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# DURHAM CONSTABULARY



*Altogether Better Policing*

## Modern Methods of Working Policy

Application	Police Officers and Staff
Policy Owner	Human Resources
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Durham Constabulary Freedom of Information Act Publication Scheme	



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## **1.0 MODERN METHODS OF WORKING POLICY**

### **2.0 PURPOSE AND SCOPE**

- 2.1 The purpose of this policy is to outline Durham Constabulary's commitment as an equal opportunities employer to support a range of modern methods of working arrangements to assist officers and staff achieve a sustainable work/life balance and thereby assist the Constabulary in the retention of a valued and experienced workforce.
- 2.2 Staff working under such arrangements will not receive less favourable treatment than other staff. The benefits within police regulations and terms and conditions of service should continue to apply if necessary on a pro-rata basis.
- 2.3 It is anticipated that having a formal scheme will encourage trained and experienced staff to work whilst still fulfilling significant commitments elsewhere, thus achieving a work/life balance suitable to their domestic/personal arrangements.
- 2.4 Throughout the operation of this policy Durham Constabulary will seek to take the least intrusive action which fits within the working policy criteria and will act fairly and proportionally to achieve the proposed purpose.

### **3.0 THE LEGAL BASIS AND LEGITIMATE AIMS**

- 3.1 The legal basis for this policy comes from:
- i the Police Act 1996;
  - ii Equality Act 2010
  - iii Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
  - iv Employment Act (2008)
  - v Work and Families Act (2006)
  - vi Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2006.
  - vii Working Together to Safeguard Children – Department for Education 2018
  - viii Apprenticeship, Skills, Children and Learning Act 2009

This list is not exhaustive.

- 3.2 The Force recognises the contribution of its entire staff and is committed to creating a fully inclusive working environment. This will be achieved by making reasonable adjustments where appropriate, valuing the differences that a diverse workforce can bring and challenging unlawful and unfair discrimination, bullying, harassment, victimisation and other unfair treatment based on age, disability,

gender reassignment, marriage and civil partnership, pregnancy and maternity, ethnicity, religion or belief, sex and sexual orientation.

#### **4.0 POLICY STATEMENT**

- 4.1 Durham Constabulary is able to offer a range of modern methods of working arrangements and will consider all formal requests for such but retains the right to refuse a request if there is a good business case in support of refusal.

#### **5.0 WHAT ARE MODERN METHODS OF WORKING.**

- i) Modern methods of working incorporates a wide variety of working practices which differ from the normal working arrangements and may require a variance to the individual's normal rostered/contractual hours of work/place of work.
- Applications for Variable hours should be made on pers 240
  - Applications for Job Share should be made on pers 211
  - Applications for Remote and Home Working should be made on pers 240(a)

#### **6.0 EXAMPLES OF MODERN METHODS OF WORKING ARRANGEMENTS**

Subject to the approval by the Head of Command/Department and the submission of the appropriate application as outlined at paragraph 5. Individuals may make application for consideration to work the below:-

##### **6.1 Changes to number of hours**

- i) Changes to working time – This involves working more or less hours per day for a number of days/shifts
- ii) Part-time working – This involves working less than a full day/shift/week or month, where the individual is not dependent on a job share partner. An appropriate assessment will be carried out by the Head of Command/Department regarding whether the post is suitable for part time working.
- iii) Job-sharing – This involves two or more individuals carrying out the duties of the post. The hours worked do not necessarily need to be evenly split between the job share partners. An appropriate assessment will be carried out by the Head of Command/Department regarding whether the post is suitable for job sharing.

- iv) Temporary voluntary reduced hours – This arrangement permits a temporary reduction in working hours for an agreed period with a mutual guarantee that the normal contracted hours will be resumed at the end of the period. This enables staff to work reduced hours to deal with ‘special circumstances’ such as a family or personal emergency.

## 6.2 Types of Hours of Work

- i) Compressed Hours This allows individuals to work their total number of agreed hours over a shorter number of working days with often a five-day working week being compressed into four days.
- ii) Annualised Hours – This works on the basis of agreeing a fixed number of hours over the year, then calculating and paying for such hours on an average monthly basis.
- iii) Term Time Working – This practice involves staff working during school term time periods and either not working during holidays or working variable hours during school holidays.

