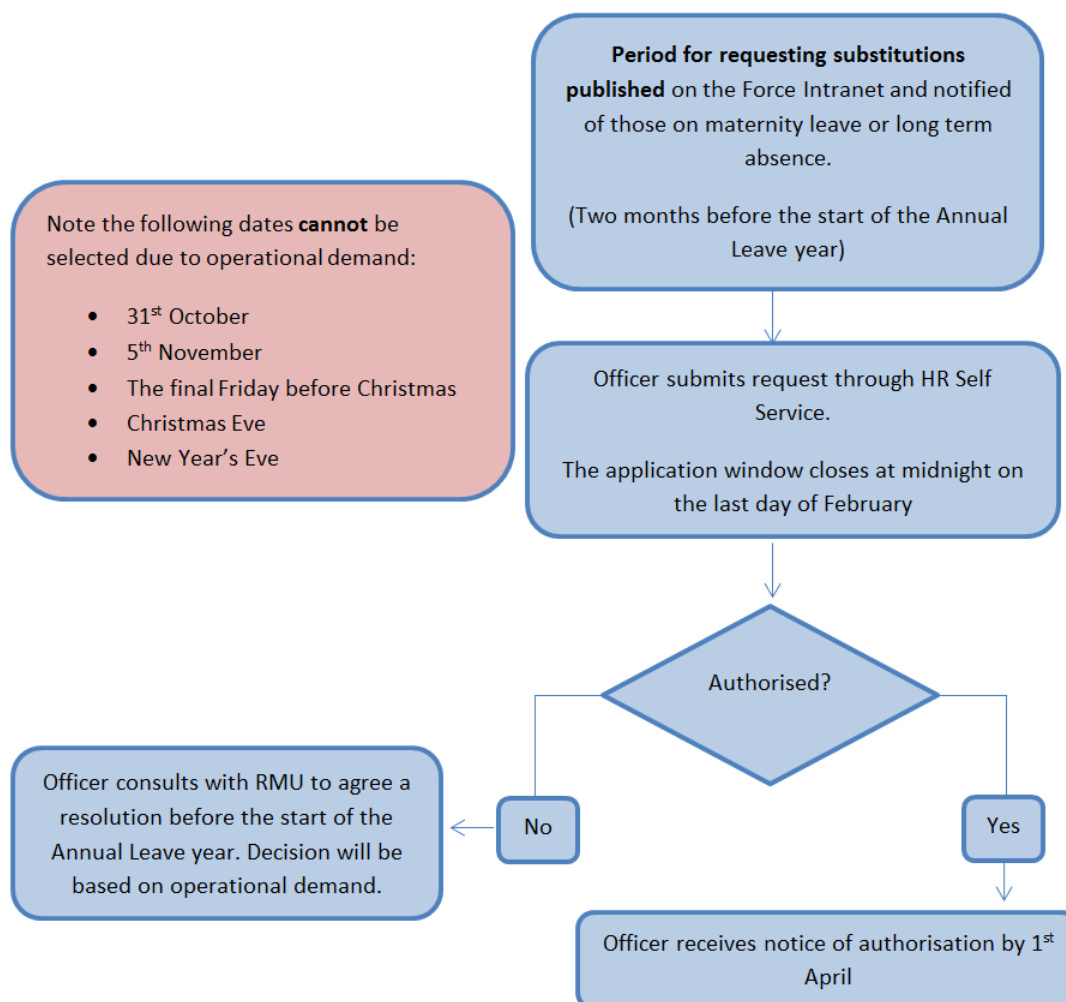
5.8.1	Leave Year	Period of twelve months commencing 1 st May and ending 30 th April the following year.
5.8.2	Requests For Annual Leave	Requests should be made at least 28 days prior to its commencement.
5.8.3	Leave Periods	Summer Period: 1st May to 31st October Winter Period: 1st November to 30th April Annual leave taken during the Summer Period should not exceed two thirds of the annual leave entitlement.
5.8.4	Annual Leave During School Holidays	Officers will normally be restricted to a maximum continuous period of 14 days annual leave during this period.
5.8.5	Granting Annual Leave	Supervisory officers are responsible for granting Annual Leave through the Optimum system. This must be done following authority from the Service Lead and/or Resources Management Unit to ensure that sufficient cover is maintained.
5.8.6	Court Attendance	Officers must ensure that their duties are always up to date so that AJD can provide accurate availability to the courts.
5.8.7	Secondments and Annual Leave	Officers commencing secondments will be advised how they will maintain their leave records. Those on mutual aid will still be required to maintain their leave records on Optimum. Please refer to the Secondment Procedure within the Recruitment Policy.
5.8.8	Annual Leave Carry Over	There will be an automatic carry over allowance of 5 days leave per year if this has not been taken. In exceptional circumstances, Functional Area Leads may extend this allowance. Financial payment will not be made for untaken annual leave from the previous year. Officers who have been unable to take annual leave due to long term sickness may carry over up to 20 days annual leave into the leave year immediately following the leave year in which they were due. There is no exception for extending the number of days in this instance unless the sick leave is due to an injury sustained whilst on duty.

