**Duties and Leave for Police Officers**

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<th>Business Services</th>
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<td>Head of Business Services</td>
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1. **Policy Aim**

   The aim of this policy and linked procedures is to provide guidance relating to Duties and Leave.

2. **Policy Statement**

   In line with all Force Policies the overarching purpose of this policy is to directly support the North Wales Police and Crime Objectives. Overall the intention of this policy is to provide a Safer North Wales. In particular this policy ensures that officers understand what their entitlements are, supports them to deal with different life events and aims to protect their health, safety and welfare.

   In the writing of this policy cognisance has been taken of the College of Policing Code of Ethics (2014).

   NWP policies will be written in accordance with the approved corporate format and published on the Force Intranet, allowing access to staff and, where appropriate, on the pages of the public facing Internet site under the Freedom of Information Act 2000.

3. **Scope**

   **This policy relates to Police Officers only.** Police Staff should refer to the Police Staff Conditions of Service.

4. **Monitoring**

   This policy is governed by the Business Tasking Committee, will be owned by the Head of Business Services and monitored through the post of HR Lead for Policy. The policy is to be reviewed at intervals no later than that determined by the Policy Risk assessment tool.
5. Legal Requirements

The following main legal requirements have been identified within this policy:

- Human Rights Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000
- Health and Safety Act 1974
- Equality Act 2010

6. Equality Impact Assessment

An Equality Impact Assessment has been carried out and there is no significant impact upon equality issues.

7. Relevant Information

Please find attached (list all supporting guidance documents)

- Procedure 1: Duties
- Procedure 2: Annual Leave
- Procedure 3: Leave - Other
- Procedure 4: Adverse Weather Conditions
- Procedure 5: Working Time Regulations
Police Staff should refer to their Conditions of Service.

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1. **Duty day**

1.1 The Chief Constable has decided for the purposes of the Regulations that 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.

1.2 A duty day for members on day, evening or broken shift duty will commence at 7 am and end at 7 am the following day, unless this is formally varied by a Variable Shift Agreement (VSA).

1.3 The taking of Rest Days and Public Holidays will be allowed in accordance with Police Regulations.

1.4 Absence from duty owing to sickness will necessitate the loss of any rest days falling due within the period of sickness.

2. **Hours of Duty**

2.1 Hours of duty will be as per Police Regulations, Local Agreements and whatever Variable Shift Agreements are currently in being.

2.2 The Duty management System (DMS) will be used for the recording of all duty related matters. Staff will be required to maintain their records of duty on the DMS.

2.3 Staff on set duty times i.e. not on flexi working, who arrive before their start of duty time will be shown on the Duty management System (DMS) as starting at their designated start time. Staff who, with the authority of their line manager, finish their tour of duty within the last ten minutes of their designated finish time will have their time rounded up to their finish time.

2.4 The Force will comply with the Working Time Regulations.

3. **Duty Sheets**

3.1 A duty roster will be produced in accordance with Police Regulations, Local Agreements and Conditions of service.

4. **Travelling time**

4.1 Travelling Time is discussed in the policy for ‘Accommodation and Home Ownership’
5. **Overtime and Compensation for Work on Rest Days, Public Holidays and Winsor Days**

5.1 Compensation for overtime and work on Rest Days, Public Holidays or Winsor Days will be paid in accordance with Police Regulations.

5.2 Police officers should not seek, nor will they be permitted, to re-schedule rest days or bank holidays that have been ‘banked’ etc, and then work the rest day at enhanced rates.

5.3 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 duties as WD.

5.4 To substitute a Public Holiday Constables and Sergeants must submit a request at least two months before the start of the financial year.

5.5 Following a receipt of a request as at 5.4 above officers will receive authorization, or otherwise, at least one month before the start of the financial year which runs from April 1st to March 31st.

5.6 If an officers’ request as at 5.5 above is not authorised then a resolution will be sought by the officer in consultation with Duty Management before the start of the Annual Leave year. Duty Management will base their decision on staffing levels, or any other periods subject to high policing demand. The force have identified the following days as dates which will not be authorised and cannot be selected, due to historical high policing demands.

- 31st October
- 5th November
- The final Friday before Christmas
- Christmas Eve
- New Year’s Eve

5.7 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 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.

5.8 Officers on maternity leave or long term absence will be notified of this entitlement in sufficient time to submit an application under 5.5.

