

Working Conditions for Inspecting Ranks

1. The Humberside IBB¹ has reviewed some national publications and guidance and produces the following to assist Inspectors and Chief Inspectors to understand their working conditions.
2. In a time of austerity, there is a need to be clear about these so that we do not inadvertently and through misunderstanding make them unnecessarily challenging for us. In addition, if you know where you stand then you are in a better position to protect your work home life balance in any discussions with senior managers.

3. PNB Agreement – September 1994

- a. A long time ago now perhaps, but still very relevant. The increase in basic salary (about £3000 at the time – perhaps now worth £5500) was not to compensate you for regularly working excessive hours. In fact it is roughly equivalent to 15-20 hours 'casual overtime' over a 4 week period.
- b. PNB Circular 94/17 stated in reference to the above agreement "*The Staff Side have expressed concern that because the introduction of inclusive salaries means that inspectors and chief inspectors are no longer directly compensated for overtime there is a **possibility that they will be required to work regularly excessive hours.** Both the Staff Side and the Official Side agree that **such an arrangement would be contrary to the intention and the spirit of the agreements***"².
- c. The vice-chairman at ACPO at the time (Paul Whitehouse) wrote to his colleagues to say "*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, as 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.*"³
- d. In Home Office Circular 21/97 it says "*The changes to conditions for the member of the ranks of Inspector and Chief Inspector introduced with effect from the 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.*"⁴

¹ Inspectors Branch Board

² Circular 94/17 PNB 1994:2

³ "Exploding the Myths" ICC 2011:3

⁴ Circular 14/2008 ICC 2008:2

4. What went in 1994?

- a. Compensation in pay for working overtime, bank holidays or rest days;
- b. Formal concept of “time off in lieu”;
- c. Having a duty roster (unless you are part-time); and
- d. Set working day of 8 hours.

5. What you got?

- a. Rerostered days for bank holidays and rest days worked;
- b. Flexibility in managing and balancing your hours; and
- c. Option of pay at double time for recall from Annual Leave.

6. Are you owed Rest Days?

- a. If you work a rest day then you can take it off “at any time (exigencies of duty permitted) with 12 months” of accruing them.
- b. Be warned – such a rerostered rest day can be lost after 12 months. It is not wise therefore to store these up to use just before retirement or even to try to get paid for them.

7. Annual Leave

- a. Only 5 days (or 40 hours) automatically carry over from one leave year to the next. You can ask for additional leave to be carried over, but this must be done in advance and will be rejected in the absence of a specific special reason which prevented you from taking it within the year.

8. Normal Working Day

- a. This is no longer defined in Regulations.
- b. At the time of the ‘buy out’ of casual and bank holiday overtime, this was 8 hours as for every other Federated rank and so this is a good starting point.
- c. Can you be required to work more than 8 hours a day (whether at short notice or not)? There is no restriction in regulations to prevent this.

9. Time Off in Lieu/Time Due

- a. As mentioned above, this is not a concept that Police Regulations recognise for Inspecting Ranks. This means that you cannot, as part of balancing your hours, expect to be able take an additional day off having worked extra hours on previous days. You can work a 'short' day (less than your usual hours) to balance hours worked on a 'long' day (more than your usual hours).

10. Working Time Act

- a. This limits hours to an average of 48 hours a week over 17 weeks⁵. The only way that you can legally work more than this is to sign an individual opt-out agreement⁶ and the advice is "don't" (as this is the only legal protection you have).
- b. In addition, there is a non-opt-out requirement of a period of rest of at least 11 hours between tours of duty.⁷

11. Monitoring Your Hours

- a. An employer is required to monitor the working hours of staff⁸ but Humberside Police currently does not do so for Inspecting ranks. When previously challenged about this, the response was that it expects individual officers (in light of their seniority) to ensure they comply with Working Time Regulations.
- b. Therefore – keep a record of your hours! You can then use it to make sure that you do not breach the Regulations, and that you monitor the balance between your 'short' and 'long' days.

12. On-Call

- a. At the moment there is no national agreement on-call and there is no mention of it within Police Regulations. Therefore inclusion on any on-call rota is voluntary.
- b. If you do volunteer to be on an on-call rota then, among other things, you are strongly advised – in light of the Force's alcohol testing policy – to abstain from consuming alcohol when on-call.

⁵ Working Time Regulations 1998 para. 4

⁶ Working Time Regulations 1998 para. 5

⁷ Working Time Regulations 1998 para. 10

⁸ Working Time Regulations 1998 para. 9

- c. The firm view of the ICC⁹ is “*that individual officers must not refuse a purported order to be on call, which could lead them exposed to misconduct (or even criminal) proceedings*” and any issues “*should be dealt with on a collective basis by the IBB*”.¹⁰

13. Conclusion

- a. Many felt that there was a ‘sell-out’ in 1994 whereby, for a measly £3000, Inspecting ranks could be made to work very long hours. That is not the case. Make sure that you are benefiting from the actual agreement made (and from legislation since), not suffering from the results of a serious misunderstanding!
- b. There is currently no formal agreement with the Chief Constable about Inspecting ranks’ working conditions as the IBB has, based on feedback from officers, felt that one has not yet been needed. This position can always be reviewed.

⁹ Inspectors Central Committee (Federation HQ)

¹⁰ Circular 14/2008 ICC 2008:4