5.9 Recall to duty from Annual Leave



5.10 Allocation of Winsor Days – (See Regulation 22, Annex E, Section 4 of Police Regs)

5.10.1 Constables and Sergeants may request to substitute a day which is not a specified Public Holiday for any day which is such a Public Holiday with the exception of Christmas Day. The substitute day will be known as a Winsor Day and shown on Optimum as WD. For officers working reduced hours this will be on a pro-rata basis. Any shortfall can be met using TOIL or reallocated rest day accounts as long as they are in credit.



5.10.2. Following substitution of a Public Holiday:

- Should the officer work on the original Public Holiday they will not be entitled to an enhanced rate of overtime.
- Officers who have opted not to retain the official published public holiday will normally be expected to work on that date as they will be paid at the normal flat rate of pay.
- Officers who are rostered to be on a rest day/nonworking day and opt to reallocate their public holiday will become the first officers to have their rest day cancelled due to the cost benefit that will accrue to the force.
- Officers who have booked a Winsor Day and subsequently report sick on that date will not receive a day in lieu.

6. OTHER TYPES OF LEAVE	
Type of Leave	Summary
Compassionate/Special Leave	5 days paid maximum (Pro rata). Service Leads discretion to extend.
Dependants Leave	1 – 2 days paid (Pro rata) up to a maximum of 5 occurrences per leave year.
Domestic Issues Leave	1 – 2 days paid leave.
General Practitioners / Dental / Opticians Appointments	Arrange outside working hours or use TOIL balance.
Medical Screening / Specialist Hospital Treatments	Paid time if during working hours at discretion of Line Manager.
Transfer Leave	3 calendar days.
Maternity Leave	Details found in Force's Maternity Scheme.
Maternity Support / Paternity Leave	2 weeks of 40 hours each (Pro-rata).
Adoption Leave	39 weeks Adoption Leave. Pay depends on length of service.
Unpaid Parental Leave	18 weeks in maximum blocks of 4 weeks per child per leave year.
Shared Parental Leave	This shared leave can be taken by each parent separately or at the same time.
Parental Bereavement Leave	Two weeks' leave for parents or primary carers following the loss of a child.
Time Off for Antenatal Care	As required – paid.
Time Off for IVF	Woman undergoing treatment: 3 days paid, 2 days unpaid per leave year. Partner: 1 day paid, 2 days unpaid per leave year.
Time Off for Fosters Carers	1-2 days per annual leave year unpaid (Pro-rata) up to maximum of 3 occurrences.
Religious Leave	Use Annual Leave or re-arrange shifts or rest days in liaison with Line Manager.
Disability Leave	Reasonable paid time off authorised by Line Manager.
Voluntary Donation of Organs / Blood / Bone Marrow	Decision on time off made on case by case basis in liaison with Line Manager/HR/OHU.
Gender Reassignment Leave	Paid time for medical screening and specialist hospital treatments.
Armed Forces Reservists	See Armed Forces Reservists Practice guide
Study Leave	Details can be found in the policy for 'Financial Assistance' to Police Officers and Police Staff 'Studying in Their Own Time'.
Study Time for Mandatory Training	Details are provided in the Policy for 'Learning'.
Jury Service	Officers called upon for jury service will be granted reasonable duty time to attend.

Type of Leave	Summary
Special Duty	Special duty is duty time that is being paid for privately, see section 6.24

The following provisions are compliant with [Regulation 33](#) of the [Police Regulations 2003](#).

It is the responsibility of Line Managers to ensure any leave within this policy is recorded on Optimum and that appointment cards are provided by the officer if necessary. The Resources Management Unit can provide information in relation to leave entitlements for officers.