5.9 Officers working a reduced hours pattern will be permitted to apply for a
Winsor Day, this will be granted pro rata based on their hours. Where there is a shortfall to make up, use of Annual leave hours will NOT be permitted due to the different Police regulations that apply to compensation for working on a public holiday in comparison to working on annual leave. Hours from TOIL accounts or Reallocated rest day accounts will be permitted to use for shortfalls, but these accounts must be in credit. Negative TOIL or Rest Day accounts will not be permitted.

6. **Procedure to be followed for the Recording and Allocation of Overtime**

6.1 Commanders/Departmental Heads are responsible for the annual overtime budget in their respective areas and will delegate nominated staff to monitor its allocation as required.

6.2 All overtime worked by constables and sergeants, including that to be taken as TOIL in accordance with Police Regulations must be authorised by a supervisory officer. In granting authority for the officer to work overtime, where the officer has made it clear they will elect to be compensated by TOIL rather than payment, the supervisor must ensure that it is feasible for the officer to take the TOIL within the following 3 months.

6.3 Local procedures will be introduced to cater for the capture and authorisation of overtime and payment.

7. **Special Duty**

7.1 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. Members of staff who perform special duty will claim for such duty on the appropriate form. This will be submitted to Department to enable the invoices to be prepared for onward transmission to the person requesting the service. Rates will be as per Police Regulations.

8. **Military Training for Police Officers**

8.1 Home Office Circular 24/1951 explains the criteria in relation to the release of Police Officers attending annual training camps with the Territorial Army.

8.2 Each application will be dealt with on its merits and no more than one month’s special leave will be allowed for this purpose in any leave year. Special leave will only be granted in respect of annual camps.

8.3 Applications will be considered by Commanders/Departmental Heads.
9. **Armed Forces Reservists**

9.1 Advice on Armed Forces reserves can be found in Section 54(1) of The Reserve Forces Act 1996.

9.2 Officers can be granted special leave when called up to serve within the military services. The details of this arrangement can be found in Police Regulations specifically SEC Circulars 23/2003 and 7/2003. In summary members of staff who have been called up to military service should be treated as on unpaid special leave. Officers will retain their uniform and warrant card. They will receive re-imbursement for salary and pension contributions from the MOD at the end of the secondment.

10. **Study Leave**

10.1 Staff 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.

11. **Study Time for Mandatory Training**

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

12. **Jury Service**

12.1 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 the DMS. Any expenses incurred such as traveling, child care, refreshment etc should be claimed by the individual from the courts.

12.2 Duty planning for Jury Service – officers and members of staff required for Jury Service should be shown for duty planning purposes as working Monday – Friday with their rest days on weekends.

13. **TOIL for Inspecting Ranks**
13.1 Whilst meeting the operational and organisational needs it is essential that risks to officer’s health, safety and general well-being are minimised. To this end there is a joint responsibility upon individuals and the organisation to ensure working hours are not excessive and do not breach the Working Time Regulations 1998.

13.2 Those of the inspecting ranks are expected to work 40 hours per week. The first 4 hours of casual overtime (as defined by Police Regulations) worked will not attract TOIL as it has been compensated within the terms of the 1994 agreement. Any hours above 44 hours per week will attract plain time TOIL.

13.3 Any TOIL accrued will be capped at 88 hours as a maximum and this TOIL must be managed in agreement with line managers. TOIL must be taken within 90 days. Any TOIL not taken within the 90 day period will be lost.

13.4 Inspectors working reduced hours will apply these terms on a pro rata basis.
1. Annual Leave

1.1 Annual leave for Police Officers shall be granted in accordance with Police Regulations. Regulations can be accessed through the Police Federation web site.

1.2 The 'leave year' for all Officers means the period of twelve months commencing 1st May and ending 30th April the following year.

1.3 As a general rule and subject to the exigencies of duty, annual leave shall be divided into the following periods:

   - Summer period: 1st May to 31st October
   - Winter period: 1st November to 30th April.

1.4 Annual leave taken during the Summer Period will not generally exceed two thirds of the annual leave entitlement.

1.5 The authority for granting annual leave lies with the Service Lead who is responsible for ensuring that there is sufficient cover to maintain minimum staffing levels. Any application to amend annual leave rosters must be made to Service Leads, however, this function may be delegated to more local line management or the Resource Management Unit.

1.6 School holiday periods are times of great demand to take annual leave. As a result Service Leads will normally restrict Officers to a maximum continuous period of 14 days continuous absence during school summer holiday period (in whatever combination of annual leave and rest days).