## 6.3 Fixed or Flexible Working Hours

For Police Staff only:-

- i) Fixed is an agreement to vary the standard shift pattern but still retain the full hours of the role.
- ii) Flexible entails staff work varying hours rather than having set working hours;
  - All time stated in this document assume a basic 37 hour working week or pro-rata for part-time and job share employees.
  - Flexible working hours will not affect the public opening hours of Offices or Headquarters.
  - Other exigencies of service override individual wishes.
  - Minimum staffing levels/needs of the service must be agreed first.
  - No hours will be credited for any work undertaken at home over and above the daily hours outlined in the individual’s contractual arrangements or without prior agreement by Line Manager.

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- For Police Staff a break of no less than 30 minutes must be taken after a period of 6 hours has been worked, in accordance with the Working Time Directive
- A settlement period of 4 consecutive weeks is applicable and the standard working days for the purposes of claiming credits will be 7 hours and 24 minutes for full time staff. A standard half day is 3 hours and 40 minutes. An individual is entitled to take up to 22.2 hours (in full or half days) 'flexible' leave per 4 week settlement period subject to line manager approval. For part-time and job share employees, the standard working day for the purposes of claiming credits and adjustments will be pro-rata to their contractual hours.
- A maximum carryover of 22 hours will be permitted from one settlement period to the next and a debit of 15 hours will be permitted. A credit balance exceeding 22 hours will be discounted and a debit balance in excess of 15 hours at the end of the settlement period will be liable to a deduction from pay equivalent to the excess. The only exception to these limits will be staff who are unable to achieve a balance at the end of the settlement period because of sickness or other unexpected absence. In such cases the excess hours will be carried forward until their return, with management discretion, over how quickly each individual should achieve a balance after his/her return
- If an individual completes a period of overtime and wishes to take such as time off in lieu at a later date, the details of such should be entered onto DMS
- An individual leaving the force must achieve a zero balance. No monetary credit will be made for credit hours remaining. The Constabulary will make appropriate deductions from salary for debit hours outstanding.
- Individuals will be entitled to claim time off in lieu at plain time for all hours accrued during travelling time on the first and last day of any external course/conference/meeting in excess of the normal working hours if such is attended outside the Force area.
- For staff attending internal course, conferences, meeting and post entry training a day of 7 hours and 24 minutes will be credited and 3 hours and 40 minutes for a half day attendance
- Short absences during the day for personal reasons including all preparation for interviews, must be completed during flexible time.

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- Staff will be credited for time taken to attend an interview for a post within the organisation.
- Overtime working will not be afforded to any member of staff carrying a deficit.
- Abuse of flexible hours working will result in disciplinary action.

#### **6.4 Remote and Home Working**

- i) Line Managers and individuals are required to read the Remote and Home Working Operating Procedure before commencing any home or remote working arrangements. This document available on the Force intranet>Administrative Processes>Personnel
- ii) Remote and Home working is defined as the performance of work carried out in the home environment or another location which is not your usual place or work on an ad-hoc, occasional, regular or permanent basis.
- iii) Home working may include the practice of taking 'hard copy' (paper based) material home to read or work on as well as using Force ICT equipment at home.
- iv) In order that home working arrangement works successfully it is important that there is a commitment between the individual and their Line Manager/colleagues to maintain regular contact. Regular contact via the email systems or Microsoft Lync should be utilised appropriately in order to contact the individual and send out relevant information/documentation
- v) Individuals working from home are responsible for taking adequate steps to ensure the security and confidentiality of Constabulary equipment/documentation in their possession including during its transportation between work and home. Individuals must not allow anyone who is not a member of Durham Constabulary to use or have access to the equipment, information or documentation. Individuals must ensure that they comply with the Official Secrets Act and the Data Protection Act whilst working at home.
- vi) Individuals are required to adhere to the security and health and safety requirements as outlined in the document above (i)

