

Cheshire Constabulary
Variable Shift Arrangement
Reg 22 Annex E (2) Police Regulations and Determinations 2003 (as amended 2011).

Constables and Sergeants

Tours of Duty

Shall be between 8 and 10 hours.

Refreshment Breaks

Tour of 8 hours or more 45 minutes

Tour of 9 hours or more 50 minutes

Tour of 10 hours or more 60 minutes

Working Day

The Constabulary working day shall commence at 7.00am for all Police Officers.

Regular Shift Patterns

Day Shift Shall start between 7am and 9am and end no later than 7.00pm. The start time may be extended to 10am, and to end no later than 8pm through negotiation and agreement on a local need basis.

Late Shift Shall start between 12 noon and 6.00pm and end no later than 3.00am. Subject to local operational requirements the finish time may be extended to 4am on a local need basis Officers can start earlier than 12 noon by individual negotiation on a locally agreed basis.

Night Shift Shall start no earlier than 6.00pm and end no later than 7.00am. Officers can start earlier than 6pm by individual negotiation on a locally agreed

Exigencies of Duty

It is recognised that it may not always be possible to follow the guidelines set out above, and Police regulations would allow for such departure, providing the regulations governing changes to rosters are complied with. However the aim should be to allow an officer adequate time for rest and recuperation between duties. All practical measures should be taken to avoid rosters being changed so that an interval of less than 11 hours expires between one daily period of duty and the next

Changes to rosters should only be made for operational and practical reasons rather than purely financial grounds.

Other Shifts

Anything other than 8 hour Police Regulation shifts must be agreed by both Chief Officers and the Police Federation.

Daily Rest

11 hours rest between tours of duty in accordance with the working time directive.

Major Incidents and Mutual Aid

Major Incident (as defined by the Chief Police Officers (ACPO) Emergency Procedures Manual 2002)

Any emergency that requires the implementation of special arrangement by one or more of the emergency services, the NHS or the local authority for: -

- The rescue and transport of a large number of casualties
- The involvement either directly or indirectly of large numbers of people
- The handling of a large number of enquiries likely to be generated from the public
- The large scale deployment of the combined resources of the emergency services

Mutual Aid

This is most likely to be in support of policing at major public order events and civil emergencies or in the provision of specialist policing capabilities

In the event of a major incident, or mutual aid requirement, in order to meet operational commitments and for the first 48 hours only the working day can start earlier than 7am, in line with the operational need. This earlier start would require the authority of a Chief Officer or when a chief officer is not available a Chief Superintendent and this authority cannot be delegated to a Superintendent. Constables and Sergeants resuming from a Rest Day or public holiday who are required to work from an earlier time than the start of the work day would only claim overtime at the appropriate rate for the hours they work if less than 4 hours. (i.e. the minimum of 4 hours compensation by virtue of Reg 26 and Annex H(1) (f) Police Regulations and Determinations 2003 (as amended 2007) would not apply) Over 4 hours would be compensated at the appropriate rate.

Where the major incident or mutual aid requirement continues beyond 48 hours the working day for officers involved can start at 6am. This would require the authority of a Chief Officer or and only when a chief officer is not available a Chief Superintendent and this authority cannot be delegated to a Superintendent. If authorised, officers resuming from a rest day or public holiday whose rostered start time is brought forward to a start time prior to 6am they will claim compensation as required by virtue of Reg 26 and Annex H(1) (f) Police Regulations and Determinations 2003 (as amended 2007). Officers whose rostered tour of duty is brought forward into a day on which they have already completed a tour of duty, will be compensated, if it is without due notice as required by Reg 25 & 'Annex G' 1) a(iii) & h(iv) Police Regulations and Determinations 2003 (as amended 2007)

In all case due regard must be given to the daily rest (above)

Rest Days

Every day that is not rostered as a duty day shall be deemed as a Rest Day and shall be treated in accordance with Regulation 26, Police Regulations 2003.

Where an officer has their single rest day cancelled after the training day with less than 15 days notice, then in addition to any statutory remuneration at the appropriate rate, the officer will be granted an additional 8 hours time off on the training day without penalty. Should an officer also be unable to take the hours on the training day due to a continued court appearance for example, the hours will be re-instated as soon as practicable on a day before or after the appearance.

Where a Rest Day is cancelled with 15 or more days notice, the Rest Day MUST be reallocated in accord with Reg 26 (Annex H) Police Regulations 2003.