1.7 If school October half term goes into November, leave requests for this week will be classed as summer leave.
Duties and Leave for Police Officers
Procedure 2: Annual Leave
Not Protectively Marked

1.8 Applications for annual leave should be made at least 28 days prior to its commencement.

1.9 Officers who may be called to give evidence at court must ensure that the Administration of Justice Unit (AJD) is aware of leave dates at the earliest opportunity.

1.10 Officers seconded out of the force will be provided, prior to taking up their post, with details of how they will maintain their leave records. Those on mutual aid will still be required to maintain their leave records on Optimum.

2. Sickness Whilst on Annual Leave

2.1 An Officer must contact their Line Manager (preferably by telephone if possible, however, text message or email are also acceptable) at the commencement of sickness, or as soon as they become aware that there will be a period of incapacity during a holiday. An Officer can get their annual leave reinstated in accordance with Attendance Management Policy. See also 3.2 in this Procedure.

2.2 Only annual leave, planned TOIL or Rest Days In Lieu lost due to sickness absence can be re-taken. Absence from duty owing to sickness will necessitate the loss of any rest days falling due within the period of sickness.

2.3 The Line Manager must pass on this information to the appropriate SSF HR Team, who will ensure that the relevant HR systems are updated. This will enable Optimum to reimburse the individuals annual leave record.

2.4 The Officer must ensure that their Optimum record for the annual leave remaining has been correctly recorded, and that they are shown as sick for the appropriate number of days.

3. Annual Leave Carry Over

3.1 Officers may request approval from their Line Manager to carry forward up to 5 days annual leave into the next leave year (not exceeding the number of days untaken) which should be pro rata for Officers working reduced hours. Service Leads may also, in exceptional circumstances and in the interests of efficiency, allow more than 5 days to be carried forward.

3.2 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.

4. Recalled to Duty from Annual Leave

4.1 Police Officers should not seek, nor will they be permitted, to take annual leave, then work at enhanced rates, (e.g. to participate in a funded operation).
4.2 In accordance with PNB Circular 03/15, recall from annual leave applies not only to officers actually recalled from annual leave, but also, to pre-booked or scheduled annual leave.

4.3 In accordance with Annex O (5)(a) Regulation 33, Police Regs 2003, recall from annual leave includes recall from rest days, public holidays, time off in lieu and free days, which **form a period of three or more days absence** at least one of which is Annual Leave. In such circumstances an Officer is entitled to:

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<th>First 2 days of recall from annual leave</th>
<th>2 days leave in lieu or 1 day leave in lieu plus 1 day pay at double time</th>
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<td>3&quot; and subsequent days of recall from annual leave.</td>
<td>1½ days leave in lieu or 1-day leave plus a ½ days pay at double time.</td>
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4.4 If an officer is recalled from a period of annual leave, including rest days, public holidays, time off in lieu and free days, which **form a period of less than three days of absence**, the officer is entitled to have their leave days reinstated.

4.5 If an Officer volunteers to work on a day that has been booked as annual leave, the officer will have their annual leave re-instated (at plain rate). The day will become a normal working day. No enhanced payment will be received until normal working hours are exceeded, when normal casual overtime rate would apply (i.e. time and a third).

4.6 It should be noted that an Officer only volunteers if they make the approach to North Wales Police to work; an Officer who works in response to a call for volunteers will be recompensed in accordance with regulations.

4.7 The only entitlement to compensation is when Officers are **unexpectedly** recalled to duty, for example, because they are needed as a witness in a prosecution. In these cases the Chief Constable will approve the reimbursement of the following expenses:

(a) Necessary travelling expenses incurred and return to the holiday place;
(b) Any food and accommodation allowance to which the officer may become entitled under Police Regulations;
(c) Expenditure over and above the allowances covered by b) and within the limits of Police Regulations scales necessarily incurred on food and lodging because the officer's normal place of residence is unavailable;
(d) Any charges made at the holiday place for accommodation or food in respect of periods which the officer was absent from that place, provided they can show that they had taken all possible steps to avoid the expenditure.
(e) Any other reasonable expenditure incurred by the Officer which can be evidenced by way of receipts or invoices.
Police Staff should refer to their Conditions of Service