## 7.0 **WHO CAN APPLY?**

- 7.1 Applications for any of the above modern methods of working will be considered from all individuals. However, although the individual has the right to request to work such, the organisation has no obligation to agree to the request although it must evidence the fact that it has given serious consideration to it.
- 7.2 All requests for modern methods of working will be considered on a case by case basis. However, it must be acknowledged that in all cases the exigencies of the service must come first and it may be more difficult to be flexible in some roles compared to others.
- 7.3 Any subsequent changes in salary or shift/weekend working allowances will need to be considered as this may result in an increased cost to the organisation. If an individual requests a variation to their working arrangements and this subsequently incurs an increase in allowances, then such requests must be subject to management approval. If the application is not supported due to the increased cost, an individual may request to progress their application on the understanding that they voluntarily agree to forego the increase in any allowances as a result of such a change. If the request results in a decrease in allowances payable, then the individual will assume the new allowance and will not be subject to any pay protection arrangements.
- 7.4 Under the Employment Act 2008 requests **can only be refused** when one or more of the following grounds applies:-
- i. Burden of additional costs
  - ii. Detrimental effect on ability to meet customer demand
  - iii. Inability to reorganise work amongst existing staff
  - iv. Detrimental impact on quality of service
  - v. Detrimental impact on performance
  - vi. Shortage of work during the periods the individual proposes to work
  - vii. Planned organisational changes which may affect the area of work
  - viii. Inability to recruit additional staff e.g. job share partners to 'plug the gap'
- 7.5 The final decision on whether or not a request is approved or not will be made by Head of Command, although consideration will be given to the comments made by the line manager.
- 7.6 If the Head of Command is not able to accommodate the request within the individual's substantive role, it is feasible for him/her to consider the wider

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Command/Force for possible solutions, in consultation with the Head of People, Standards and Development Command and/or Strategic Resourcing Manager.

- 7.7 A refusal may not be permanent and the decision may be reviewed at a later date if circumstances change. If this is the case, the date of any subsequent review should be communicated to the person whose request has not been supported.
- 7.8 Police Student Officers are subject to the following constraints when applying in the case of:-
- i. IPLDP - Initial training and all subsequent probationer stage courses and initial driving course may be accommodated on a part time basis. Durham Constabulary will consider part time study and working arrangements on a case by case basis, taking into account the programme structure and business needs at the given point in time.
  - ii. DHEP- Initial training and all subsequent probationer stage courses and initial driving course may be accommodated on a part time basis. Northumbria University and Durham Constabulary will consider part time study and working arrangements on a case by case basis, taking into account the programme structure and business needs at the given point in time.
  - iii. PCDA - Initial training and all subsequent probationer stage courses and initial driving course may be accommodated on a part time basis. Northumbria University and Durham Constabulary will consider part time study and working arrangements on a case by case basis, taking into account the programme structure and business needs at the given point in time.

In the event of part time working (less than 30 hours per week) being agreed and in line with ESFA rules ('Apprenticeship duration and employment hours'), the following will apply:

- The expected duration of the apprenticeship must be extended on the ILR (pro rata) to take account of this. This will also apply to any temporary period of part-time working. The main provider and employer will work together to make sure that the apprenticeship agreement is also extended.
- Where a part-time working pattern is needed, the main provider must jointly agree with the employer and the apprentice the extended apprenticeship duration
- Where part-time working is agreed, the main provider must:
  - a) record the agreed average number of hours each week;

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- b) evidence why this working pattern is in place; and
    - c) Extend the minimum duration using the following formula:
    - d)  $12 \times 30 / \text{average weekly hours} = \text{new minimum duration in months}$ .
  - iv. In the event of part time working less than 30 hours per week the probationary period will be extended as necessary to compensate for the reduction in average hours worked per week pro rata
- 7.9 Re-Joiners are subject to the following constraints when applying:-
- i. An individual learning needs analysis will be completed
  - ii. The Head of People, Standards and Development Command will determine the required probationary period. During this period the constraints of paragraph 7.4 will apply.
- 7.10 Individuals should be mindful that the process of requesting modern methods of working may take up to a period of 3 months to complete for some of the options and so should submit a request as soon as possible.
- 7.11 As on some occasions an individual may be unsure as to whether modern methods of working will be suitable to their particular circumstances therefore a trial period of between 3 and 6 months may be permitted subject to approval by the Head of Command/Department. This trial period will also be subject to a suitable partner being appointed if required, on a temporary basis.
- 7.12 Approval must be given by the Head of Command/Department prior to any arrangement commencing. This approval will include a suitable working partner being identified and appointed if required. If no suitable partner is identified the post will remain full-time and deemed unsuitable for modern methods of working for a period of 12 months when the post-holder may reapply.
- 7.13 The Head of Command/Department will consider if an individual's role is suitable for remote or home working. When assessing suitability, consideration must also be given to any funding issues/budgetary implications.
- 7.14 Before commencing homeworking, the Force Information Assurance Manager and Health and Safety Advisor will conduct awareness briefings