Rest Days will not be 'Banked'

Rest Days that fall on a Public Holiday will be reallocated once the Public Holiday becomes due.

Duty performed on a rest day which has been re-rostered, shall be of the same duty length as the day to which it is re-rostered, unless with the agreement of the officer and supervision it is less, with the difference being taken from the officers TOIL.

Where an officer is entitled to a re-rostered rest day, it will, where possible be re-rostered to the same day of the week. If not possible then it should be re-rostered to another day of the week taking account of the wishes of the officer concerned.

Any existing Rest Days owed in the "Bank" prior to the memorandum issued in May 2010, can be reallocated on a Day for Day basis

Time Off in lieu (Toil) (CTO)

Not to exceed 50 hours accumulated Time of in lieu (CTO) at any time.

The Time of in Lieu (CTO) register, records overtime worked and elected by officers to be taken as Toil. Police regulations indicate that any such time left in the register over 3 months old, may become liable to payment. Cheshire Constabulary has agreed with the Federation that such time may be moved to the 'banked' column with the officers consent to be taken at a later date. This does not then become liable for payment. It is the responsibility of individual officers and their supervision to manage CTO effectively. Unless the department responsible for the recoding of such time is informed otherwise, they will move CTO hours to the 'banked' column after the 3 month period. In circumstances where officers do not wish to have their CTO banked, they must contact their resourcing department at least 2 weeks before any of their time off becomes 3months old. Arrangements will then be made for them to have the necessary time off, or for any forthcoming payment to be authorised by the BCU or Department commander.

CTO recorded on the Duty Management System (DMS) must not exceed 50 hours, it is the responsibility of Officers and their supervisors to make arrangements with the duty planners (Scales) to have time off in lieu in order to maintain the balance at 50 or below.

Annual Leave

Shall be recorded in hours. Officers will be entitled to carry over 50 hours into the next annual leave year.

Courses

Courses will be dealt with under the following criteria;

Training

Training courses of 5 days or less continuous duration shall be treated as the rostered tour of duty. Hours worked should be equal those rostered, unless with the agreement of the officer and supervision it is less, with the difference being taken from the officers TOIL

Rest days which fall within a period of training which is of 5 days or less continuous duration will be reallocated on a day for day basis to any day of the week and be notified of the re-rostered Rest Day within 4 days of the requirement.

An officer who attends a training course of 6 days duration or more will be temporarily removed from the VSA and rostered to work 8 hour tours of duty. Rest days will then be allocated at the pro-rata rate of 2 per week.

When attendance on a course of 6 days duration or more is known sufficiently in advance, duty rosters shall be adjusted in order to ensure that the officer completes the required average of 40 hours duty per week. In the case of a part time officer the average hours will be as agreed in their individual part time arrangement.

Duty Planners in liaison with supervision, will ensure officers who are rostered to work a weekend and then attend a course / training do not work more than seven(7) days before having a rest day.

Transfers and Temporary Postings

When a officer is temporarily posted to another role where a VSA does not apply, then the VSA will be suspended and the officer will be rostered to work appropriate tours of duty in order to ensure that they have achieved the requisite average of 40 hours duty per week. At the point this is achieved the normal tour of duty shall be rostered for 8 hours per day with rest days awarded at the pro-rata ratio of 2 per week.

In the case of a part time officer this average shall be as agreed their individual part time arrangement.

Training Course undertaken in the officers own BCU:-

No travelling time granted if the training location is the officer's own BCU

Training in Force (non-residential) but out of the officers own BCU area:-

Travelling time to be granted at half an hour each way.

External (out of force) non-residential training:-

To count as a full working day. The exception to this is in respect of external training where the training and travelling is scheduled for less than 8 hours. In these cases the officer will be expected to complete their normal VSA hours for that day in their BCU or Department

External residential training:-

External residential training will count as a full working day.

Working / Training from Home:-

On any occasion when authority is given to work or complete training/development from an officers own home, there will be no allowance(s) payable, save any authorised by a supervisors which would include authorised overtime.

Mutual Aid (In force or external travelling on a daily basis)

Where the officers do not work their full rostered tour of duty whilst on mutual aid, the officers will complete their rostered tour of duty at their normal place of work.

When, in a period of 24 hours coinciding with the force's "day" an officer is on mutual aid for only part of that period, any overtime * payment will be for all mutual aid hours in excess of those hours rostered to work on that day. "Mutual aid" hours include travelling time to the aided BCU / Force and back again

Mutual Aid (Officers held in reserve away from normal place of duty)

When an officer is on mutual aid **throughout** a period of 24 hours coinciding the force's "day", then any overtime * payment will be for all hours except "sleeping time" not exceeding eight hours. Mutual aid hours will include travelling time to the aided BCU / Force and back again.