Contents and Summary of Entitlements

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<td>Dependents Leave</td>
<td>1 – 2 days paid (Pro rata) up to a maximum of 5 occurrences per leave year.</td>
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<td>Domestic Issues Leave</td>
<td>1 – 2 days paid leave.</td>
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<td>General Practitioners / Dental / Opticians Appointments</td>
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<td>Medical Screening / Specialist Hospital Treatments</td>
<td>Paid time if during working hours at discretion of Line Manager.</td>
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<td>Transfer Leave</td>
<td>3 calendar days.</td>
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<td>Maternity Leave</td>
<td>Details found in Force’s Maternity Scheme.</td>
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<tr>
<td>Maternity Support / Paternity Leave</td>
<td>2 weeks of 40 hours each (Pro-rata).</td>
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<td>Adoption Leave</td>
<td>39 weeks Adoption Leave. Pay depends on length of service.</td>
<td>5</td>
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<tr>
<td>Unpaid Parental Leave</td>
<td>18 weeks in maximum blocks of 4 weeks per child per leave year.</td>
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Introduction

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 procedure is recorded on Optimum and that appointments cards are provided by the officer if necessary. The Resources Management Unit can provide information in relation to leave entitlements for officers.

1. Compassionate/Special Leave

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.

1.2 A ‘Close Relation’ of the officer shall include:-

- Husband, wife 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

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

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.

2. Dependants Leave

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.

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 childcare or nurse failing to turn up
- Goes into labour

2.3 For the purposes of this section those classed as dependents are:–
- Husband, wife or 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.

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.

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

3. Domestic Issues Leave

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.

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.
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.

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.

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 17 for further details.

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.

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.

8. **Maternity Support/Paternity Leave**

   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, but no later than six months after the 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.

   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 hours workers) is paid. Those officers who have 26 weeks continuous service at the 14th 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.
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.

9. Adoption Leave

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

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.

9.3 Officers who have over one year continuous service are entitled to full pay for the first 13 weeks adoption leave then up to 26 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.

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

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

9.6 Adoption leave is applicable to only one spouse/partner, not both. The remaining spouse/partner will be eligible for 2 weeks paternity/maternity support leave at paragraph 8 above.

10. Unpaid Parental Leave

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:

10.1.1 Parents of a child under the age of five are entitled to take up to 18 weeks’ unpaid parental leave until the child’s fifth birthday.

10.1.2 Parents of a child placed with them for adoption are entitled to take up to 18 weeks’ unpaid parental leave until the fifth anniversary of the adoption or until the child’s 18th birthday, whichever occurs sooner.

10.1.3 Parents or adoptive parents of a child who has been awarded disability living allowance or personal independence payment are entitled to take up to 18 weeks’ unpaid parental leave until the child’s 18th birthday.

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.
10.3 Parental leave can be taken in minimum periods of one week, except in the case of a child in receipt of a disability living allowance or personal independence payment in which case no minimum period applies. Such leave will usually be granted in maximum blocks of 4 weeks per child per leave year.

11. **Time Off for Antenatal Care**

11.1 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.

12. **Time Off For IVF**

12.1 A period of 3 days paid leave per leave year will be granted to the woman under-going IVF treatment. 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.

12.2 The partner of the woman under-going IVF treatment may also need time off for IVF leave and 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.

12.3 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.

13. **Religious Leave**

13.1 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

14. **Disability Leave**

14.1 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.

15. **Voluntary Donation of Organs / Blood / Bone Marrow**

15.1 Donations covered in this section are those that will directly affect the health of another person.
15.2 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.

15.3 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.

16. **Time Off for Foster Carers**

16.1 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 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.

16.2 Time off to attend training, meetings or appointments should be taken as annual leave, TOIL/change of shifts or unpaid leave.

17. **Gender Reassignment Leave**

17.1 A Line Manager and officer should discuss what time off is likely to be required, and when, if known.

17.2 Time taken to attend medical screening and specialist hospital treatments should be paid in accordance with section 5 of this procedure.

17.3 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.

17.4 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 his/her true gender. If the absence is not covered by a GP’s FIT Note as per 18.3 above, then it should be considered from the normal annual leave entitlement or TOIL account.
1. Introduction

1.1 Whilst it is the responsibility of individuals to make every effort to attend work, even in exceptionally severe weather, it is recognised that there may be circumstances where this can be difficult due to the weather and road conditions, or require to leave early due to such conditions.

1.2 This procedure provides a corporate framework under which absence from work due such conditions can be managed fairly, equitably and consistently.

2. Difficulty in Getting To Work

2.1 Where individuals make every effort to get to their place of work but are unable to do so due to severe weather conditions and/or the resultant effect on transport arrangements, they should contact their line manager as soon as possible to advise of their situation.