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## **8.0 FINANCIAL IMPLICATIONS**

- 8.1 Staff considering reducing or varying their hours must contact Pay & Pensions for Advice. Applications for variable hours should be made on pers 240.
- 8.2 Pay will be apportioned for part time or job share hours on a pro-rata basis.
- 8.3 In the event of overtime being worked, hours up to the normal full-time working week will be paid at plain time only. Overtime payments at enhanced rates will not be considered until an individual's hours exceed those of a full-time equivalent.
- 8.4 For staff working a shift pattern on reduced hours, overtime rates will not be considered until their hours exceed those of a full-time equivalent based on the span of a shift pattern.
- 8.5 Staff are under the same obligation as full time staff to work overtime and be recalled to duty unless this has been expressly excluded in the agreement.
- 8.6 Where an officer is already in receipt of a housing allowance, they will be entitled to the continuance of that allowance on a pro rata basis should they request to work variable hours.

## **9.0 WORKING ON FREE DAYS – POLICE OFFICERS ONLY**

- 9.1 Where an individual receives less than 15 days notice to work on a free day and it is not practicable for the duty to be performed by anyone else (e.g. court attendance) they will be entitled to the following:-
  - i. If the overtime threshold has been reached, payment will be at time and one third
  - ii. If the overtime threshold has NOT been reached the officer receives time off in lieu of the number of hours worked.
- 9.2 However where a police officer receives less than 15 days notice to work on a free day BUT the duty could have been done by someone else (e.g. when a large number of officers are required for a particular event) – payment will be made at the appropriate rest day rate regardless of whether the overtime threshold has been reached.

**10.0. ANNUAL LEAVE AND PUBLIC HOLIDAYS**

- 10.1 Staff who alter their working hours are reminded that their entitlements to annual leave and public holidays may change. Staff will be advised of such via the Origin Team.

Part time or job shares are entitled to the same number of annual leave days and public holidays as full time job holders but on a pro-rata basis.

**11.0 PENSIONS**

- 11.1 Staff considering requesting reduced hours (e.g. job share or part-time) are advised to contact Pay and Pensions for information regarding pension implications prior to making a request.

**12.0 ATTENDANCE ON TRAINING COURSES**

- 12.1 If an individual working variable hours encounters difficulty in attending a training course as per the schedule, this should be brought to the attention of People, Standards and Development Command - Learning and Development via the appropriate Line Manager so that flexible options can be explored. Student officers should bring this to the attention of the PEQF Lead. Where this is not possible, sufficient notice should be given to allow the individual to make appropriate arrangements and their co-operation to attend on a full time basis will be sought.
- 12.2 If an individual who normally works reduced hours is required to work full time/ increased hours to attend a course, then they should submit a written report for the attention of Pay and Pensions, via their line manager outlining the temporary period of increased hours so that the individual's salary is increased for that period. Payment will be made at basic time or they may choose time off in lieu. The period of increased working hours will also be classed as pensionable service.

**13.0 REVIEWING REVISED WORKING ARRANGEMENTS (not applicable to Police Student Officers)**

- 13.1 An individual may apply at any time to vary their current number of hours worked/working pattern or request a return to their substantive hours/shift pattern by submitting a further Pers 240.
- 13.2 Conversely, the Force reserves the right to review previously agreed revised working hours on a regular basis by completing a monitoring form pers 241. The individual and line manager should review such on an annual basis, or on a date

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as agreed by the Line Manager should the need arise, to ensure the hours remain compatible with the service requirements. Each case must be considered on an individual basis. If necessary the working hours can be terminated and the individual will be provided with not less than one month's notice in writing.

- 13.3 The Force also reserves the right to review and if necessary terminate home working arrangements by providing the individual with not less than one month's notice in writing. In the event of misconduct or a security breach when an individual is working from home, Durham Constabulary reserves the right to cease the homeworking arrangement forthwith following consultation with the Head of People, Standards and Development Command
- 13.4 Individuals who wish to cease their home working arrangement must provide 3 months' notice of their wish to return to an office based location. No guarantee can be given that this will be in their previous office location as individual dedicated work stations are not provided and if necessary the individual will be subject to 'hot-desking' arrangements as identified by their Line Manager.
- 13.5 Where a portion of a job share post becomes vacant this will be filled as per the recruitment and selection policy or consideration should be given by the Head of Command/Department to delete the portion from the list of budgeted post.

