Derbyshire Constabulary

PART-TIME WORKING FOR POLICE OFFICERS POLICY

POLICY REFERENCE 06/107

This policy is suitable for Public Disclosure

Owner of Doc: Head of Department, Human Resources
Date Approved: February 2006
Review Date: Jul7 2018
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1. Policy Identification Page

<table>
<thead>
<tr>
<th>Policy title:</th>
<th>Part-time Working for Police Officers</th>
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</thead>
<tbody>
<tr>
<td>Registry Reference number:</td>
<td>06/107</td>
</tr>
<tr>
<td>Policy implementation date:</td>
<td>February 2006</td>
</tr>
<tr>
<td>Policy review date:</td>
<td>July 2018</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Department / Division responsible:</th>
<th>Human Resources</th>
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<tr>
<td>Policy owner:</td>
<td>Head of Department</td>
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<table>
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<tr>
<th>Last reviewed by:</th>
<th>Gemma Johnson</th>
<th>Date last reviewed:</th>
<th>July 2017</th>
</tr>
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</table>

Impacts on other policies / guidance / documents (list):

Flexible Working Policy

Disclosable under FOI Act: YES
Policy to be published on Intranet YES
Policy to be published on Force Website YES
2. Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

3. Introduction

Part-time working is about balancing the needs of the job with the needs of the individual and whilst not all applications will be successful, every application will be given serious consideration.

Part-time working is available to police officers of all ranks.

Part-time workers are subject to the same obligations as full time workers in respect of recall to duty/overtime, shift working, rest and public holiday working.

An officer appointed to part-time service/job share will not be required to revert to full time to duty without their consent.

Working arrangements may be reviewed at any time at the discretion of the Force.

4. Policy Statement

Derbyshire Constabulary acknowledges that there is great potential and benefit both for the organisation and the individual, in allowing police officers to work part-time. It has the advantage of helping to prevent the loss of qualified and skilled staff who no longer wish to continue working full time, but are able and willing to work on a reduced hours basis. It may also enable the force to respond more flexibly to variation in workload by deploying additional staff at critical periods.

5. Procedures

5.1 Working Arrangements

The Regulations define a part-time officer as someone whose average weekly hours are fewer than a comparable full time officer. There are many different arrangements which can be classified as part-time (see Appendix A).
5.2 Requests for Part-time Working

Managers must give full consideration to requests to change to part-time working and where possible, explore with the officer how their request can be accommodated. The HR department can provide advice and guidance and ensure requests are considered in a consistent manner. All parties should be prepared to be flexible in seeking a successful solution that is of benefit to everyone.

If the post requires officers to work nights then the number of night shifts that a part-time officer should work should be calculated on a pro rata basis. Managers should try to apportion the shifts fairly. If such an arrangement suits both the organisation and the individual then a work pattern can be agreed. Managers should also ensure that a part-time officers working pattern does not result in extra pressure being placed on other members of the team or on the individual member of staff.

An application for part-time working in some instances, allows the officer to continue in employment and this may be regarded as a reasonable adjustment with a condition that falls within the Equality Act.

5.3 Reasonable Adjustment

Regulation 5 of the Police Regulations 2003 requires an officer’s consent to part-time working. No officer can be required to work on a part-time basis. However, part-time working may be an option as a reasonable adjustment for an officer with a condition that falls within the Equality Act depending upon individual circumstances.

5.4 Refusals

Some requests to work part-time may have to be refused for operational reasons. Where this is the case the line manager in conjunction with a representative from HR should set out the reasons why they are unable to grant the officer’s request to reduce their hours of work. The line manager should also consider whether there is another post that might be more suitable to part-time working and discuss this with the officer. A refusal may not be permanent and the decision may be reviewed at a later date if circumstances change. The date of any subsequent review should be agreed and communicated to the officer whose request is refused. DMS ought to be consulted in relation to operational requirements which will assist in making any decisions.

If a request is refused evidence should be documented in respect of business or operational reasons. Reference should be made to the Right to Request Flexible Working Policy.