6.1 Compassionate/Special Leave

6.1.1 Compassionate or Special Leave can be granted for bereavement of close relatives, attendance at funerals of close relatives or for life threatening illnesses of close relatives.

6.1.2 A 'Close Relation' of the officer shall include:-

- Spouse, civil partner or recognised partner
- Parent or children
- Brother or sister
- Grandparents and grandchildren
- Sister or brother-in-law
- Son or daughter-in-law
- Mother or father-in-law
- Persons standing in loco parentis to the officer, or to whom the officer stands in that relation
- Persons to whom the officer is the recognised carer, or has a special responsibility

6.1.3 The amount of leave granted is at the discretion of the manager up to a maximum of 5 days paid leave. Time off for post holders who work reduced hours will be pro rata.

6.1.4 Dependent upon the circumstances, Service Leads may consider extending this period of paid leave for periods longer than five days.

6.1.5 This does not remove the Service Leads discretion to authorise compassionate or special leave for reasons not covered by this section. This would be based on individual circumstances.

6.2 Dependants Leave

6.2.1 Such leave is intended to deal with short-term difficulties or to make arrangements to deal with long-term difficulties. It will normally be restricted to one or two days' duration and shall be paid. This will be pro rata for officers working reduced hours. A maximum of five occurrences a leave year will be granted.

6.2.2 An emergency is when someone who depends on you:

- Is ill and needs your help
- Is involved in an accident or assaulted
- Needs you to arrange their longer term care
- Needs you to deal with an unexpected disruption or breakdown in care, such as a childminder or nurse failing to turn up
- Goes into labour

6.2.3 For the purposes of this section those classed as dependants are:-

- Spouse, civil partner or recognised partner
- Child or parent
- Someone living with you as part of your family.

- Others who rely solely on you for help in an emergency may also qualify.

6.2.4 Officers are entitled to apply for reasonable time off for specified reasons affecting a dependant. If leave beyond two days is required, this will be granted on an unpaid special leave basis or compassionate leave may apply.

6.2.5 Officers should advise their Line Manager as to the reasons for the dependants request and how long they expect to be off.

6.3 Domestic Issues Leave

6.3.1 Officers are entitled to apply for reasonable time off to deal with short-term domestic issues requiring immediate attention such as flooding, burglary and fire damage and to make arrangements to deal with long-term difficulties in relation to these issues.

6.3.2 It will normally be restricted to one or two days' duration and shall be paid. If leave beyond two days is required, this will be dealt with by the use of change of shifts, annual leave etc.

6.3.3 Where an officer is called home part way through a working day to deal with such an eventuality, the rest of the shift/attendance may be regarded as paid leave.

6.4 General Practitioners/Dental/Opticians Appointments

All appointments should be scheduled as far as possible, outside of duty time. Where this is not possible, Line Managers should ensure that the time is made up later or that any TOIL credit is used. All such appointments should be agreed with the Line Manager.

6.5 Medical Screening/Specialist Hospital Treatments

Necessary time off shall be granted for the purpose of appropriate screening. Where appointments for specialist hospital treatment / screening / testing are only provided during normal working hours these may be approved as authorised absences. The annual allocation of paid days is at the discretion of the Line Manager taking into account the individual circumstances of each case.

This is not applicable for elective cosmetic surgery treatment, screening or testing. Any officer undergoing gender re-assignment may qualify under this scheme. See Section 6.19 for further details.

6.6 Transfer Leave

Service Leads are authorised to grant, at their discretion, three calendar days leave to officers who are required, by NWP, to move home as a result of a transfer of workplace. This special leave will be taken on the day preceding removal, the day of removal and the day following removal.

6.7 Maternity Leave

Details of maternity leave allowances can be found in the [Maternity Guide for Police Officers](#) and in Annex R of Regulation 24&33, Police Regulations 2003. You can also refer to the Maternity Leave folder of the HR SharePoint site for an application form and summary of entitlements.

6.8 Maternity Support/Paternity Leave

6.8.1 An officer who is the child's father or the partner or the nominated carer of an expectant mother is entitled to maternity support leave (also referred to as Paternity Leave), at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth.