#### **14.0 APPEALS PROCEDURE**

If an individual wishes to appeal against any decision made in connection with this policy, they should write to or email, the Deputy Chief Constable at the below address within 14 days of receiving a decision. The appeal will be considered and consultation will take place with appropriate individuals to establish all facts before a decision with regard to the appeal is made. A response to the appeal will be provided in writing within 10 working days of receipt of the appeal. Should this period not be achievable the individual will be notified in writing when a decision will be communicated.

The Deputy Chief Constable  
c/o Human Resources  
Police Headquarters  
Aykley Heads  
Durham  
DH1 5TT  
Email [human.resources@durham.pnn.police.uk](mailto:human.resources@durham.pnn.police.uk)

## EQUALITY IMPACT ASSESSMENT (EIA)

### MODERN METHODS OF WORKING POLICY

An equality impact assessment (EIA) form **must** be completed by the Policy/Function lead when developing or reviewing policies or procedures which may impact on the way the Force conducts its business (both internally and externally) and must show that when making decisions we:-

- Give due regard to the impact it will have on protected groups
- Undertake an assessment **prior to** any decisions around policies/procedures being ratified to identify what potential impact has been found and subsequent action taken, and
- Provide an audit trail of the assessment undertaken which identifies how the policy or procedure is likely to affect protected groups.

The EIA must be completed **before** decisions are made, and remain a live document to be reviewed and continually updated during policy/procedure development or updating

This form is a Tool to document the assessment and should be completed, attached to the relevant policy/procedure document and submitted to the HR User Group or other strategic group for ratification

#### **1) Purpose of the policy. Why do we need it and what will it achieve**

The purpose of this policy is to outline Durham Constabulary's commitment as an equal opportunities employer to support a range of modern methods of working arrangements to assist officers and staff achieve a sustainable work/life balance and thereby assist the Constabulary in the retention of a valued and experienced workforce.

#### **2) Explain briefly why the Policy/Procedure is being developed or reviewed?**

Policy updated to outline the arrangements for student officers appointed under PCDA or DHEP arrangements

#### **3) What research/resources have been used or considered in the initial stages of this assessment?**

#### **4) Who has been consulted around the potential impact during the development/amendment of the policy/procedure**

All support networks.	Force Executive (AC0)
HR Staff	Independent Advisory Groups (IAG's)
Staff associations	
Legal Services	
Heads of Command	

#### **5) Following assessment of available information, has a positive or adverse**

**impact been identified OR is the initiative equality neutral?**

A **Positive Impact** – will actively promote equality of opportunity or improve relations between

one or more groups

An **Adverse impact** – will cause some form of disadvantage or exclusion.

**Neutral impact** is when there are no notable consequences for any diversity group

**Provide details on ALL decisions for ALL the protected characteristic groups below. Specify what actions, if any, will be taken as a result of the assessment, provide any findings and the reason any decisions were reached, and determine what changes may be necessary to either reduce any adverse impact or enhance any beneficial impact.**

**If an adverse (negative) impact has been identified question 5 must be completed.**

	<u>Positive</u>	<u>Negative</u>	<u>Neutral</u>	<u>Details</u>
Age			X	
Disability			X	
Transitioning from one sex to another (either thinking of, in the process of or have)			X	
Marriage and Civil Partnership			X	
Pregnancy and Maternity			X	
Race			X	
Religion or Faith			X	
Gender			X	
Sexual Orientation			X	

**6) If a negative impact has been identified, please provide further details stating what actions need to be undertaken as a result of the section 5). How any negative impact can be justified for this initiative.**

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	<b>Confirm the above Actions have been incorporated and the EIA is now ready for submission to HR PUG or other Strategic Group.</b>	
	<b>Signature...</b>	
	<b>Name</b> Sylvia Horsfield	<b>Date</b> 12 <sup>th</sup> June 2020
	<b>7) – Ratify the Policy / Procedure at HR PUG or other Strategic Group</b>	
	<b>Meeting/Group:-</b>	<b>HR PUG</b>
	<b>Chair of Meeting/Group:-</b>	<b>Gary RIDLEY</b>