

## **Annex to WTR MoU with illustrative examples**

This annex with examples should be read in conjunction with the WTR MoU dated 20 April 2021. It gives further guidance and some practical examples which forces can use to ensure fair and consistent implementation of the MoU.

The definition of 'working time' originally derives from EU legislation, namely the Working Time Directives. This cannot be defined narrowly by an individual Member State and a Member State cannot derogate from it. Although the UK is no longer an EU Member state, the original EU Directive was ratified into UK employment legislation via the Working Time Regulations 1998 and subsequent amendments.

It is the legal responsibility of the employer to accurately record and monitor an employee's hours and ensure there are no breaches of the Working Time Regulations 1998.

Superintending ranks are covered by the working time legislation, including working a maximum of 48 hours per week. They can voluntarily agree to opt out of the 48 hours maximum working week via an opt out agreement. Should they wish to cancel this agreement, they must give at least 7 days' notice (or up to 3 months' notice if the agreement is in writing, depending on the terms).

Chief Constables and Officers should be aware that this guidance and the following examples are not an exhaustive list. The guidance encourages Chief Constables and officers to make decisions within the spirit of the guidance, rather than trying to match them with a specific example. This agreement recognises the following as falling within the definition as outlined in Regulation 2 of the Working Time Regulations:

- (i) Any period when an officer is working at the Chief Constable's disposal and carrying out work activities or duties.
- (ii) Travel between home and any place of duty not being the officer's usual place of duty.
- (iii) Travel between home and the officer's usual place of duty, but at a time other than the normal working day.
- (iv) Periods spent working while on-call (over the telephone or otherwise).
- (v) Time spent on approved training or approved period of professional study.

Taking these principles into account, the following examples aim to be a guide to officers and Chief Constables as to what should be recorded as working time.

### **Examples of Working Time**

The following list of examples of what should be recorded as working time is a guide for Chief Constables and officers as they agree working practices and recording and monitoring procedures:

- a) When an officer is on call, any periods spent working (over the telephone or otherwise). This would include time when in command or advising in relation to a planned or spontaneous incident where resources are actively deployed.
- b) Where an officer is required to attend and commence their duty from a place which is not their normal place of duty (their working time will commence from the start of their journey and conclude on their arrival home).
- c) Where an officer has worked their normal working day and returns or is recalled within the same 24-hour period for further duty requirements (e.g., authorisation of a period of further detention). In this circumstance, the working time will commence at the start time of the recalled journey and conclude on arrival home.

- d) Where an officer manages their responsibilities and fulfils operational or organisational requirements by working on a rest day, annual leave or before the start or finish of their normal working day.
- e) Where an officer needs to complete relevant training to fulfil a policing need.
- f) Where an officer is authorised by their line manager for a period of time to undertake professional study or continued professional development.