5.5 Part-time Arrangements

An officer may apply at any time to change the number of hours worked or the working pattern. Any request will again be subject to discussion and negotiation and in accordance with the Right to Request Flexible Working Policy. An officer may apply to return to full time service at any time and every effort should be made to accommodate such a request within one month of notice being given. The officer must be returned to full time duties within three months of the request although officers who have been working on a part-time basis and wish to return to full time working will, on giving written notice of their return to work full time, be appointed to a role within 2 months if there is a suitable vacancy. In any case, the officer will be appointed to a full time role within 4 months of the written notice being received. This may not be to the role they were doing on a part-time basis.
An officer who wishes to return to full time service will not have an automatic right to return to full time duties in the part-time post they currently hold. If they are in a job share situation then the job share partner will continue in the post part-time and every effort must be made by the force to find another partner.

Those officers who joined the service as a part-time officer do not have the same entitlement to revert to full-time hours. Any applications to increase hours in this situation should be brought to the attention of the Police Officer Deployment Panel chaired by the Chief Officer with HR Portfolio.

5.6 Job Sharing

Job Sharing is a form of part-time working where two or more workers share the duties of a full-time post, although each job-sharer has an individual part-time agreement, in the case of police officers. The post does not have to be a split 50-50; it can be divided in a number of ways.

Job share is an alternative to part-time posts and is a good opportunity to work part-time where the post requires a full-time commitment.

The emphasis here is upon joint responsibility to ensure a shared full commitment as though a full-time post holder were in post.

Under these arrangements:

- Each job-sharing officer will be required to share the role of the post with another member of their rank.
- The combined active duty and standby/call out hours of these officers will equate to the same hours worked by a full-time officer in that post.
- If, for any reason, one of the two job sharing officers leaves their post, the remaining job sharer can remain as a part-time officer in that or another post. If they wish, the remaining member of staff may take up all or part of the available hours.

Overtime entitlement for officers who work on a job share basis is calculated by reference to each individual's hours and not by considering the two officers' hours combined. Enhanced pay for additional working is, therefore, only available where one of the job share officers has worked more than 40 hours per week (and not where their combined hours exceed 40 in that week).

5.7 Part-time working for Student Officers

Student Officers who are recruited in a part-time capacity must complete the initial classroom phase training on a full time basis.

There is a capacity for the Tutor Phase and continuation training to be undertaken whilst working on a part-time basis. The phase and training would have to be adjusted on a pro-rata basis to accommodate the hours worked.

The probationary period will normally be a minimum of two years based on full time hours and may be extended on a pro rata basis to match the reduction in average hours per week.
This will depend on individual circumstances and if it is extended will be to ensure that the individual has demonstrated all the required competencies.

As with all part-timers, rosters should be discussed and agreed by local management.

It is important that part-time Student Officers work a consistent shift pattern to ensure continuity of supervision and training.

5.8 Application Procedure

Please refer to the Right to Request Flexible Working Policy.

5.9 Terms and Conditions of Service

Obligations and benefits within regulations shall apply to part-time officers. The requirements concerning recalls to duty, compulsory overtime, transfer within force area, shift and un-social hours working etc. apply to part-time officers. Pay, allowances and pension provisions in most cases apply on a pro-rata basis although qualifying periods of a minimum number of hours exist for certain conditions (e.g. entitlements to refreshment breaks and enhanced payments for working overtime).

Line managers should review an officer's scheduled hours on an annual basis. This is to ensure that an officer is not required to work hours in addition to his or her scheduled hours so regularly and frequently that the schedule needs amendment. Any resulting change to scheduled working time and the resulting impact on pay and allowances would take effect from the date of the review, or the date on which the significant change of duties commences, whichever is the later.

Duty Time

The duty time provisions are found in The Working Time Regulations Part 2 Regulations Section 10 and an extract of Police Regulations Annex E paragraph e(ii) refers:

Working Time Regulations

10.(1) "an adult worker is entitled to a rest period of not less than eleven consecutive hours in each 24-hour period during which he works for his employer.

11. (1) Subject to paragraph 2, an adult worker is entitled to an uninterrupted rest period of not less than 24 hours in each seven-day period during which he works for his employer.

(2) If his employer so determines, an adult worker shall be entitled to either:-

(a) two uninterrupted rest periods each of not less than 24 hours in each 14-day period during which he works for his employer; or

(b) one uninterrupted rest period of not less than 48 hours in each such 14-day period

Police Regulations

E) Subject to paragraph (f), a duty roster shall make provision for -
i) an interval of not less than 11 hours between the ending of each of a member’s daily periods of duty (or in the case of a part-time member or a member working in accordance with variable shift arrangements, his shifts) and the beginning of the next. Unless otherwise agreed by individual officers the rosters shall be published at intervals not exceeding 3 months and not later than one month before an officer commences part-time service anything beyond 3 months should be used as guidance only. Duties are published beyond 3 months to enable planning for Duty Management and annual leave planning for the officer.

