



**Police
Superintendents'
Association**

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Project Cadmium

Working Time Regulation Project

Frequently Asked Questions

Commissioned by Chief Superintendent Dan Murphy

NATIONAL GENERAL SECRETARY – POLICE SUPERINTENDENTS ASSOCIATION

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N.B. Hover over question and press control and click mouse to go to question

FREQUENTLY ASKED QUESTIONS

SHOULD I TELL MY CHIEF CONSTABLE OR LINE MANAGER ABOUT MY PARTICIPATION?

Yes, please do. We have written to your Chief Constable with details of the Working Time Regulations Project and he/she is aware we are gathering information from members. You may be interested in the attached letter we wrote to Chief Constables in conjunction with the National Police Chiefs Council. We are reviewing the information provided in the various responses.

DO I NEED TO RECORD MY WORKING TIME ON THE FORCE SYSTEM & THE PROJECT?

Yes, you should record as much of your working time as you can on the force system. The Chief Constable is required to keep a record of your time and your recording will facilitate that. You also need to complete the Project Cadmium data collection template.

WHAT ARE THE WORKING TIME REGULATIONS 1998?

They implement a European Working Time Directive into the law of the United Kingdom. They are designed to safeguard the health and safety of workers, such as police officers, by restricting the number of hours they work to not more than 48 hours per week on average. The regulations also govern the provision of daily rest breaks, daily and weekly rest periods, night working and holidays. Please see the table below:

Regulation 4	Regulation 10	Regulation 11	Regulation 12	Regulation 6	Regulation 24	Regulation 13
48 hour working week.	Daily rest period of eleven consecutive hours.	Weekly rest period of 24 hours. Must be consecutive with daily rest period in most cases. Two days rest may be taken every fourteen days instead.	Daily rest break of at least 20 minutes after six hours of work.	Night worker must not work more than average of 8 hours in 24.	Compensatory rest where worker required to work through rest period or break, depending on circumstances.	Minimum of 5.6 weeks of paid holiday a year. Four weeks must be taken in same year holiday accrues.

DO THE REGULATIONS APPLY TO POLICE OFFICERS?

Yes. Like other workers, a police officer can agree with the Chief Constable to opt out of the regulations so that they do not apply to the officer. If you have opted out in the past you can opt back in.

WHAT IS WORKING TIME?

It is any period when you are working and at the force's disposal and carrying out your duties. All three limbs of this test must be satisfied. It also covers training. For further information on what to record please see the 'Rules' document for Project Cadmium.

WHAT IS THE LIMIT ON WORKING TIME?

Regulation 4 limits working time to a maximum of 48 hours per week averaged over seventeen weeks. There is a duty on the Chief Constable to take all reasonable steps to ensure this limit is not exceeded.

HOW IS WORKING TIME CALCULATED?

In order to calculate the 48 hour weekly average, the hours spent working during the previous 17 weeks (or 26 weeks where there have been exceptional events or an accident) are added together.

Up to four weeks annual leave is excluded for these purposes, and so is sick leave, maternity, paternity, adoption or parental leave. These days are called "excluded days". Where there are excluded days within the reference period, the same number of days should be added to the end of the reference period and taken into account when calculating the total hours worked over the reference period.

The total hours worked are then divided by 17 weeks or other reference period in order to calculate the average hours worked in a week.

An example of how working time is calculated: You have a standard working week of 40 hours (eight hours a day). You then do overtime of eight hours a week for the first 12 weeks of your 17-week reference period. You also take four days' annual leave and work one normal day (eight hours) that week. When you return to work, you only do your normal hours with no overtime for one week.

- *Step 1: add together the 16 weeks of normal hours and one other normal work day (40 hours x 16 weeks = 640 hours + 8 hours = 648 hours)*
- *Step 2: work out your overtime hours (8 hours x 12 weeks = 96 hours)*
- *Step 3: add together your normal hours plus your overtime in the pay reference period (648 hours + 96 hours = 744 hours during your pay reference period)*
- *Step 4: include the time you worked on the four days directly after the 17 week pay reference period (4 days x 8 hours = 32 hours + 744 hours = 776 hours)*

- *Step 5: the total hours should be divided by the number of weeks in the reference period (776 hours divided by 17 weeks = 45.6 hours).*

On these figures you will have worked an average of 45.6 hours per week, which is within working time limits.

WHAT IS A DAY?

A day is a period of 24 hours beginning at midnight. When your shift straddles midnight, you should complete the data collection template by concluding your working time at midnight and then commencing a new duty start at 0001 hours the following day. For further information on what to record please see the 'Rules' document for Project Cadmium.

AM I WORKING WHEN TRAVELLING TO AND FROM WORK?

Not when you are travelling to and from home to your designated place of work. You will be working when travelling between places of work. You may also be working when travelling to and from home to a non- designated place of work. Please ask for advice if you think this situation may apply.

Time spent on work related telephone calls or meetings while doing any travelling should be recorded. For further information on what to record please see the 'Rules' document for Project Cadmium.

WHEN AM I WORKING FOR THE PURPOSES OF WORKING TIME RECORDING?

For the purposes of this exercise, any time spent working, whether at your designated place of work, at home or elsewhere should be recorded. Not all of this will be work within the meaning of the Regulations, but we need to know about it and why you are doing it. Please see the attached letter we have written to Chief Constables, asking them to agree to an extended interpretation of working time (which is permissible within the WTR see section 4.1c).

WHAT IS AN UNINTERRUPTED BREAK?

If you have an uninterrupted break, including a lunch break, when you do not do any work and you do not expect to be interrupted by the demands of work you should record this. You will see this is catered for in the data collection template. Time spent on such a break needs to be deducted from the weekly total of hours worked (If you record this the template will deduct it automatically).

WHAT IS THE POSITION REGARDING A SECONDARY BUSINESS INTEREST?

Where you have more than one employer the 48 hour weekly limit applies to each employment separately. In other words, the limit does not apply to total hours worked in all employments. The statement to the contrary in the Guidance issued on www.gov.uk is simply wrong.

WILL I BE CULPABLE FOR NOT COMPLETING MY FORCE DUTY RECORDING?

It depends on whether your force requires you to complete your duty recording. If it does, you must do so or you could face action for poor performance or misconduct. Similarly, if your force requires



you to monitor the working time of officers who report to you, you must do so or face similar consequences.

HOW LONG WILL THE DATA COLLECTION LAST?

From 8 October 2018 to 3 March 2019. This includes a 17 week reference period and four additional weeks to allow for holidays and other excluded days and provide some flexibility on when the reference period begins. It is essential that the full data collection period be completed.

WILL I BE IN CONTROL OF MY DATA AND HOW WILL IT BE HANDLED?

You may withdraw from the project at any time, at which point your personal data will be destroyed. The PSA will not use your personal data for any purpose unconnected with the administration of Project Cadmium, or share your personal data externally, without your fully informed consent. (For full details please see the Project Cadmium Document entitled Data Management Protocol).