North Yorkshire Police - Shift Pattern Review

Superintendent Dave Coutts

April 2008
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SECTION 1

CONSULTATION

Jon PORTER - ACO/People

Supt Dave COUTTS - A of J

Sgt Helen SMITH - Corporate Duties Manager

Mr Roland BURNETT - Unison

Mr John MACKFALL - Unison

Sgt Mark BOTHAM - Police Federation

Insp. Tim HUTCHINSON - Police Federation

PC Mick LYNCH - Police Federation

PC Nigel Day - Police Federation

Ms Sharon MacFarlane - Unison

Police Federation JBB

Area Command Teams, Heads of Departments and SLT
SECTION 2

TERMS OF REFERENCE

The terms of reference for this review are as listed below:

1. To make recommendations to the SLT on alternative shift pattern arrangements for Officers and Staff who do not work a 24/7 rota.

2. Any variable or alternative shift patterns can be recommended, but any proposal must meet the following criteria:

   (a) maintain or improve upon the balance between available staffing resources and the demand from the public and other internal and external customers.

   (b) Have been consulted with members of staff who may be affected by proposed changes and take into account their welfare needs.

   (c) Meet the principles of the Working Time Directive or be supported by staff in agreeing derogation from certain parts of the regulations.

   (d) Take account of established research into shift systems and associated Health and Safety issues.

   (e) Ensure clear lines of management accountability are achieved to support the principles of PDR.

3. To agree a Workforce Agreement (WA) and Variable Shift Agreement (VSA) between the Federation and the Force in relation to the Working Time Regulations, taking into account any national guidance which is made available.

4. To negotiate a collective agreement with UNISON along the similar lines as the Workforce Agreement with the Federation.

5. To research best practice across the force, the Police Service and other sectors and collate existing research which has been undertaken.

The aim was to provide recommendations which would allow any new shift pattern to be introduced by July 2008.
SECTION 3

EXECUTIVE SUMMARY

Initial guidance was that officers and staff who currently worked a 24/7 rota would not form part of this review. However, my research indicated that minor changes needed to be made, to better match demand and resources. Whilst not changing the overall rest day or duty pattern I have sought to introduce some flexibility regarding shift start times and also an option to alter the duration of some tours of duty in order to meet these operational needs.

The focus of this report has been on those individuals who currently work the 5 band shift pattern but who do not work a 24/7 rota.

I have relied on information from other Police Forces on shift patterns, along with the research carried out into such things as demand analysis and health and safety in those forces, using the NYP data to validate this process.

A number of issues remain unresolved at this stage. Principal among these is the fact that I have been unable to produce a VSA or WA. Until such time as final decisions are made on the shift pattern(s), it is impossible to define these. Furthermore the Federation’s legal advice has indicated that they should not enter into any work on the VSA or WA until the results of their ballot are known. I anticipated that once these decisions are known then the VSA and WA can be produces to match the shift pattern(s) and in tandem to the consultation process.

The issue of an implementation date has been raised by the Police Federation and UNISON, for the purposes of this report I will assume the following:

- SLT will make decisions on the options contained within this report in time for the Federation JBB to consider these proposals on 24th April 2008.
- The Federation having decided that all proposals will be put to a ballot of ALL Federated Ranks before any VSA or WA can be agreed will conduct this during April and May 2008.
- Any such ballot approves the options proposed.
- Consultation on the changes with UNISON starts no later than 30th April 2008.

As far as overall duties management is concerned a change which falls at the start of the 10 week cycle would be beneficial.

Any proposed implementation date will also need to balance the proposed disruption against benefits to the organisation and individuals. Consideration will also need to be given officers/staff annual leave and where officers and staff who are required or warned to attend court, in particular the Crown Court which is currently listing cases for July 2008.

Roles affected are:

Dedicated Safer Neighbourhood Officers (all Ranks), Area Based CID (Up to Inspector), SNU, Intelligence Unit, PCSO’s, Case Building Teams, Operational Support Officers (Front Office Staff), some police staff investigators and FCR staff.
There is also ongoing development of the Safer Neighbourhood Strategy and I recommend that any changes to PCSO duties are implemented at the same time as any changes to working times and PCSO powers.

Discussion with FCR Management regarding shift patterns for Crime Recording Unit, Occurrence Management Unit and Call Handlers who all work the 5 Band shift pattern but who do not all work 24/7, have highlighted a need not to alter these individuals shift pattern at this time due to the implementation of the OS Stage 6 Project.

Given that there will be little change for the vast majority of officers/staff disruption will be reduced in the context of the whole organisation although within certain units/departments this may be significant.

The main issues will be in connection with annual leave and to a lesser extent TOIL and alterations to rest days where there are pre arranged commitments. I recommend that approved leave must be honoured and that where the individual requires additional leave or TOIL that this is deducted from their leave or TOIL balance. Where this is not possible, then I suggest that the individual is allowed to exceed the negative TOIL balance and that this should be brought back within agreed limits within three months.

Changes to shift patterns will bring operational benefits with additional Operational shifts available for deployment. This may be as significant as 7 shifts per 20 week period for 306 officers (2142 shifts) and 270 police staff. (1890 shifts)

A total of 4035 shifts per 20 week cycle.

Preferred implementation dates is:

- 22nd September 2008 - Earliest date give the need for a ballot and consultation for police staff. Both the Federation and UNISON supoort this implementation date.

I recommend that the agreed VSA should be implemented is 22nd September 2008.

**SHIFT PATTERNS CONSIDERED**

The examination of shift patterns carried out falls broadly into two categories:

- Shift patterns based on the traditional 4 shift and 8 hour working days. (Traditional Systems)

- Those patterns which are known in Police Regulations as VSA. This term generally groups any shift patterns which do not fit the above criteria, either because they have more than 4 shift bands or because the daily hours of work differ from an 8-hour shift.