Duty Rosters

The Force will publish duty rosters for officers which set out duties for a period of three months, exceptions may apply by agreement for part time officers or those on Work Life Balance agreements. Duties published beyond 3 months are purely indicative and for guidance purposes only.

Where in one day a member is on duty for a continuous period of 5 hours or more, time for refreshment shall, as far as the exigencies of duty permit, be allowed in accordance with the following table:

<table>
<thead>
<tr>
<th>Number of Hours</th>
<th>Refreshment Time</th>
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<tbody>
<tr>
<td>Less than 6 hours</td>
<td>30 minutes</td>
</tr>
<tr>
<td>6 hours or more, but less than 7 hours</td>
<td>35 minutes</td>
</tr>
<tr>
<td>7 hours or more, but less than 8 hours</td>
<td>40 minutes</td>
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<tr>
<td>8 hours or more, but less than 9 hours</td>
<td>45 minutes</td>
</tr>
<tr>
<td>9 hours or more, but less than 10 hours</td>
<td>50 minutes</td>
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<tr>
<td>10 hours or more</td>
<td>60 minutes</td>
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</tbody>
</table>

5.9.1 Pay

A part-time officer shall be paid an annual salary which is proportionate to that of a full time officer pro-rata to scheduled working hours. For example, an officer scheduled to work an average of 16 hours per week receives 40% of the annual salary of a full time officer (16 divided by 40).

An officer’s entitlement to annual increments in pay and increases in annual leave shall remain unchanged by any period of part-time service.

5.9.2 Annual Leave

The number of days’ annual leave entitlement for part-time officers is the same as full-time officers but pay for each day’s leave is pro-rata.

Where an officer commences part-time working part way through a year, the annual leave entitlement for the period of full-time working will first be calculated and the remainder of the financial year calculated for part-time working. Any annual leave already taken will be deducted from the total.

The Duty Management System will automatically record annual leave in hours and will provide a breakdown of leave entitlements.
The entitlement to annual leave will be based on the number of years’ service and not the number of hours.

### 5.9.3 Additional Hours Worked by Part-time Officer

- Part-time police officers can still be required to stay after their agreed hours to meet pressing police demands in the same way as full-time officers. Part-time officers do not get enhanced overtime pay until they have worked over 40 hours (i.e. full time hours) in one week and over 8 hours on that day. There is no restriction on how few hours per week an officer can work.

- Officers may elect for time of in lieu for any additional hours worked.

As with full-time officers the choice between the time off in lieu or payment is made by the individual officer, subject in the case of time off in lieu to the exigencies of duty.

Inspectors and above receive an inclusive salary and therefore do not qualify for overtime payments. Part-time Inspectors and above can claim any additional hours over and above their nominated hours up to 40 hours a week at plain time. Additional hours should be monitored to ensure that staff are not required to work these on a regular basis.

All additional hours worked by part-time constables, sergeants, inspectors and chief inspectors over their determined hours up to 40 hours in a week, which are paid, are automatically pensionable. Home Office Circulars 22/2007 and 19/2012 refers.

### 5.10 Bank/Public Holidays

Police officers are entitled to paid leave on each public holiday. For part-time officers the pay for leave on public holidays is pro rata to the hours worked.

E.g. if an officer performs an average of a 20 hour week i.e. 4 hours per day then they will be entitled to 4 hours Public Holiday leave. If they perform 30 hours per week i.e. 6 hours per day then they will be entitled to 6 hours Public Holiday leave.

Following the Winsor Part One recommendations officers will be able to nominate alternative public holidays in preference to the traditional public holidays. This applies to every public holiday except Christmas Day which remains a static public holiday.

Where a part-time officer is rostered to be on a Rest Day or Free Day on a Bank/Public Holiday they will be awarded a Rest Day or Free Day in Lieu of the Bank Holiday (RDIL/FDIL) of the same length as their pro rata annual leave day as above. When the officer wishes to use this RDIL/FDIL, if the length of the shift they wish to take off is of a different length to the RDIL/FDIL then the officer will have their Time Off in Lieu (TOIL) record amended to make up any difference in hours. Alternatively, the officer can work additional time on another shift.