6.8.2 All officers meeting the above criteria are entitled to 2 weeks maternity support leave; the first week (40 hours or pro-rata for reduced hour's workers) is paid. Those officers who have 26 weeks continuous service at the 15th week before the expected week of confinement will be entitled to be paid for the second week (40 hours or pro-rata for reduced hours workers) at Statutory Paternity Pay rate.

6.8.3 All leave taken as maternity support leave is pensionable, reckonable for incremental pay and leave purposes and for inclusion in any period of probationary service.

6.9 Adoption Leave

6.9.1 An officer adopting is entitled to 5 days (1 week) paid leave, irrespective of length of service.

6.9.2 Officers with 26 weeks service but less than one year continuous service at the time of notification of being matched with a child are eligible for a further 38 weeks adoption leave paid at statutory adoption pay rate.

6.9.3 Officers who have over one year continuous service are entitled to full pay for the first 18 weeks adoption leave then up to 21 weeks leave paid at statutory adoption pay rate. Officers can if they wish spread the last five weeks of adoption leave at full pay over ten weeks on the same basis as the maternity pay arrangements.

6.9.4 Adoption pay and leave arrangements should mirror police maternity pay and leave arrangements.

6.9.5 Leave taken as adoption leave will be reckonable for incremental pay, leave purposes and count as continuous service.

6.9.6 Adoption leave is applicable to only one partner, not both. The remaining partner will be eligible for 2 weeks paternity/maternity support leave at section 6.8 above.

6.10 Unpaid Parental Leave

6.10.1 To qualify for parental leave, the officer must have completed at least one year's continuous service. The following are the entitlements available:

- Parents are entitled to take up to 18 weeks' unpaid parental leave for each child and adopted child, up to their 18th birthday.
- The maximum unpaid parental leave that each parent can take in a year is 4 weeks for each child.
- Unpaid parental leave must be taken as whole weeks rather than individual days and individuals must give 21 days' notice before their intended start date.

6.10.2 Contractual rights and obligations continue through the period of parental leave (except remuneration), and officers are protected against detriment or dismissal. If leave is taken for 4 weeks or less the officer should return to the same job. If the period taken is for more than 4 weeks, the return may be to another similar and appropriate position.

6.11 Shared Parental Leave

Shared Parental Leave (SPL) applies to parents whose baby is due on or after 5 April 2015 or are adopting a child due to be placed on or after 5 April 2015. Shared Parental Leave replaces Additional Paternity Leave.

If the mother decides to curtail her maternity leave, or an adopter decides to curtail their adoption leave, any remaining leave can be converted into Shared Parental Leave (SPL) and shared between both parents if eligibility criteria are met.

This shared leave can be taken by each parent separately or at the same time.

The amount paid during the leave depends on the entitlements from each parent's employer.

Please refer to the HR SharePoint site and click on the link to Shared Parental Leave for more information.

6.12 Parental Bereavement Leave

Officers are entitled to two weeks' leave for parents or primary carers following the loss of a child under the age of 18 or a stillbirth from 24 weeks of pregnancy.

It applies to:

- A child's legal parents, both biological and adoptive parents;
- A parent's partner, in an enduring family relationship;
- Others with a caring relationship to the child, who have taken responsibility for the child's care in the absence of parents.

There is no qualifying period of service to be eligible for this leave. Employees with 26 weeks' continuous service before the child's death will receive two weeks' paid leave at the statutory rate; other staff will be entitled to two weeks' unpaid leave. The leave can be taken either as one block of two weeks, or in two one week blocks. It may be taken at any time within 56 weeks of the child's death.

If the leave is to start within 56 days of the child's death, notice should be provided before the day the leave is to start, or where that is not possible as soon as is reasonable practicable. If the leave is to start after the 56 day period, at least one week's notice should be given. Leave can start on any day of the week.

When giving notice the officer should specify:

- The date of the child's death;
- Their relationship with the child;
- The date on which they intend to start the leave;
- Whether the period of absence is for one week or two weeks.

If the parent or primary carer loses more than one child they are entitled to take a separate period of leave for each child.

6.13 Time Off for Antenatal Care

All pregnant officers are entitled to paid time off to attend antenatal care appointments made on the advice of a registered medical practitioner, midwife or health visitor. Antenatal care may include relaxation classes upon medical advice and parent craft classes.

6.14 Time Off For IVF

Woman Undergoing IVF Treatment: A period of 3 days paid leave per leave year. This may be followed by 2 days unpaid leave per leave year. It is assumed that any additional time needed, will be taken as; unpaid leave, annual leave entitlement, TOIL or through a change of shift.

