

A Guide and Procedures to Devising a Shift Pattern.

1. Publication of shift pattern

- 1.1 A significant number of police employee's currently work some form of shift pattern. A well designed shift system will provide a better quality of service to the public, an improvement in officer welfare and morale, more efficient use of resources and promote more effective relationships with other agencies and the wider community.
- 1.2 The role of the Police Federation is to review proposed shift patterns to ensure they promote a work - life balance, meet Police Regulations & Part 1 order 22/2005, comply with European Working Time Directives, the Health & Safety at Work Act and the Police [Health & Safety at Work] Act 1997. These Acts impose a duty of care on employers with respect to officer's mental and physical well being, including safe systems of work.
- 1.3 West Midlands Police part 1 order 22/2005 [VSA] provides the framework for shift design. It details what is acceptable and considered best practise. The main failings of shift patterns sent to the Federation for approval include staff working 7 consecutive duties, excessive hours, regular contra-rotations [Late – Day – Early including quick change-over's] and insufficient staff to make the system viable. [You should operate to a 30% abstraction figure] These factors are all considered detrimental to staff welfare & performance and have well documented long term health implications. As such they should be avoided.
- 1.4 Detailed below is guidance relating to shift patterns. This should be read in conjunction with the VSA and Working Time Regulations - <http://www.legislation.gov.uk/uksi/1998/1833/contents/made> . There is .pdf copy of the Home Office report into Resource Management & Rostering Arrangements also available. If you are designing a shift pattern, we recommend that you initially contact the Federation Operations, Policies and Procedures Committee, as they can advise you and have sample shift patterns which may address your operational requirements.

2. The Operations Procedures' and Policies Sub Committee,

- 2.1 The "Operations, Procedures' and Policies Committee", (OPP), is a sub committee to the West Midlands Police Federation Joint Branch Board. Its purpose is to carefully consider, (as part of the negotiation and

consultation process), any proposed changes to force policy and procedure, to include operational orders for major events and shift patterns.

- 2.1 The group meet monthly, (or at more frequent intervals if so required), and report back to the JBB Secretary in an advisory capacity, making any recommendations where appropriate.
- 2.3 In accordance with Regulation 26, Police Regulations 1995, any shift arrangement, outside of the statutory shift pattern, must be agreed with the JBB. The **Secretary to the JBB** agrees any shift patterns, against signature, on behalf of the JBB and a record is kept at Guardians House for further reference.

Regulation 26 (2) Police Regulations 1995

Variable shift arrangements.

*A Chief Officer of police may, bring into operation variable shift arrangements **agreed** by him with the joint branch board for all members to whom this regulation applies or for any particular class of such members.*

- 2.4 The Secretary to the JBB will not agree to any shift patterns unless they have been duly considered and reported on, by the OPP first.

3 Submissions to the OPP

- 3.1 The following items will need to be submitted to the OPP when considering a new/revised shift pattern: -
 - Copy of the proposed shift pattern.
 - Copy of the EQIA assessment.
 - Staff numbers involved
 - Copy of the Risk Assessment, (to include any control measures for lone working).

The Management of Health and Safety at Work Regulations 1999

Reg 3.—(1) Every employer shall make a suitable and sufficient assessment of—

(a) the risks to the health and safety of his employees to which they are exposed whilst they are at work;

and

(b)the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking, for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997.

(2) Every self-employed person shall make a suitable and sufficient assessment of—

(a)the risks to his own health and safety to which he is exposed whilst he is at work;

and

(b)the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking, for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions.

(3) Any assessment such as is referred to in paragraph (1) or (2) shall be reviewed by the employer or self-employed person who made it if—

(a)there is reason to suspect that it is no longer valid;

or

Identification of the safe staffing levels

(b)there has been a significant change in the matters to which it relates; and where as a result of any such review changes to an assessment are required, the employer or self-employed person concerned shall make them.

(4) An employer shall not employ a young person unless he has, in relation to risks to the health and safety of young persons, made or reviewed an assessment in accordance with paragraphs (1) and (5).

(5) In making or reviewing the assessment, an employer who employs or is to employ a young person shall take particular account of—

(a)the inexperience, lack of awareness of risks and immaturity of young persons;

(b)the fitting-out and layout of the workplace and the workstation;

(c)the nature, degree and duration of exposure to physical, biological and chemical agents;

(d)the form, range, and use of work equipment and the way in which it is handled;

(e) the organisation of processes and activities;

(f) the extent of the health and safety training provided or to be provided to young persons;

and

(g) risks from agents, processes and work listed in the Annex to Council Directive 94/33/EC(1) on the protection of young people at work.

(6) Where the employer employs five or more employees, he shall record—

(a) the significant findings of the assessment;

and

(b) any group of his employees identified by it as being especially at risk.

- The safe staffing levels.

NB. This should NOT be confused or substituted with “minimum staffing levels”.

Reg. 5. The Management of Health and Safety at Work Regulations 1999.

Health and safety arrangements

5.—(1) Every employer shall make and give effect to such arrangements as are appropriate, having regard to the nature of his activities and the size of his undertaking, for the effective planning, organisation, control, monitoring and review of the preventive and protective measures.

(2) Where the employer employs five or more employees, he shall record the arrangements referred to in paragraph (1).

Mc Dermid v Nash Dredging Ltd [1987] AC 906

Decided that: (a) an employer has a duty to exercise reasonable care to ensure that the system of work is safe; (b) the provision of a safe system has two parts: the devising of such a system and the operation of it; (c) this duty is personal or non-delegable i.e. an employer cannot blame a third party for non-performance.

It is (c) that is directly relevant here because an employer will be in breach of this duty if they fail to provide enough staff or resources for the work to be undertaken safely.

4. References.

Police Regulations 1995

Regulation 24	Normal daily period of duty
Regulation 25	Meaning of the day
Regulation 26	Variable shift arrangements

Police Regulations 2003, as amended up to and including The Police (amendment) Regulations 2007

REGULATION 22

A chief officer shall cause to be published, in accordance with this determination, duty rosters for members of his force of the rank of constable or sergeant (and inspector and chief inspector in the case of part-time members) and, in the determinations made under the Police Regulations 2003:

i) a reference to a rostered rest day is to be construed, in relation to a member of a police force who is required to do duty on that day, as a reference to a day which according to the duty roster was, immediately before he was so required to do duty, to have been a rest day for the member; and

ii) a day off granted in lieu of a rostered rest day shall be treated as a rostered rest day.

b) A chief officer shall cause each such roster to be drawn up and published, after full consultation with the Joint Branch Board, at intervals not exceeding 12 months and not later than one month before the date on which it starts.

c) Each such roster shall set out, for at least three months (except one relating to a part-time member who has agreed with the chief officer on a different period) following the date on which it comes into force, in relation to each member of the force to which it relates:

i) his rest days;

ii) those days, being public holidays, on which he may be required to do duty;

and

iii) the times at which his scheduled daily periods of duty (rostered shifts for members working variable shift arrangements and for part-time members) are to begin and end;

and

iv) for part-time members, his free days