



## **Your Wellbeing**

## **Who's Responsible?**

A guide to the working conditions of  
Inspecting Ranks



# Police Money Matters

## Retirement Seminars

**“Our aim is to enable officers to effectively go from a full salary to a ‘half salary’ without changing their lifestyles from the point of retirement, up to state pension and beyond.”**

To find out how we achieve this please register your interest in attending one of our Police Money Matters Retirement Seminars by registering at:

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## Introduction

Dear Colleague

During our on-going discussions at the Inspectors Branch Board Secretaries' meetings and the clear strength of feeling felt across the country in relation to the deterioration of members working conditions, we received requests for a similar document to the Metropolitan Inspectors' booklet; 'Exploding the Myths' being produced for circulation nationally.

On September 1st, 1994, the environment in which the Inspecting ranks worked within the Police Service changed beyond recognition. It was on that day that the 'New conditions of working for Inspectors and Chief Inspectors' were agreed by the Police Negotiating Board and with it the entitlements to payment for **ALL** overtime and working on public holidays and rest days were removed.

There has been much confusion since the introduction of the 1994 Agreement and many of our colleagues appear to know very little about what that actually meant - labouring under many misunderstandings which are making their actual working conditions more arduous than they really need to be.

Sadly in today's climate of 'more for less' such misunderstanding is eagerly exploited by many of our senior managers. This has resulted in the Inspecting ranks becoming arguably the most 'put upon' in the service.

Since 2008, we have been continually working towards improving the key aspects of our working conditions. Progress includes;

- The 'Wellbeing at Work' census which resulted in the 'Well-being Toolkit'
- Access to the 'Revitalised' website;  
[icc.wellbeingzone.co.uk](http://icc.wellbeingzone.co.uk)
- The 'Time for Justice' report and the resulting
- 'Working Time Well-being' workshops

This booklet is intended to provide you with the information that will dispel the myths, increase understanding and most importantly, reduce the abuse of our ranks' goodwill.

We hope you will find this booklet informative and useful.

Inspectors' Central Committee

## The September 1994 PNB Agreement

**MYTH:** When we became salaried we accepted working long hours for no extra money

Contrary to popular belief neither side in the negotiating process ever intended the agreement to worsen the working conditions of the Inspecting Ranks.

“No police officer should be required to work regular excessive hours; this is a particular consideration in the case of Inspectors and Chief Inspectors who are not paid for overtime”.

The increase in our pay agreed in 1994 was never meant to compensate you for regularly working long extended hours.

Indeed the PNB agreement (Circular 94/17) addresses the concerns of the Federation that their *“members will not be required to work regularly excessive hours”* in that it states *“Both the Staff Side and Official Sides agree that such an*

*arrangement (long hours) would be contrary to the intention and spirit of the agreements”* Also in support of this Paul Whitehouse, the then Vice Chairman of ACPO, wrote the following to all of his ACPO colleagues.

*“Inspectors and Chief Inspectors, no less than other members of police forces, need to be able to plan for their work and for their personal and family commitments. Consequently, it is important that they should be given, so far as the exigencies of duty permit, reasonable notice of when they will be required to be on duty. For sound reasons to do with health and welfare of the officer, the safety of others and effective working, no police officer should be required to work regular excessive hours, and over a period of time, each officer should be allowed to take the full entitlement to days free from the requirements of duty. This is a particular consideration in the case of Inspectors, Chief Inspectors and higher ranks who are not paid for overtime”.*

“not ... altered, nor were they intended to alter, the average hours worked each week” HO circular 21/97

These points were later reiterated in Home Office Circular 21/97 within which it says *“The changes to conditions for the members of the ranks of Inspector and Chief Inspector introduced with effect from 1st September 1994 should not have altered, nor were they intended to alter, the average hours worked each week in posts filled by members of those ranks.”*

So you can see it is very clear what the agreement meant and we are keen to ensure that the Inspecting Ranks working conditions are not abused.

**MYTH:** “I knew I’d have to do it when I applied for promotion. It goes with the Job”.

Unfortunately for whatever reason, this intention has been overlooked. Instead what has been promulgated ever since by successive generations, members and managers alike, is the belief that the £3,250 we received back in 1994, was our compensation for doing long hours. As a result of this prevailing attitude we now have a significant proportion of our members, you and your colleagues, operating in maybe not blissful,



but certainly unchallenging, ignorance of what your “new” terms and conditions actually are.

It is apparent that there are parts of the police service who are failing to ensure that the agreement and the ACPO advice is being complied with.



1 Police Regulations and Working Time Regulations

## **Impact on Conditions of Service**

What is the '94 Agreement worth to you?