The Partner of a Woman Undergoing IVF Treatment: 1 days' paid leave and 2 days unpaid per leave year is given in order to attend necessary appointments and offer support to their partner going through the process. Any additional time should be taken as unpaid leave, annual leave entitlement, TOIL or through a change of shift.

Due to the nature of the process, it is realised that prior notice is not always possible to give. Management should therefore accommodate the request for leave whenever possible.

6.15 Time Off for Foster Carers

Officers who are undertaking the care of a child / children under a foster care arrangement with a local authority may need to take time off work when placed with a child/children to help the child / children to settle into the new environment. Subject to exigencies of duty a period of 1-2 days duration unpaid leave will be granted for this purpose, up to a maximum of 3 occurrences per leave year. This will be pro rata for post holders working reduced hours.

Time off to attend training, meetings or appointments in relation to becoming a foster carer should be taken as annual leave, TOIL/change of shifts or unpaid leave.

6.16 Religious Leave

All religions have particular holy days that require individual observance. Every effort should be made to allow officers who practice a particular religion or faith to have annual leave on these days. Prior agreement must be reached with the Line Manager who should consider, whenever possible, to reschedule rest days, change of rota or granting of annual leave to enable officers to attend religious festivals

6.17 Disability Leave

Where an officer has informed North Wales Police of a disability, in line with the Forces Working with Disability Policy the officer is eligible to take reasonable paid time off as disability related leave. Disability related leave will be recorded on Optimum as paid leave and must be authorised by Line Manager.

6.18 Voluntary Donation of Organs / Blood / Bone Marrow

- Donations covered in this section are those that will directly affect the health of another person.
- Blood donations can be made in working time, where the location and timing of the donation would not cause an unreasonably long and/or inconvenient absence.
- Time off for donation of organs/bone marrow will be considered on its own merits and must be in liaison with the Line Manager, HR and Occupational Health Unit, taking into account individual circumstances and business needs.

6.19 Gender Reassignment Leave

- A Line Manager and officer should discuss what time off is likely to be required, and when, if known.
- Time taken to attend medical screening and specialist hospital treatments should be paid in accordance with section 6.5 of this policy.
- Any surgical medical procedure and recovery which incapacitates the individual and prevents them from working should be recorded as sickness absence under the Attendance Management Policy and a FIT note provided if the absence extends past 7 days. This absence should not be counted towards any sickness trigger level or management action.
- An understanding approach, whilst considering operational needs should be adopted if an Officer requests time off to undergo non-medical treatments relating to gender re-assignment e.g. electrolysis for hair removal, or counselling. An officer may also request to take a period of leave before returning to work in their true gender. If the absence is not covered by a GP's FIT Note, then it should be considered from the normal annual leave entitlement or TOIL account.

6.20 Armed Forces Reservists

Please refer to the NWP Armed Forces Reservists Practice guide.

6.21 Study Leave

Officers studying in their own time, dependent upon the nature of the course, may be granted limited duty time to complete their studies. The details of what is considered an “approved course” and the arrangements for granting of duty time can be found in the policy for ‘Financial Assistance’ to Police Officers and Police Staff ‘studying in Their Own Time’.

6.22 Study Time for Mandatory Training

Officers studying for mandatory training will be provided with time for the completion of these studies. Details are provided in the Policy for ‘Learning’.

6.23 Jury Service

Police Officers may be required to attend court for Jury Service. Officers called upon for jury service will be granted reasonable duty time to attend. This will be recorded as such on Optimum. Any expenses incurred such as traveling, child care, refreshment etc. should be claimed by the individual from the courts.

Duty planning for Jury Service – officers required for Jury Service should be shown for resources planning purposes as working Monday – Friday with their rest days on weekends.

6.24 Special Duty

Special duty is duty time that is being paid for privately. For example film companies when filming will pay to hire an officer for road closures etc. Officers who perform special duty will claim for such duty on the appropriate form. This will be submitted to Payroll to enable the invoices to be prepared for onward transmission to the person requesting the service. Rates will be as per Police Regulations.

