



Freedom of Information Act Publication Scheme	
Protective Marking	Not Protectively Marked
Publication Scheme Y/N	Yes
Title	Working Time Regulations Policy Statement and Equality Impact Assessment (EIA)
Version	1.0
Summary	This policy supports the EU Working Time Directive and its effective implementation will ensure that the organisation is aware of its responsibilities and will ensure compliance, therefore demonstrating its proactive duty of care to our officers and staff and the public we serve.
(B)OCU or Unit, Directorate	Strategic HR
Author	Strategic HR
Review Date	December 2019
Date Issued	2 December 2015

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Branch / OCU:		Strategic HR						
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Author:		Strategic HR						

Working Time Regulations Policy

Application:

This policy applies with immediate effect.

All police officers and police staff, including the extended police family and those working voluntarily or under contract to the Mayor's Office for Policing and Crime (MOPAC) or the Commissioner must be aware of, and are required to comply with, all relevant Metropolitan Police Service (MPS) policy and associated procedures.

However, this policy applies in particular to officers and staff in the following roles: (This list is not meant to be exhaustive).

- Operational Command Unit (OCU) commanders and Heads of Branch;
- All Line Managers especially those with staff responsibility;
- Nominated Chair of the Local Resource Planning Meetings (LRPM);
- Nominated Chair of the Business Group Chief Officer Groups (COG);
- Duties Offices & Area Hubs;
- Director of Human Resources;
- Strategic Safety and Health Risk Manager;
- Business Partners;
- Strategic Human Resources (Policy Lead);
- Service Delivery Manager - Fieldwork;

The Working Time Regulations (WTR) 1998, the Working Time Regulations (Amendment) Regulations 2006 and 2007 provides rights for workers, including police officers and police staff, to regulate the hours worked.

It also aims to improve the health and safety of workers by outlining entitlements for:

- Weekly working time i.e. hours of work;
- Daily and weekly rest periods including in-work rest breaks;
- Night work;
- Annual and Bank holiday leave.

The Service owes a duty of care to its officers and staff, by implementing effective systems to record and monitor hours that individuals work within their OCUs, to ensure we maintain compliance as well as ensuring effective staffing levels are maintained to meet the needs of the organisation.

Policy Principles:

The WTR applies to all Police Officers, Special Constables (MSC), Police Staff (including Police Community Support Officers (PCSOs) and casual staff in Catering.

Most of the requirements of the WTR around hours, rest breaks and leave entitlements are already provided for within existing police regulations and police staff conditions of service. However under the WTR some police activities may be exempt.

This WTR Policy reinforces the current legislation and replaces any previous MPS procedure &/ or guidance relating to the Working Time Regulations.

- The Weekly Working Limit: The legislation imposes an average limit of 48 hours working time per week. The average is measured over a reference period of 17 weeks or 26 weeks if Regulation 21 applies. If the individual is a new starter to the MPS who has worked for fewer than 17 weeks, the average is measured over the period since the employment began;
- An individual will be asked to complete an Opt-Out Agreement form if they wish to exceed this 48 hour average weekly limit or if they undertake secondary employment (Business Interest) or if they are an MSC officer / Volunteer;
- Failure to comply with the WTR legislation will leave the Service vulnerable and OCU commanders / Heads of Branch and Line Managers may be held accountable for any non-compliance.
- Business Group Chief Officers Group need to ensure:
 - o The Business Group Chief Officers Group Meeting Agenda includes a review of the HR Performance Pack data to identify those OCUs within their Business Group where breaches are occurring and to agree appropriate action to be taken;
- OCU commanders and Heads of Branch need to ensure:

- o They have local systems in place for officers and staff to record their hours worked and that Line Managers are aware of their responsibilities to regularly monitor individuals working hours and take appropriate action where a breach occurs;
 - o That all officers and staff are aware of their responsibility to record their hours as directed, reflecting lunch and rest breaks actually taken or not taken;
 - o That there is provision for all records of working hours completed to be stored locally and securely for a minimum of two years from the date the record was made;
 - o That they have up to date records of those Officers and Staff who have agreed to work more than an average of 48 hours a week (Opted-Out). These records need to be retained locally and securely for a minimum of two years from the date the Opt-Out Agreement was completed;
 - o They have arrangements in place to enable them to identify from local records all officers and staff on their OCU who are not exempted, or those who perform potentially exempt activities as outlined in the Exemptions section of the Standard Operating Procedure, for part of their time;
 - o They are able to identify any night workers not exempted from the night work limits whose working arrangements exceed the limits. If so, adjustments need to be made to the working arrangements to ensure that the limits are not breached. In any such cases adjustments need to be considered to the working arrangements to ensure that the limits are not breached. Risk Assessments should be undertaken on any night work involving particularly long hours;
 - o The Local Resources Planning Meeting (LRPM) Agenda includes a review of the HR Performance Pack data to identify those individuals who have exceeded the 48 hour average weekly limit, and that the Chair responds accordingly by agreeing what appropriate action needs to be taken to rectify any breaches on their OCU.
- Line Managers need to ensure:
 - o They actively monitor the records, of those they have a duty of care for, for hours worked on a regular basis to ensure the 48 hour average weekly limit is not exceeded;
 - o Even if an individual has agreed to Opt-Out of the limits he or she cannot be required to work excessively long hours if this creates a reasonably foreseeable risk to their health and safety of the health and safety of others. As a general rule, no one is allowed to work more than 72 hours (e.g. 6 x 12 hour shifts plus one day of rest) a week. Line Managers should also consider very carefully any situation where officers and staff are approaching this level of working time in any one week. In cases where officers and staff undertake high risk activity e.g. drive vehicles, carry firearms, search etc, the shift length and hence working