It is important to remember that, whilst many thought £3,250 was too low a settlement figure for some Inspectors, (and they were probably right, but it was a nationally negotiated agreement) the money awarded was an increase in pensionable pay. Furthermore, what was £3,250 is now worth considerably more in real terms. Consequently, Inspecting rank pensions, both lump sum and residual, are substantially more than our Federated colleagues.

So what did the Police Service get for their £3,250 in 1994?

- The removal of your right to compensation for working a Bank Holiday, other than the day being re-rostered;
- The removal of your right to compensation for cancelled rest days, irrespective of the notice given, other than the day being re-rostered;
- The removal of your right to compensation for all overtime, flexibility in our working practices (manage/balance your hours)
- As overtime has gone so has the concept of Time off in lieu
- Option of Pay at double time for recall from Annual Leave

This document does not include chapter and verse on each of these concessions. Such detail is contained elsewhere and is easily accessible. However there are a few salient points worth expanding upon.

## Rest Days owed

The 1994 PNB agreement brought about a significant change in relation to Rest Days worked. Whereas the other Federated ranks should be notified within 4 days of when the new rest day is to be taken, that day to be re-rostered to a date within 28 days of the day worked, we can take them off **at any time (exigencies of duty permitting) within 12 months of accruing them.** Obviously the only compensation we get for working a rostered rest day is the day off in lieu back so you should carefully consider using days owed when it comes to balancing your hours if you are approaching the WTR limit.



**Fact:** Inspecting ranks can take owed rest days off at any time (exigencies of duty permitting) within 12 months of the actual day being accrued.

**Any outstanding days over 12 months old may, however, be LOST.** We have heard recently of colleagues falling foul of this provision and losing the worked rest days they were owed. Regulations state *'...inspector or chief inspector, he shall,*

*during the next following twelve months and so far as the exigencies of duty permit, be allowed or (as the case may be) granted a day's leave in lieu of any such day not allowed or granted.* To date, the assumption that rest days will be lost after 12 months has not been tested in a court.

This stipulation also applies to any unused Annual Leave entitlement. As with unused worked rest days do not assume that you will automatically be allowed to trade unused Annual Leave days on retirement.

The ability to carry over annual leave from one leave year to the next is covered by Police Regulation 33, Annex O, Paragraph 3a: *At the discretion of the Chief Officer and subject to exigencies of duty members can carry over to the next leave year no more than 5 additional days of annual leave outstanding from the current year (in exceptional circumstances, the Chief Officer can allow a member to carry over more) or to bring forward to the last month of a leave year, no more than 5 days leave from the following year.*



**Fact:** Time spent prior to or immediately after a tour of duty ‘handing over’ to a colleague is NOT casual overtime and should be recorded as duty time.

It is common for many within our ranks, who perform the Duty Officer role, to start their shift early in order to receive a hand-over from an outgoing colleague and similarly they then have to stay on at the end of the shift to hand over to the incoming Duty officer. These hours must, like all other hours, **be accurately recorded** on whatever means in use, whether it be Force Duty Management System, paper record duty state or even the PFEW duty recording app (<http://www.polfed.org/app/Default.aspx>).

We would actually go further and say that technically it should form part of your roster, but we appreciate that senior managers are unlikely to concede that there is a need for anyone to either come to work earlier or stay beyond the conclusion of their shift and hence agree to its inclusion in any roster.



**Fact:** Inspecting ranks no longer have a definition of a working day in terms of hours.

## Flexibility

The biggest impact of the flexibility provision is that we are no longer subject to a rigid 8 hour working day. For Inspecting Ranks that concept has gone, as has the term: *“a meaningful tour of duty”*. In effect therefore our working day can be as much as 23 hours 59 minutes or as little as a solitary minute. The closest we get to a definition of ‘a working day’ is, and this applies to everyone except those who are on a Variable Shift Arrangement (VSA), that we have to complete **an average of 40 hours over 5 days in any one working week.**

Whilst later in this document you will see we can work what are popularly termed ‘short’ days you **cannot do** your forty hours or more in the first four days and take a fifth day off as time owed or ‘flexi-time’. For you to have the fifth day off you would have to take a re-rostered rest day or Annual Leave.



The 1994 agreement always intended 'Flexibility' to be a two-way street with an element of give and take on both side. Some forces have agreements in place which allow inspectors to balance their hours by working fewer than 8 hours on a particular day. In effect this means that if you work long hours on one day you can work less than 8 hours on the next day to reduce your average. Some also go further and abide by the 48 hour maximum average working week under the European Working Time Regulations where, if you work in excess of 48 hours in one week, you should reduce your hours in the next or subsequent weeks in order to bring your average back down.