7. ADVERSE WEATHER CONDITIONS

Unable to get to work due to severe weather conditions

Apply for annual leave or use existing TOIL

Consider potential to re-roster a rest day if additional payment would not be incurred

Unable to work because of domestic problems / need to care for dependants due to severe weather

Apply for annual leave or use existing TOIL

Consider using Dependants Leave if the relevant criteria are met

Normal workplace closed or inaccessible e.g. cut off by floods

Consider working from another workplace and if this is possible complete an appropriate risk assessment to evaluate any operational difficulties

If there is no alternative workplace, there will be no loss of salary and the officer will not be expected to use Annual Leave or TOIL

Able to get to work but delayed due to severe weather conditions

If the individual has made all reasonable efforts to arrive at the usual time, they will be treated as arriving at their planned start time

Leaving early due to severe weather conditions

If the individual has concerns about getting home due to the severe weather conditions (e.g. due to the distance to travel, reliant on shared transport or collection of children), managers have discretion to allow them to leave early. They will be considered as having completed their duty time.

Not all individuals will be able to be released – each case will be considered fairly on its own merits and in light of exigencies of the service.

Senior Management Teams should ensure that appreciation is expressed to all those who are able to attend work and keep services running despite the adverse weather conditions.

8. WORKING TIME REGULATIONS

8.1 Summary of the Working Time Regulations (WTR)

- 8.1.1 The Regulations, which came into force on the 1st October 1998, provide new rights for all workers to ensure they do not work excessive hours. Regulation 41 states that for the purpose of the Regulations the holding of the office of constable shall be treated as employment.
- 8.1.2 Working time is defined as being that time when a worker is working, at the employer's disposal and carrying out activities and duties
- 8.1.3 The Working Time Regulations are extremely complex but the main provisions for all officers are that they:
- Should not be required to work more than a maximum of 48 hours per week (including overtime) averaged over a 17 week period
 - Should have a minimum daily rest period of 11 consecutive hours
 - Should have a minimum rest period of one day per week, which can be aggregated to 2 days in a 14 day period.
 - Are entitled to paid annual leave as outlined within individuals conditions of service
- 8.1.4 There are circumstances in which it is possible to deviate from the requirements of the Regulations, these derogations are:

Where agreement has been reached between the employer and employee to vary the regulations.

The primary purpose of the regulations is to protect employers and employees from the adverse impact of working long hours. The present legislation allows individuals to opt out of the WTR. Although the force cannot prevent someone from taking this action, it would be inappropriate to allow anyone to expose themselves to potential adverse health impact. There must also be the consideration that the individual may expose themselves or the force to risk should critical errors be made by them if they are over fatigued or otherwise not fit for duty as a consequence of working long hours. Therefore any officer that opts out of the regulatory requirements will still be monitored and will remain part of the managerial responsibility to consider the hours they work.

Officers must not be rostered to breach the requirements except in specified circumstances. The only exception to this is in situations where a person has a notified secondary employment. In these circumstances it must be stressed on the individual that the Force takes primacy.

Although we cannot force an individual to adhere to the WTR in consideration of their hours worked in both jobs, they should be strongly advised to consider the effect on them if they exceed their total hours and the possible detriment to their health and working ability. Please see NWP Business Interests and Secondary Employment Policy.

The duty undertaken results in an ‘inevitable conflict’ with the provisions of the Regulations.

This has been interpreted by the Health and Safety Executive (HSE) to mean that day to day operational policing must conform to the provisions of the Regulations.

- 8.1.5 For certain activities, the provision in respect of rest breaks, daily rest, weekly rest and length of night work may not apply. These groups include those engaged in security and surveillance activities, which require permanent round the clock presence and workers engaged in major incident/enquiry, disaster, terrorist operations, and civil unrest. For such activities, the Force will deviate if operationally necessary from the provisions of the Regulations. The effect of this will be to temporarily suspend Working Time Regulations.

The decision to deviate from the provisions of the regulations should be recorded and reviewed daily, together with the reasons to justify that the incident causes an “Inevitable conflict” with the regulations. This may be for a maximum of seven days. The SIO must ensure that forward planning is in place to scope adequate staffing requirements in order that the deviation from the Regulations ceases as soon as possible.

Each individual case must be fully justified and a commitment given by line managers to ensure the maximum average permitted working hours are balanced out over a 17-week period. If rest breaks are changed, as per the Regulations, compensation will be provided. A balance is required in terms of ensuring adequate rest/refreshment breaks within health and safety requirements.