week should be considerably shorter than this. These high risk activities and aligned working hours will need to be documented in a risk assessment with appropriate mitigation to control the risks).

- o That all timesheets are submitted and monitored on a monthly basis to check whether the 48 hour average weekly limit has been exceeded and if they have to access Manager Self-Service, to see whether the individual concerned has completed an Opt-Out Agreement form;
- o That a record of in-work breaks is also recorded as part of the overall record of hours worked (breaks are not Working Time and therefore are not to be taken when calculating the daily / weekly hours worked);
- o That in all cases where any officer or member of staff exceeds the 48 hour average weekly limit the OCU Commander / Head of Branch is notified. The Line Manager must undertake a review of the individual's working time and where necessary, compensatory rest applied. Measures should then be taken to ensure that no further breach occurs.
- o For those officers or staff who do choose to complete an Opt-Out Agreement form, that they as Line Managers still have a duty under the Health and Safety at Work Act to ensure the hours worked are not excessive or arranged in a way that would compromise either them, the public or their colleague's safety.
- o Where an individual has completed an Opt-Out Agreement, the Line Manager must document their monitoring arrangements on the Opt-Out Agreement, complete a risk assessment where there is significant risk and ensure the individual does not work excessive hours;
- o That if an individual wishes to terminate their Opt-Out Agreement, then they must give 3 months' notice by completing the end date field on the Opt-Out Agreement.
- The Workforce Planning Information Team (WPIT) will ensure:
 - o That they provide statistical data in the monthly HR Performance Packs, of those Officers and Staff whose hours are recorded on CARMs (Computer Aided Resource Management system), as well as details of who have completed an Opt-Out Agreement form.
 - o That the monthly HR Performance Packs are sent in advance of each OCU's LRPM / Business Group COG meetings to assist them in monitoring compliance rates for their OCU / Business Group.
- All officers and staff are required to record their hours as directed:
 - o Officers and all PCSOs will record their hours on the CARM system;

- o Police Staff with access to an established electronic booking in and out system for example 'WinTime' where data can be extracted for the purposes of the monitoring hours worked;
- o Police Staff who do not have an established electronic system in which to record their hours will be required to complete a 'Record of Hours' timesheet each week and submit these to their Line Manager after each fourth week is completed;
- o Even if officers and staff wish to exceed the 48 hour average weekly limit and complete an Opt-Out Agreement they must still need record their hours as directed;
- o All records should reflect lunch and rest breaks actually taken. If no break is taken then the record should reflect this.
- o If an individual wishes to terminate their Opt-Out Agreement then they can do so, giving 3 months' notice from the date of first completing and submitting the Agreement via Employee Self Service;

Health & Safety Impact Statement:

This policy sets out the requirements of the Working Time Regulations and other Health and Safety legislation, within a policing environment. Full implementation of this policy will enable the MPS to demonstrate legal compliance. It requires OCUs and departments to ensure they have effective arrangements to monitor working hours and take appropriate action where long hours are apparent, documenting a suitable risk assessment, when appropriate. The definition of 'long hours' may vary depending on the nature of the policing activities.

Purpose and Benefits:

The purpose of this policy is to ensure effective implementation of the WTR and that all officers and staff are aware of the current WTR legislation and the need to record their working hours. This is so that effective monitoring can take place by Line Management to ensure they do not exceed the 48 hours average weekly limit; unless they have completed an Opt-Out Agreement form via Employee Self Service;

OCU commanders / Heads of Branch have a specific responsibility under the WTR in ensuring effective local recording systems are in place so that hours worked by their officers and staff can be monitored on a regular basis by Line Management and are accessible if required for audit purposes.

Line Managers have a specific duty of care for monitoring those hours recorded for those officers and staff they have responsibility for to ensure that they do not exceed the 48 hour

average weekly limit and where this occurs they conduct a review and action is taken to avoid further breaches.

It also makes reference to when an exemption to the weekly working limit of 48 hour average weekly limit can be applied.