**Suggestion:** We strongly advise all our colleagues not to sign an individual opt out from the Working Time Regulations

The Working Time Regulations (WTR) limit referred to in the guidance document is a maximum of 48 hours per week over the reference period (normally calculated at 17 weeks). The only way that you can legally go over this average is by signing an individual opt-out agreement. We


seriously counsel anyone against signing any such opt out as the WTRs are currently the only legal protection you have.

In normal circumstances the Working Time Regulations provide you with some protection by entitling you to a period of rest between tours of duty of at least 11 hours. However when you are called upon to work long hours due to an urgent operational need the Chief Constable or Commissioner can derogate this entitlement under Regulations 18 & 20.

## **Part Time Working**

All Inspectors and Chief Inspectors who are working part time should be paid for any hours worked in excess of their agreed hours, up to 40 hours in any one week. As annual leave will be calculated in hours for part time Inspecting ranks, this may need to be recalculated to ensure you receive the correct entitlements.

See JBB Circular 022/2011 - Part Time Inspectors: Payment of Additional Hours Worked for further details.



**“No Inspector or  
Chief Inspector  
should routinely  
work more than  
a 40 hour, 5 day  
week.”**



**Fact:** The concept of a ½ day's annual leave still exists in Regulations up to a maximum of 3 days per annum.

## Time Off in Lieu

There is also a legal obligation under the WTRs for **individuals** and **managers** to keep an accurate record of the hours worked by them and their staff. So you must record your hours of duty accurately and as a manager you must ensure that your staff do likewise.

The 'keeping of records' stipulation though does not extend to the creation of a 'Time Off Card' as there is no formal entitlement to compensation for extra hours worked on a like for like basis.

If you need to leave work before having worked 8 hours then the 'Short day' provision comes into effect. It just means you will have to work longer than 8 hours at some point in order to 'balance your hours'.

## On Call



**Fact:** Officers unwilling or unable to do so cannot be required to undertake “On-Call”.

### **The legal position of ‘On-Call’ is set out in the Determinations of the Secretary of State as:**

A member of the rank of Constable, Sergeant, Inspector or Chief Inspector shall receive an allowance of £15 in respect of each day on which he spends any time on-call.

A “day” means a period of 24 hours commencing at such time or times as the chief officer shall fix after consultation with the joint branch board, and the chief officer may fix different times in relation to different groups of members.”

Colleagues who do volunteer to be ‘On-Call’ need to carefully consider the effects of their Force Alcohol testing policy. The Police (Amendment No.2) Regulations 2012 came into force on 1 April 2012 and now allow for the testing of any member of a police force as part of a routine random testing regime.

When one considers that the alcohol limit is 13mg % in breath, roughly 1/3rd of the drink/drive limit you can see why we advise complete abstinence from alcohol for those 'On-Call'. However, the policy does afford some protection to officers who are not 'On-Call' but who are 'recalled to duty' unexpectedly. They have an opportunity to self-declare and thus avoid employment for that duty but this protection is **NOT** available to those 'On-Call', as by its very nature those officers were aware that they may be required to be on duty and thus accept this imposition on their private lives.

“ So do the hours I spend waiting on the end of a phone call count or not? ”

Many people get confused between being '**On-Call**' and Working-Time. Time spent '**On-Call**' is not in itself Working Time. It does not therefore count towards the total of hours worked and hence neither does it enable an officer to claim compensation in the form of having their rest day reinstated. The situation changes as soon as you are called upon to act, whether that is just to make a decision over the phone or actually to attend an incident. When this occurs those hours do count

and need to be **recorded** and the entitlement to compensation is triggered.



**Fact:** Anytime spent giving advice on the phone, granting authorities, travelling when called in etc. is working time and must be recorded.

Anytime spent giving advice on the phone, granting authorities, travelling when called in etc. is working time and **MUST** be recorded in line with both Police and Working Time Regulations. Thus it will not be uncommon for colleagues who have volunteered to be 'On-Call' to be booked on and off on numerous occasions throughout a 24 hour period of being 'On-Call'.



'On-Call' is being abused as the cheapest means of overcoming real resilience issues with little or no regards to the consequential detriment it has upon individuals work/life balance. ”

'On-Call' is not the only option and we would urge

all of you affected by its demands to explore every other option available to cover the issues of resilience that exist within your role. 'On-Call' really should be the final option.

“On-Call is voluntary and should not make you a slave of the service”



# NOTES

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For all enquiries relating to this booklet please contact us using the following details:

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<http://www.polfed.org/ranks/ICC.aspx>

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