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SCOTTISH POLICE FEDERATION

Established by Act of Parliament

POLICE SERVICE OF SCOTLAND
WORKING TIME REGULATIONS
WORKFORCE AGREEMENT
Federated Ranks

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POLICE SERVICE OF SCOTLAND WORKFORCE AGREEMENT

This agreement is made between the Chief Constable (The Employer) and The Scottish Police Federation. This paper comprises a Workforce Agreement for the purposes of Regulations 41 and 23 of the Working Time Regulations 1998 (as amended.)

Policy Statement

The purpose of the Working Time Regulations is to provide minimum standards of health and safety at work by setting out certain entitlements and limitations concerning working time. In recognising this purpose, the Regulations should be viewed as a package of minimum standards and not as a list of individual, unrelated conditions of employment legislation.

It is recognised that the majority of existing conditions of service for Police Officers are an enhancement of those contained within the Working Time Regulations. The terms of this workforce agreement seeks to ensure that there will be no detriment to existing conditions.

The ability for police officers to work what are known as Variable Shift Arrangements (VSAs) is dependent on adherence to the provisions of this agreement.

It is agreed;

1. Limitation of Agreement

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This agreement shall apply to all police officers below the rank of Superintendent, including cadets. For ease of reference the term employee(s) means such police officers and cadets.

2. Effective Date and Duration of Agreement

This agreement will be effective from the date of signing for a period of five years.

3. Review of Agreement

The agreement will be subject to regular monitoring and review through the recognised consultative processes and will take place at intervals not exceeding three months.

Alterations to, or termination of, the agreement may be proposed in writing, by either side during the 5 year term giving a minimum notice period of 6 months. This period may be reduced if agreed by both sides.

In the event of either party intimating their intention to withdraw from this agreement the Chief Constable agrees to prepare and make known to the federation proposals for a return to Regular Shifts, such transition to be concluded not more than 6 months from the effective date of the intimation of withdrawal.

4. Definition of Working Time

For the purposes of the Working Time Regulations 1998 working time is any period where an employee is:

- Working; and
- At the disposal of their employer; and
- Carrying out activity or duty as an employee

All three elements of this definition must be satisfied.

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It is agreed that Working Time includes:

- Authorised overtime.
- Being on-call at the place of work, or at home where obligations placed upon the employee cause considerable restrictions on their personal life.
- Undertaking work at home which has been formally authorised by a supervisor.
- Where non-working time is interrupted for a work-related matter (e.g. telephone disturbance, recall to duty) for the duration of the interruption.
- Travel outside of normal rostered duty hours to and from duty at a place other than the normal place of duty.
- Travel to/from meetings, courses and any other place of duty other than the normal place of duty, whether within or outside of normal rostered duty time.
- Time spent undertaking instruction on residential or other training courses
- Agreed time spent on homework directly arising from said training or residential courses, including related reports or projects out with the class.
- Business functions which are work/job related excluding those which are entirely or predominantly social in character.

It is agreed that other employment, business interest or voluntary activity may constitute working time.

It is agreed that Working Time does not include:

- On-call periods where the individual is free to pursue non work related activities.
- Travelling to/from the normal place of work.
- Undertaking voluntary courses of study, whether work related or not.
- Undertaking unauthorised overtime or work at home.

5. Weekly Working Limits

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The reference period for the 48 hour average maximum working week shall be a 17 week rolling period.

Employees shall not opt out of the maximum average working week of 48 hours.

For young workers the maximum working week shall not exceed 40 hours, and no single shift shall exceed 8 hours (excluding rest breaks) in duration. "Young workers" are as defined in Regulation 2(1) of the Working Time Regulations 1998.

6. Night Workers and Night Working Limits

Night time shall comprise the 7 hour period between 2300 and 0600.

An employee who works at least 3 hours of their daily working time during night time is a "night worker" for the purposes of the Working Time Regulations. This includes all employees deployed on a shift pattern, which regularly includes a requirement to perform duty during night-time. This does not include overtime which may carry over into night time.

Night work shall not exceed 10 hours for each 24 hour period.

No night worker shall work for more than 4 consecutive nights in any 7 day period. This does not preclude a Part-time worker reaching an individual agreement with the employer in respect of their working pattern.