The aim of the WTR Policy is to support current legislation thereby ensuring the organisation and its officers and staff are compliant as well as demonstrating a proactive duty of care to our officers and staff;

By implementing this policy OCU commanders / Heads of Branch and Line Managers will be able to effectively manage those who exceed the 48 hour average weekly limit, whilst still maintaining effective staffing levels.

The WTR also provide OCU commanders / Heads of Branch and Line Managers the opportunity to make sure that where there is a need for officers and staff to work long hours due to unpredictable operational demands, for example civil unrest / terrorism there are local systems in place to continuously and rigorously review their hours during these times.

Associated Documents and Policies:

- [WTR Toolkit and Standard Operating Procedure \(SOP\)](#);
- [Work Life / Balance Policy](#);
- [Flexible Working Toolkit](#);
- [Flexi Time FAQs](#) (PeoplePages);
- [Business Interests, Secondary employment and Political Activities Policy](#);
- [Health and Safety Policy](#);
- Police Regulations;
- Police Staff Conditions of Service
- Health & Safety at Work Act 1974, the Police (Health & Safety) Act 1997 and all other relevant statutory provisions and recognised codes of practice;
- [Health & Well-being Policy](#), associated SOPs and FAQs (Policy Pages & PeoplePages);
- Safety, Health and Wellbeing pages of PeoplePages (including advice about Risk Assessments);

Notices to be Cancelled / Amended:

There are no Notices to be cancelled.

Policy Contact:

SSCL Shared Services on extn: 782222 (external 0207-161-2222)

Equality Impact Assessment

Policies are developed and reviewed using a consultative approach involving relevant internal and external stakeholders. Additionally, developers must consider what action needs to be taken to help overcome or minimise any disadvantages that people who share a protected characteristic will experience in compliance with the Equality Act 2010. Finally, the impact of the policy will be monitored to identify any emerging issues, learning and benefits post-delivery of the policy. The table below summarises the outcomes of all these actions:

Research and consultation	
Review of research	The MPS have recently been challenged by the Health & Safety Executive (HSE) due to a number of breaches in the legislation, as the WTR is not being applied correctly or consistently across the organisation, this is mostly because staff are unclear of their areas of responsibility & how to achieve compliance. Failure to implement a robust & enforcing statement setting out the organisations stance & requirements, as well as effective systems in place to record hours & deal proactively with possible breaches, may result in the HSE imposing a sanction against the organisation. By creating a WTR policy it will provide a robust & enforcing statement of what is expected, how it is to be applied & make it clear that failure to adhere to the directive may / will leave the organisation vulnerable & open to legal challenge by the HSE / employees, resulting in sanctions being imposed. By having a consistent application of the legislation & by making it clear what is expected of everyone individually & collectively to ensure compliance this would support the People Strategy. As we have a proactive duty of care to all our officers / staff & will assist in them carrying out their duties efficiently & effectively. It also supports the 'Total War on Crime' as by monitoring working hours as directed the organisation will still be able to manage those who do exceed the average weekly limit, whilst still maintaining effective staffing levels. By ensuring there is a robust mechanism in how to apply the recording & monitoring of working hours we can therefore ensure greater compliance, which would prevent breaches in the legislation & fulfil our commitment to 'Total Professionalism' as failure to do so will leave the organisation vulnerable & may impact on our reputation.
Internal consultation	Internal consultation was carried out with the Directorate of Legal Service (DLS), Safety and Health Risk Management Team (SHRMT), Information Assurance, Police Staff Associations (PCS, Unite, & Prospect) and the Police Federation, Specialist Operations (SO), Specialist Crime & Operations (SC&O), Territorial Policing (TP), Performance & Assurance, Directorate of Media & Communications (DMC)
External Consultation	Mayor's Office for Policing and Crime (MOPAC)

Protected Characteristics (Equality Act 2010)	
Summary of Equality Impact Assessment	This WTR Policy, SOP and Toolkit have been written to support a Directive of the European Union, which is legislation and must be applied throughout the UK. Any challenges to the directive would therefore need to be presented to the EU.
Age	No identified impact
Deaf/ disability	No identified impact
Gender reassignment	No identified impact
Marriage and Civil Partnership	No identified impact
Pregnancy and Maternity	No identified impact
Race	No identified impact
Religion or belief	No identified impact
Sex	No identified impact
Sexual Orientation	No identified impact
Other issues for example: Low income groups, single parents, rough sleepers	No identified impact
Monitoring	
12 month implementation plan	The WTR Summary stats provide the main platform in which to measure compliance. They are produced on a monthly basis for the benefit of the WTR Gold Group Meeting (which is attended by Commanders from each business group), Chief Officer Groups (COGs) & Local Resource Planning Meetings (LRPMs). Any emerging diversity or equality issues can be brought to the attention of, and monitored through the WTR Gold Group, by the Business Group representatives. In addition, representatives from the Police Federation & Police Staff Associations, who also attend the WTR Gold Group, can raise issues on behalf of members.