8.2 Voluntary Work

Officers who undertake voluntary work should also be aware that the hours they do for this work may also count towards their hours under this legislation.

8.3 On Call

For purposes of WTR, the time when an officer is on call, but otherwise free to pursue their own activities would not be counted as working time. Therefore for these purposes working time will start when they take a call requiring action. This may not be the case if an officer is restricted e.g. on reserve and does not have the freedom to pursue their own activities.

8.4 Compliance Guidance

8.4.1 A Maximum Average Working Week of 48 Hours

In general the weekly average hours will be averaged out over a 17 week period. Breaches of the weekly hours will be identified through Optimum and brought to the attention of the Command Team. Where appropriate, management intervention will take place and local records should be made of any action taken, for example line managers responsibility, workloads reviewed, time management advice given to managers and individuals etc. Management intervention resulting in action planning to minimise future breaches will be recorded within the manager’s and individual’s personal record via HR. Federation/UNISON representatives can be invited to sit in where action plans are being addressed.

8.4.2 Consecutive Hours Rest in Every 24 Hours

Rostered duties will ensure 11 hours consecutive rest in every 24 hours.

If a return to work with less than 11 hours is unavoidable each occasion should be risk assessed, by the line manager/supervisor, from the time the breach is anticipated until adequate compensatory rest is taken. The breach must be justified operationally OR due to personal circumstances.

If officer are required to have less than 11 hours break between shifts then the 11 hour minimum break between the following two shifts should be increased by the shortfall to maintain the total of the two breaks as at least 22 hours (between end of 1st shift and beginning of 3rd one). A further risk assessment will be needed if this is then not achieved and any shortfall carried on to the next break etc. (See Appendix A for example)

“Compensatory Rest” does not provide an automatic entitlement to reduce working time. The start AND finish times of following shift(s) should be retarded where possible to ensure it is taken. The length of shifts may, however, be reduced if the following shift(s) cannot be adjusted for operational reasons.

Officers who have discretion over their working hours should be regularly reminded by their supervisors of their personal responsibilities to ensure compliance with the Regulations.

8.4.3 Rest days

One Rest Day in every 7 day period or two Rest days in every 14 day period. These are “rolling” 7 or 14 day periods in which rest days must be granted.

8.4.4 Restrictions on Night Working

In determining shift patterns for the force the Resource Project will ensure the hours worked at night do not breach the WTR. To this end officers are only permitted to work shift patterns which are authorised such as approved Variable Shift agreements or formal flexible working agreements.

8.4.5 Health Assessments for Night Workers

An officer who regularly works shifts which include nights, irrespective of the shift pattern actually worked, will be classed as a ‘night worker’ for the purpose of the Working Time Regulations.

Under Working Time Regulations, night time is defined as a period of at least 7 hours which includes the period from midnight to 5 am. This will usually be between the hours of 2300 and 0600 but can be adjusted by local agreement.

A night worker is someone who works at least 3 hrs of their daily working time as a normal course. Therefore any officer who works to 0200 or later, as part of their normal roster, or habitually on un-rostered hours are regarded as Night Workers.

An employer must take all reasonable steps to ensure that a night worker’s hours of work (not just the hours of night work) do not exceed an average of 8 hours in each 24 hours over the rolling reference period of 17 weeks.

All night workers will be given the opportunity of a free health assessment. The assessment will take the form of a questionnaire which will be scrutinised by an occupational health professional. The assessments are available to all officers from the Health and Safety website ‘Think Right’.

8.4.6 Breaks for those working more than 6 hours

All officers are entitled, in any one shift of at least 6 hours, to a minimum 20 minute break. This is the minimum length of break as required by the WTR. Police Regulations far exceed these and should therefore be followed. The break may not be at the very beginning or the end of the working day.

Compliance with this entitlement must not, however, compromise public and or officer safety.

Managers must be proactive in ensuring refreshment breaks are taken and provide local instruction on how to ensure this, exploiting overlaps to ensure that officers have the opportunity to take a break and perhaps planning breaks for all officers at briefings. Officers must also take personal responsibility to proactively ensure breaks are taken and to ensure that they try to take the break before the end of the shift.

Officers should alert their line manager if meal breaks are not taken who should take steps to negate this reoccurring. Line managers must ensure, as far as possible, that officers actually take required WTR breaks.