Where a part-time officer was scheduled to work on a Bank/Public Holiday but due to a reduction in staff numbers was no longer required, the officer would take a pro rata days leave. If the pro rata day is shorter or longer than the shift they were rostered to work on that Bank/Public Holiday then they will either have their TOIL record adjusted accordingly or will choose to work/take off the time difference on another day.
If a part-time officer is required to perform duty on a day that is a Bank/Public Holiday then the officer will be compensated in accordance with Police Regulations i.e. at double time for ranks of Sergeant and Constable.

Terms and conditions of service for part-time officers, as for full-time officers, are set out in the Police Regulations and Determinations 2003, and detailed in PNB Circular 2014/9.

On Bank/Public Holidays, no part-time officer will be allowed to perform shifts of longer than 8 hours in length. This is to ensure fairness with their full time colleagues. Where a part-time officer’s rostered shift was due to be longer than 8 hours, the officer will work 8 hours and will either take the difference in hours off their TOIL record or perform the duty on another day.

Where the Duty Management System (DMS) is in operation, the system will automatically calculate and award an officer with their pro rata Public Holiday entitlement based on the officer's average hours per day and the shift pattern they perform.

E.g. if an officer performs an average of a 20 hour week i.e. 4 hours per day then for every occasion that a Public Holiday falls on a rostered Rest Day or Free Day the system will generate a 4 hour Rest Day in Lieu or Free Day in Lieu.

Duty Management staff will automatically make any necessary adjustments to the officer’s TOIL record. If an officer has opted to perform longer hours as opposed to taking TOIL then this should be notified in advance to Duty Management.

5.10.1 Entitlements for Working on a Bank Holiday

- Less than eight days notice – payment at double time and another day in lieu notified within four days.

All the above will be claimed by the officers using Form 333 for overtime, indicating the appropriate rate for payment, or time off, submitted and processed in the normal manner.

It would prove difficult for shift supervisors to pro rata workings in the weeks in which Bank Holidays fall, therefore, if the officer works the Bank Holiday the appropriate allowances will apply.

If the Bank Holiday falls on an officer’s allocated Rest Day, the appropriate allowances will apply.

If the Bank Holiday falls on a free day i.e. a day the officer is not required to work on a regular basis, then he/she will be granted a substitute ‘free day’ which shall be notified to him/her.

5.11 Entitlements when asked to work on a Rest Day

- Required to work on a Rest Day more than 15 days’ notice – shall be given another day in lieu notified within 4 days.

- Required to work – less than 15 days' notice – payment Rest Day rates (time and half).
5.12 Maternity Leave

A part-time officer will be entitled to the same maternity provisions as a full time officer. An officer will be eligible for occupational maternity pay if she meets the criteria set out in Regulation 46A(2)(a) on the same basis as a full time officer.

An officer who meets the criteria should receive paid leave for an 18 week period on a pro-rata basis.

Entitlements to Statutory Maternity benefits will depend on the officer's eligibility and the date the officer commences occupational maternity leave.

Regulation 35(4) provides the mechanism for paying a part-timer/job sharer who is paid maternity leave. Her maternity pay will be adjusted pro-rata to the basic hours she was normally rostered to work before taking maternity leave.

5.13 Rest Days and Free Days

Like full-time officers, part-time police officers are entitled to rest days. Rest days should be distinguished from free days in the roster. Free days are days which under the individual part-time arrangements are non-working days.

The free day should be clearly identified on the shift pattern workings to ensure that payments are made correctly.

1. If an officer is required with more than 14 days notice to work on a scheduled ‘free’ day then he/she will be granted a substitute ‘free day’ which shall be notified to him/her within four days of the notification of the requirement.

2. If an officer is required to work with less than 15 days notice on a ‘free’ day the rate of payment or amount of time of in lieu will vary according to the circumstances as follows:-

   (a) Where circumstances require a named individual attend for duty (and the officer in question is that named officer) then payment/time off in lieu will be at plain time rate if the officer works 40 hours or less* in that week.

   (b) Where circumstances require that a named individual attend for duty (duty only that officer can perform) then payment/time off in lieu will be at 1.1/3rd if the officer works more than 40 hours* in the week.

   * Excluding any hours worked on a scheduled rest day and less than 15 days notice.

   (c) Where circumstances do not require that a named officer attend for duty (duty any officer can perform) then payment/time off in lieu for any officer working a ‘free’ day will be at rest day working rates.