For example if the minimum of 8 hours sleeping time is given then the hours worked would be 16 hours irrespective of how many hours were actually worked, provided that if 16 hours is exceed it will be that number of hours used as the working period.

* Overtime has the same meaning as Police Regulations

Note: For Full details concerning Mutual aid concerning officers held in reserve away from normal place of duty, refer to Annex A of this agreement

Additional requirements to record hours for Working Time Directives only

By virtue of Reg 22 and Annex E (9)

The following periods are to be treated as if they were additional periods of working time for the purposes of regulation 2(1) of the Working Time Regulations 1998;

- a) time spent in travel, outside of rostered duty hours and not covered by paragraph 5 of this Annex E (Travelling time treated as duty), to and from duty at a place other than the normal place of duty;
- b) time spent in travel to and from training courses other than at the usual place of duty.

General

If a permanent change of rostered shifts takes place, an officer must be given at least a full shift pattern cycle (the cycle the officer is working at the time) of the times at which his/her scheduled daily periods of duty are to begin and end. Eg for VSA 5 week pattern this would be 35 days

An officer's shift may be amended, with mutual agreement, without such notice.

A published shift(s) may be changed and compensated for (If applicable) in accordance with reg 25 Police Regulations and Determinations 2003 to cater for incidents or events which may occur.

Part-time Officers

Each part-time officer will have a normal period of duty in accordance with Regulation 22, Annexe E, Paragraph 6, Police Regulations 2003.

Each part-time officer will have an annual leave equivalent to that granted under Regulation 33, Annexe O, Police Regulations 2003.

Notice of changes/Termination of VSA

The VSA working arrangements will be reviewed on an annual basis, or sooner if circumstances dictate, e.g. change in Police regulations or PNB Agreements. Reviews will consider the overall workings of the shift pattern, whether it continues to meet the needs of the individual and those of the organisation.

Any changes to, or termination of, the VSA arrangements shall be subject to negotiation and agreement between the staff associations and the Chief Constable or his Deputy. In the event of agreement not being reached there shall be six months notice, on either side, in respect of the termination or relevant change(s), except where legislation dictates change.

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G. Gerrard
Deputy Chief Constable.

Date.....

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S. Roberts
Chairman
Cheshire Joint Branch Board

Date.....

OFFICERS HELD IN RESERVE AWAY FROM THEIR NORMAL PLACE OF DUTY

1.1 PNB CIRCULARS 86/15, 88/9 AND 95/8

1.1.1 Definition of "held in reserve" "Held in reserve" is defined by agreement to mean officers who are serving away from their normal place of duty and who are obliged to stay in a particular, specified place and are not allowed to return home. When officers are held in reserve away from their normal place of duty and are required to sleep in a specific location, all hours shall be counted as duty hours except for a period not exceeding eight hours in every 24, provided that in respect of that period:

- proper sleeping accommodation is provided; and
- the officers are stood down from immediate operational availability and, according to the particular circumstances, are allowed reasonable freedom of movement while remaining contactable in case an emergency requiring their recall should arise.

1.1.2 Definition of "proper sleeping accommodation" "Proper sleeping accommodation" is defined as provision of beds and bedding under cover, with access to washing and toilet facilities and with adequate heating and ventilation according to the season.

1.1.3 Definition of a "higher standard of accommodation" Where there has been time to upgrade accommodation prior to, or subsequent to, the time when it became known that the reserve duty was to be undertaken, the definition of "proper sleeping accommodation" given above shall be replaced by the following definition of a higher standard of accommodation:

"Provision of beds (which could be camp beds) and bedding under a roof; average of 50 square feet per officer (40 square feet where four or fewer officers are accommodated in the same room); not more than eight officers per shift per wash basin; not more than 10 officers per shift per toilet (WC - not urinal); not more than 15 officers per shift per shower head/bath; adequate heating/ventilation according to the season; and the rooms used for sleeping not also to be used simultaneously for recreation or other purposes. Chief constables would be advised:

- that different shifts should be accommodated separately;
- that, wherever possible, the provision of large numbers of beds in a single room (such as an aircraft hangar) should be avoided but, when this is unavoidable, the provision of mobile screening should be considered to allow for smaller areas; and
- that there should be reasonable proximity between sleeping accommodation and washing/toilet facilities."