It is agreed that some roles of employees, after risk assessment, may involve special hazards or heavy physical or mental strain, and if so deemed, the length of night work shall be limited to a maximum of 8 hours in any 24 hour period. Night work is identified as being the work of a night worker defined above.

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The decision to deem a role as such will be agreed between the employer and Scottish Police Federation and shall not be open to local interpretation. An employee who is not a night worker may not become a night worker without an assessment as to whether that night work involves special hazards.

It is acknowledged that there may be occasions where unforeseen operational demands preclude adherence to the limits on night work.

It is acknowledged that young workers are not permitted to be engaged in night work. Therefore no young worker will be required to work between the hours of 2200hrs and 0600hrs.

7. Free Health Assessments

It is agreed that all employees who are night workers or about to take up night work must receive an offer of a free health assessment. In the absence of any identified health issue in the intervening period, this offer will be repeated at intervals of every (three years) to age 40, every (two years) age 40-50 and annually thereafter. This is in addition to the right of the employee to make a self-referral to the Force's Occupational Health Provider.

The details of the health assessment remain confidential and the Employer will only receive medical advice as to whether the employee is suffering from health problems which are considered to be connected with the fact that the employee performs night work.

Where a health assessment determines, or information is received from an employee's own medical practitioner that in their opinion he/she is unfit for night working on medical grounds, the Line Manager should make a management referral to the Occupational Health Provider for assessment. Where restrictions are to be placed on night working, Occupational Health Providers will work with the Employer and will seek

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to make adjustments to working time insofar as reasonably practicable or transfer that employee to work which the employee is suited and which can be undertaken during periods out with night-time.

The employer will take reasonable steps to provide alternative work.

8. Monitoring/Record Keeping

The reference period for monitoring compliance with the weekly working and night working limits shall be any period of 17 weeks in the course of an employee's employment.

Recording and monitoring will be undertaken using SCoPE HR/Duty Management system to show:

- whether the maximum average weekly working limit has been, or is likely to be breached
- that the average length of night work and maximum length of night work are being adhered to
- The application of compensatory rest

Records will be kept for a period of 6 years and, with the exception of medical records, will be made available for inspection and copies provided to the Inspectors of the Health and Safety Executive, the People and development Department and at the request of the employee and/or representatives of The Scottish Police Federation.

9. In-Work Rest Break

Current entitlement to a paid meal break/refreshment period available through the Police Service of Scotland Regulations 2013 and Determinations remains the normal practice and will be included in working time.

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It is noted that unforeseen operational demands may reduce the rest periods referred to. This will only occur after due cognisance has been taken of any Health and Safety implications in respect of rest breaks. It is expected that officers will be afforded the rest breaks to which they are entitled to under Police Service of Scotland Regulations.

For young workers, similar provisions apply, however the rest period of at least 30 minutes will be granted where the total duty time exceeds 4.5 hours.

10. Daily Rest

Except in circumstances of pressing operational demands or the interruption of a period of rest while on call, it is agreed that an employee should enjoy a period of not less than 11 consecutive hours rest in a 24 hour period. Where this cannot be provided, the Working Time Regulations allow for compensatory rest to be provided. Compensatory rest is covered in Paragraph 12 of this agreement

11. Weekly Rest

The seven day period shall, for the purposes of Regulation 11 Working Time Regulations, commence at 07.00 hours on Monday of each week. The Force day will consist of a period of 24 hours commencing at 0700hrs. The Chief Constable may fix different times in relation to different groups of constables, and in doing so must have regard to the views of the Joint Central Committee. A list of constables working a different force day will be reviewed not less than every three months.

Whilst the Working Time Regulations only require the employer to provide 2 uninterrupted rest periods each of not less than 24 hours in each 14 day period, it is agreed that the provisions of the Police Service of Scotland Regulations 2013, being significantly better, prevail over Working Time Regulations and that two rest days will be

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provided in respect of each week. Young workers are entitled to not less than 2 such periods of rest per 7 day period.

12. Compensatory Rest

There may be occasions where, in the event of an operational demand, an employee has been unable to receive their normal entitlement to daily or weekly rest under Working Time Regulations. Wherever possible every attempt will be made to allow an equivalent period of compensatory rest (e.g. deferring start and end time of next consecutive period of rostered duty.) Compensatory rest may form part of the existing rest periods (which are in excess of the minimum requirements of the Working Time Regulations).