The agreement in respect of 2(a) and (b) above provides for circumstances where there is a requirement for a named officer to attend for duty e.g. to attend court or an inquest.

Part-time officers will receive the same number of rest days as full time officers on the same rota.
5.14 Sickness Absence

For pay purposes sickness absence should be counted in 'real' time. Therefore, if a part-time officer is off for more than 6 months, they will normally go on to half pay (half of the usual hours worked) and no pay after 12 months, as is the case with full-time officers, unless the Chief Officer uses his powers under Regulation 46(3).

5.15 Pension Implications

Officers should seek advice on individual pension implications from the Force Pensions Administrator.

5.16 Training and Development

Access to training is essential if part-time officers are to work effectively. Whenever possible, officers working part-time may be offered either a part-time, modular or a distance learning package.

In cases where the training course cannot be tailored to suit part-time officers and other options are not possible, then sufficient notice will be given to allow part-time officers to make appropriate arrangements. Part-time officers will be paid for any extra hours they work when attending training courses or may choose to have time off in lieu.

Part-time officers attending full time courses should be paid the equivalent of full time rates and any other expenses (in accordance with Regulations).

5.17 Performance Development Review

It may be more important to have regular interim discussions because part-time officers may miss out on regular contact with their Line Manager. HR and Line Managers should try to ensure that they maintain regular contact with their part-time officers and ensure that they do not miss out new information, policies and job advertisements.

5.18 Promotions

Where a part-time candidate is successful in the promotion process, good practice requires each of the available job vacancies to be considered for part-time working.

Where a vacancy is considered suitable for part-time working then an individual may be offered promotion to that post.

6. Monitoring and Review

Part-time and flexible working applications will be monitored centrally by Human Resources Department.

The policy will be reviewed annually in light of changing case law and legislation.
7. Appeals

Appeals in respect of Flexible Working Request – refer to the Right to Request Flexible Working Policy

The member of staff has 14 days (two weeks) to appeal against the decision from when it is notified to them. The appeal process is designed to encourage a satisfactory outcome. The appeal should be in writing to the Employee Relations Manager. Within 14 days (two weeks) of the appeal being received a meeting will be held between all the parties.

A decision on the appeal will be given to the member of staff within 14 days (two weeks) of the meeting.

If an agreement is reached the new working arrangements should be introduced as soon as is practicable but within two months of the appeal decision.

8. Appendices

Appendix A – Part-time Working Overtime
## PART TIME AND JOB-SHARE WORKING – OVERTIME

### RECEIVES

<table>
<thead>
<tr>
<th>WORKS</th>
<th>PAYMENT</th>
<th>TIME OFF</th>
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<tbody>
<tr>
<td>Additional hours up to 40 hours in one week, where the hours are accrued on a normal duty day.</td>
<td>Payment @ flat rate/plain time to the additional hours worked. OR Time off in lieu equivalent to hours worked, to be granted within 3 months.</td>
<td></td>
</tr>
<tr>
<td>Additional hours which exceed 40 hours in one week.</td>
<td>At time and a third for each 15 minutes. OR In lieu equivalent and a third rate, to be granted within 3 months.</td>
<td></td>
</tr>
<tr>
<td>Required to work on a Rest Day – less than 5 days’ notice.</td>
<td>Payment @ double time.</td>
<td></td>
</tr>
<tr>
<td>Required to work on a Rest Day – less than 15 days’ notice.</td>
<td>Payment @ time and half.</td>
<td></td>
</tr>
<tr>
<td>Required to work on a Free Day/Rest Day – more than 15 days’ notice.</td>
<td></td>
<td>Shall be given another day in lieu notified within 4 days.</td>
</tr>
<tr>
<td>Required to work a Free Day – less than 15 days’ notice.</td>
<td>1. Payment @ flat rate equivalent to hours worked. OR 1. Time off in lieu equivalent to the hours worked. OR 2. Time off @ time and a third.</td>
<td></td>
</tr>
<tr>
<td>A Bank Holiday less than 8 days’ notice.</td>
<td>Payment @ double time.</td>
<td>AND - Another day in lieu notified within 4 days.</td>
</tr>
<tr>
<td>A Bank Holiday more than 8 days’ notice.</td>
<td>Payment @ double time.</td>
<td>OR – Time off @ double time.</td>
</tr>
</tbody>
</table>