9. ON CALL

- 9.1 On-call is defined as being available to respond to a telephone call for advice/instruction and/or an immediate recall to duty to deal with an operational requirement. It is a necessary part of some roles and therefore places restrictions on their private lives when not actually on duty.

For officers, being on-call means being:

- Contactable by telephone/pager at all times. A mobile/pager will be provided for this purpose.
- Accessible, in the sense that the officer can physically reach any place where they might normally anticipate being required to perform their role, within a reasonable period of time.
- Fit for duty, i.e., being free from the effect of drink or drugs, in accordance with the provisions of Force Policy on Substance Misuse.

Police Regulations state that answering the telephone whilst at home on a rest day or after a tour of duty does not generally constitute a recall to duty and does not attract compensation. If a member receives a call which requires necessary action or duty to be performed, this may be a recall to duty, and the member may be eligible for appropriate compensation.

Police Regulations set out the compensatory arrangements that apply where a recall to duty occurs. The relevant sections of Police Regulations are as follows:

Police Regulations Annex H – covers working on a rest day or public holiday

Police Regulations Annex G – covers recall between tours of duty

Police Regulations Annex O – covers recall from leave

Police Regulations Annex U – refers to on-call allowance

9.2 Work-Life Balance

All managers have a general duty of care to ensure that the combination of the working day and any on-call commitment does not make excessive or unreasonable demands upon individuals.

The following will also apply:

- Officers will not be rostered to be on-call during a period of annual leave
- Officers will not be expected to be on-call on weekly rest days or public holidays other than in an emergency or for some other unexpected operational reason
- Officers will not, other than as referred to in the following paragraph (or in exceptional circumstances such as the early days of a major crime enquiry or serious outbreak of public disorder) be rostered to provide an on-call service on more than 20% of their working days.

Exceptionally, there may be cases where a Department finds it impossible to provide a safe and/or effective work patterns from within available resources without breaching the general limit of 20% set out above. Where this occurs a local agreement may be negotiated to exceed that limit which will need the joint support of the Departmental Commander/Departmental Head concerned, the members of staff affected and the Police Federation. In reaching such agreements health and safety considerations will be paramount.

9.3 Managing On-Call

Departmental Commanders and Departmental Heads will arrange that:

- All types of on-call services provided by the Department are formally identified and recorded and lists are maintained of those who provide an on-call service by Resources Management Unit;
- When a post that has associated with it the provision of an on-call service falls vacant and is advertised, the advertisement will contain a reference to the on-call requirement and this should also be included in any Post Profile.
- In respect of all posts within their area of business that have attached to them an on-call commitment, an annual review is conducted to ensure that the requirement remains necessary and is justified.

9.4 Occasional Recall to Duty Outside Normal Working Patterns

A recall to duty outside normal working patterns should not be confused with providing an on-call service. There is no duty roster and no restrictions on the private lives of the individuals involved beyond a general acceptance of the fact that on occasions a recall will occur and a commitment to return to work if called.

Whilst there is an expectation that officers will return to duty if called upon, there is no sanction if an individual is on a particular occasion unable to do so.

A recall to duty always counts as work for the Working Time Regulations (WTR) and will attract payments or compensatory rest periods in accordance with the WTR and Police Regulations.

10. DECLARATION & LEGALITIES

- 10.1 In line with all Force policies, the overarching purpose of this document is to directly support the PCC police and crime plan objectives. Overall the intention of this policy is to make North Wales the safest place in the UK.
- 10.2 In the writing of this policy cognisance has been taken of the college of policing code of ethics (2014).
- 10.3 North Wales Police policies will be written in accordance with the approved corporate format and published on the Force Intranet, allowing access to staff and public, where appropriate, on the pages of the public facing Internet site under the Force publication scheme and Freedom of Information Act 2000.

- 10.4 The following main legal requirements have been identified within this policy:
- Equality Act 2010
 - Human Rights Act 1998
 - The Welsh Language (Wales) Measure 2011 and the Welsh Language Standards for the Chief Constable
 - Data Protection Act 2018
 - Freedom of Information Act 2000
 - Health and Safety Act 1974
- 10.5 This policy has been written giving due regard to the above legislation and has considered the risk of unfair and/or disproportionate impacts on individuals or groups (actual or perceived) and has done so via an equality impact assessment (EIA).
- 10.6 New legislative requirements or changes in Force structure may necessitate a review of this policy document.