13. Duty Roster

A duty roster will be published not less than one month before the date on which it is due to come into effect. The duty roster shall, from the date of implementation and for a continual 3 month period thereafter, provide details of the following

- Those days being rest days
- Those days being public holidays.
- The times at which the employee's scheduled daily periods of duty (rostered shifts for employees working variable shift arrangements and for part time employees) are to begin and end.

Once published no changes shall be made to the duty roster other than as a consequence of an exigency of duty.

In addition to the continual 3 month detailed duty roster, the roster shall also detail the indicative rest day pattern for employees for a further period of not less than 9 months.

No shift Pattern will provide for any more than 6 days of continual work

The recognised publication medium for rosters will be the SCOPE system.

14. Rostered Hours

Duty hours start times will be rostered as follows:

Early/Day shift	between 0700 & 0900hrs
Late shift	between 1300 & 1700hrs
Night shift	between 1800 & 2300hrs

Alternative start times can apply with the express agreement of the affected officer. No shift length shall exceed 10 hours.

15. Annual Leave

Irrespective of the length of working day all federated ranks will have their annual leave calculated in hours, during the lifetime of this workforce agreement.

For the purposes of calculation of annual leave the number of days leave as intimated as due to the employee in Annex 12, Regulation 25 Police Service of Scotland Regulations 2013 will be multiplied by 8 and the resultant figure will indicate the number of hours leave to which the employee is due. No more than 3 days of annual leave can be taken as half days.

The annual leave year will be the 12 month period as set out by the Chief Constable. Paid annual leave entitlement will be calculated in accordance with Police Service of Scotland

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Regulations 2013 and Determinations. For employees who work part time, their entitlement will be on a pro rata basis.

Annual leave will be administered to ensure compliance with the Working Time Regulations, and the Chief Constable may require an employee to take leave on particular dates.

16. Public Holidays

A rostered tour of duty on a public holiday will be not less than 6 hours.

17. Court Attendance

All officers cited to attend court will revert to a day shift for that day. The start of the tour of duty shall be not less than 11hrs after the end of the preceding tour of duty. Unless exigencies apply any countermands that are within the 28 day period of notification shall remain as a day shift unless the officer wishes to revert back to the original shift.

18. British Summer Time

At the start of British Summer Time (BST), officers rostered on a tour of duty identified to end after 0100 hours will have the time at which their tour of duty is rostered to begin advanced by one hour to ensure the correct number of rostered hours are worked.

At the end of BST, officers rostered on a tour of duty identified to end after 0200 hours, will have the time at which their tour of duty is rostered to begin delayed by one hour to ensure the correct rostered hours are worked.

19. Other Employment, Business Activities and Voluntary Work

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It is agreed that time spent in other employment, business interest and voluntary work may constitute working time as defined by the Working Time Regulations and as such will need to be taken into consideration when calculating compliance with the weekly working limits.

It is agreed that employees involved in activities referred to above shall notify the Police Service of Scotland and of such commitments. Such information received will be assessed to ensure continuing compliance or the need for any modifications and thereafter stored securely in the individual's file. Any modifications will be subject to the agreement of People and Development and the employee and will be recorded in the employee's personnel file.

20. Exemptions and Modifications

The nature of the duties carried out by police officers may mean that exceptionally there may be occasions where the provisions of the Working Time Regulations cannot reasonably be complied with. Any such exceptions, however, should be instigated to provide short-term solutions to immediate policing demands and not used as a blanket exemption from the provisions of the Working Time Regulations.

21. Compliance

The above arrangements comply with the provisions of the Working Time Regulations 1998 and the Health and Safety at Work Act 1974 and Regulations made there under.

22. Review

It is understood that a Review Group chaired by a member of the Force Executive, shall meet not less than every 3 months to monitor and review best practice in the implementation and ongoing use of all and any working arrangements that fall under the terms of this agreement.

Signed



Chief Constable

Police Scotland

Date

30th May 2018

Signed



General Secretary

Scottish Police Federation

Date

06th June 2018