1.1.4 The PNB expects that common sense and reasonableness in the light of all surrounding and relevant circumstances will be exercised locally in applying the higher standard. A hardship allowance, equivalent to two hours' basic pay of an eight-years' service constable, shall be payable immediately where it would have been possible to provide the standard by the time the officers arrived at the accommodation but this was not achieved. Otherwise, if the standard is not achieved, the allowance shall be payable after 48 hours of the requirement for duty being known by the aided force.

1.1.5 The standard of accommodation set out above is that to be used in assessing whether a hardship allowance is to be paid. It should not be regarded as the standard to be aimed at. The PNB anticipates that better facilities will be provided if this is reasonably practicable.

1.1.6 The PNB recognises that the amount of notice provided to management of a requirement to hold officers in reserve, the anticipated duration of the requirement and the anticipated number of officers can all be significant features in determining the standard of accommodation that can reasonably be provided. Where a requirement can be anticipated well in advance (and the number of officers required can also be anticipated with a degree of confidence) then it is expected that reasonable efforts to provide additional facilities to those set out above will be made. These should include: drying facilities for wet clothes; adequate hot water supplies; storage facilities for clothing and equipment; curtains or other screening to darken sleeping accommodation; and where officers are on different duty rosters, the provision of recreation areas for off-duty officers. The ratio of officers per WC/wash basin/bath/shower head should also be improved if reasonably practicable.

1.1.7 Method of determining payments for travelling time: When an officer is on mutual aid throughout a period of 24 hours coinciding the force's "day", then payment will be for all hours except "sleeping time" not exceeding eight hours.

1.1.8 When, in a period of 24 hours coinciding with the force's "day" an officer is on mutual aid for only part of that period, then payment will be for all mutual aid hours except "sleeping time" not exceeding eight hours.

Notes: "Mutual aid" hours include travelling time to the aided forces and back again.

"Sleeping time" is exempt from payment only if the conditions detailed in the first part of this circular are met.

"Sleeping time" should be continuous except that, within a period of 24 hours coinciding with the definition of a "day" used by an officer's force, there may be two part periods of "sleeping time", separated by a full tour of duty. In such cases, not more than eight hours in 24 is exempt from payment.

FAQ's VSA Agreement

1. An officers rest day is cancelled who is on VSA. What is the default shift?

(RDs Cancelled with more than 14 days notice). There is no default shift. The officer will work the same hours on the cancelled day as that to which he/she would have been rostered to work on the day the RD is re-rostered to.

(RDs cancelled with 5 days up to 14 days notice) There is no minimum or maximum. They will get paid at the appropriate rate for the hours worked.

(RDs cancelled with less than 5 days notice) Paid O/T at appropriate rate. This will be a minimum of 4 hours up to the hours they actual work.

2. Can an Officer be scaled for an 8, 9 or 10 hour day with 10 being the maximum?

Officers working VSA are rostered to work 8, 9 or 10 hour shifts. If they are required to work over on any of these shifts, the extra time (15 min periods, i.e 15 mins need to be worked before O/T becomes due) will be O/T either casual or Planned, depending on when they were told of the requirement to work O/T.

3. If an Officer who is scaled for a 9 hour day and they work 10 are they eligible for 1 hrs OT or simply a 10 hour day back?

If they are scaled for a Particular length of duty then as per the previous question they will be eligible for O/T if they work over that planned period.

4. What happens to officers who works an 8 hour 5 day week when there rest day is cancelled to work a 9 or 10 hour tour?

An officer not working under VSA, i.e 8 hours per rostered tour of duty would be treated as per question 1.

(RDs Cancelled with more than 14 days notice). There is no default shift; the officer will work the same hours on the cancelled day as that to which he/she would have been rostered to work on the day the RD is re-rostered to. IE 8 hours.

(RDs cancelled with 5 days up to 14 days notice). There is no minimum or maximum they will get paid at the appropriate rate for the hours worked.

(RDs cancelled with less than 5 days) Paid O/T at appropriate rate. This will be a minimum of 4 hours up to the hours they actual work.

5. Can my shifts be deviated?

You can be deviated to work any shift albeit with 8 hours notice e.g. if you are on a rostered night shift you can be deviated to work days or lates, if you are on a rostered late shift you can be deviated to work days or nights and if you are on a rostered day shift you can be deviated to work lates or nights. The most obvious example of this is when an officer is deviated from nights or lates to attend court on a day shift.