2.2 They may apply for annual leave, flexi time and/or time off in lieu owing rather than face adverse conditions or difficulties. Such request should be sympathetically considered within the context of; the exigencies of the service, the severity of the prevailing conditions and the impact on the work of other staff.

2.3 Where payment of additional allowances would not be incurred, consideration may be given to allowing for a rest day to be re-rostered as an alternative.
2.4 Those unable to travel to work, advised not to travel or prevented because of domestic problems or childcare/dependants commitments, will be expected to take annual leave etc. Dependant upon the circumstances, officers may have a case to apply for special leave under Paragraph 1.3 of the Procedure for Emergency, Compassionate, Transfer, etc, leave.

2.5 Where an individual does not expect to be able to attend their normal workplace due to it closure or inaccessibility such as cut of by floods, they should make contact with their line manager to report that they are available for work and to seek advice on what action to take. The possibility of the individual reporting for duty at another workplace will be explored.

2.6 Those not able to work because of closure of their normal place of work and where no alternative place of work has been identified should not suffer loss of salary nor be expected to take time off.

2.7 In the event of an operational officer being deployed other than at their normal place of work, or even from home, appropriate risk assessments must be completed evaluating any operational difficulties e.g. communication facilities, equipment, protective equipment, uniform etc.

3. Late Arrivals to work

3.1 Where an individual arrives late for work as a result of adverse weather conditions and it is accepted that all reasonable efforts were made to arrive at the usual time, the individual should be treated as arriving at their usual start time.

3.2 Where members of staff participate in the flexi time system, any post holder who comes to work in severe weather conditions will have flexi-time suspended and 7.24 minutes credited for the day.

4. Going Home Early

4.1 If due to the adverse weather conditions individuals have personal concerns about their travelling arrangements, due to the present or expected severe weather conditions, managers may use their discretion and subject to the exigencies of duty allow individuals the opportunity to leave their workplace early.

4.2 This may be particularly relevant where individuals live in outlying areas, have some distance to travel, where they are reliant on shared transport, are collecting children who may be leaving school early or have dependant relatives, etc.
4.3 In such circumstances individuals will be considered as having completed their duty time.

4.4 Not all staff will be able to be released; each case will be taken on its own merit with every attempt being made to ensure fairness. All decisions will be made in light of exigencies of the service.

5. **Appreciation of Those Who Attend Work**

5.1 Commanders or Departmental Heads should ensure that appreciation is expressed to all staff that are able to attend work and keep services running despite the adverse weather conditions. A record is to be retained on PDR.
Procedure 5: Working Time Regulations

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Introduction

The aim of this procedure is to provide procedural guidance to assist the force in complying to the Working Time Regulations (WTR) 1998 (SI 1998 No 1833).

This guidance takes account of Home Office Circular 21/2002 ‘The Application of the Working Time Regulations to the Police Service’.

1. **Summary of the Working Time Regulations (WTR)**

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.

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.

1.3 The working Time Regulations are extremely complex but the main provisions for all staff 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
   - Staff should NOT work 6 continuous hours without a twenty minutes break. (Staff should refer to Police Regulations and Police Staff Conditions of Service which exceed these minimum periods.)
   - 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

1.4 There are circumstances in which it is possible to deviate from the requirements of the Regulations, these derogations are:

   a. **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 staff 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.
Staff 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.

b. 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.

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.

2. Voluntary Work

Staff members 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.
3. **On Call**

For purposes of WTR, the time when a member of staff 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 a member of staff is restricted e.g. on reserve and does not have the freedom to pursue their own activities.

4. **Compliance Guidance**

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 the Duty management System (DMS) 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, work loads 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 managers and individuals PDR. Federation/UNISON representatives can be invited to sit in where action plans are being addressed.

The Strategic HR Group will continue to monitor WTR compliance via the Corporate Health Bulletin.

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 staff 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 1\textsuperscript{st} shift and beginning of 3\textsuperscript{rd} 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.

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

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.

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 staff are only permitted to work shift patterns which are authorised such as approved Variable Shift agreements or formal flexible working agreements.

4.5 **Health Assessments for Night Workers**

A member of staff 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 staff 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 workers 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 staff from the Health and Safety website ‘Think Right’.
4.6 **Breaks for those working more than 6 hours**

All staff 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 Staff Conditions of service and 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 staff have the opportunity to take a break and perhaps planning breaks for all staff at briefings. Staff 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.

Staff 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 staff actually take required WTR breaks

5. **Young Workers**

Workers under 18 years have in the main, higher entitlements than adult workers. HR & Training should be consulted regarding anyone of this age.