**CURRENT SHIFT ARRANGEMENTS**

There are many shift patterns currently worked throughout the force (200+), however the majority of police officers and police staff who work shifts work what is commonly known as the 5 band system or a slight variation thereof.
I have started from a position of accepting that this shift pattern had a number of failings as far as being suitable for all officers/staff in all roles.

The Federation and Unison had a strongly held belief that any move for any groups or teams of officers away from this pattern will be a detrimental step for the force. In particular if this was to an 8 hour pattern.

This was primarily due to the loss of team ethos, that these posts would be difficult to attract candidates for recruitment and that there would be significant inequalities between groups, who may now have significant differences in the number of rostered rest days.

There are currently some 1623 Officers and staff working the current 5 Band Shift System, of these some 925 work a 24/7 weekly rota.

A number have flexible working arrangements, these will need to be considered on an individual basis and where their pattern would alter, negotiations conducted with those concerned. Organisational need must be demonstrated before these arrangements could be changed.

**FACTORS FOR CONSIDERATION IN ANY CHANGE**

Any change to shift patterns should take account following issues:

- The Working Time Regulations 1998
- Police Regulations 2003
- Police Staff Terms and conditions
- Health and Safety legislation
- Staff morale
- Matching resources to demand
- Force sickness figures
- Overtime costs

**MEDICAL EVIDENCE**

A number of forces have pulled together medical research into the effects of shift working. All of this research is agreed on the basic conclusion that shift working is basically unhealthy. This is the basic point from which any review of shift patterns must start. The trick is to find a shift system which mitigates as many of the negative effects as possible, whilst at the same time continuing to provide sound operational cover.

Whilst it is accepted that any shift system consideration for the Police Service needs to meet a balance between Health and Welfare issues and operational demand, it is my view that the health aspect of any shift system is the greatest factor for consideration. I arrived at this conclusion for two reasons:

Firstly, it is simplistic, but true, and the force can never hope to achieve optimum performance if it has in place an unhealthy shift system.

Secondly, the Health and Safety aspects of any shift system are the only areas which are subject to legislative demands. Under this legislation an employer owes a duty of care to employees, which extends to safe system of work, including the form of shifts they are required to work.
In short, an employer can legally ignore the fact that a shift pattern does not meet demand patterns, or any other factor, but can not ignore the Health and Safety aspects of the shift pattern.

**CLEAR LINES OF MANAGEMENT ACCOUNTABILITY TO SUPPORT PDR**

I take the view that ‘management accountability’, as it impacts on a shift system, refers to accountability for the Sergeant and Inspector ranks and equivalent police staff supervisors and managers.

There are clear lines of responsibility with those officers/staff on bands which have their own Inspector, Sergeant, supervisor or manager, these are predominately Response and some specialist roles, (Firearms Support Unit (FSU) and Control Room), however, there are issues in many if not all Safer Neighbourhood Teams (SNT) and other units, many are managed by a single Sergeant/Supervisor.

This is not conducive to clear lines of management accountability, but this situation will not change whichever shift system is worked. This equally applies to their Inspectors. There will remain a need for these supervisors to retain a degree flexibility within their shift pattern to ensure that ALL staff are appropriately supervised.

The second challenge at Inspector level is the ability to maintain PACE Cover, I recommend that a de-fault position should be that the SNT Inspectors are not required to work ‘Nights’ and that other Inspectors roles are altered to allow SNT Inspectors at least in part be available for their communities and officers. This proposal is not supported by the Federation, who believe that all inspectors should provide cover as required.

This will also support the Forces commitment to make Safer Neighbourhood at the core of it’s policing.

**SHIFT SYSTEMS TO ACCOUNT FOR DIFFERING NEEDS**

During my work, I have identified a need to examine a number of areas within North Yorkshire. I identified that there are many competing needs for a shift system, which may in fact differ between different areas and falls into three types of Area, Large Urban – York, Harrogate and Scarborough, Small Urban – Northallerton, Malton, Skipton etc, Rural – Ingleton, Bedale, Boroughbridge etc.

Demands in these differing types of geographic area will differ significantly, the principal I advocate for dealing with this is for a variable shift pattern which allows for a flexible start time. This will allow for resources to be altered to meet demands as part of the published rota. It will also retain a corporate overall framework within which any changes could be applied.

It is acknowledged that for many of these smaller groups there is insufficient or limited data on which to base any revised shift pattern and that consideration of demand has been based on discussions with Heads of Department.

**STATISTICAL DATA PRODUCED**

I have relied on information from other Police Forces on shift patterns, along with the research carried out into such things as demand analysis and health and safety in those forces, using the NYP date to validate this process.
RECOMMENDATIONS

Recommendation 1. Whatever patterns are adopted the option of a flexible start time (plus or minus 2 hours) is available. However a common principal is that the early shift should start no earlier than 7am and the night shift no later than 10pm. This should be published as part of the 3 month Rota.

Recommendation 2. SNT Inspectors who are required to provide Area PACE Cover are not, other than in exceptional circumstances required to work ‘Nights’ and that other Inspectors (Area and HQ Departments) shifts are altered to allow SNT Inspectors at least in part to be available for their Communities and Officers.

Recommendation 3. That subject to agreement with the NYP Federation JBB and UNISON that the Force accepts the statement relating to exigency of duty at appendix 1 as the statement to be used to assist in ensuring a common understanding of the term ‘Exigency of Duty’ and that this is added to the Variable Shift Agreement. The authority to alter the roster will remain at Chief Officer level.

Recommendation 4. That staff with flexible working arrangements will be individually consulted on changes to rotas and that this process is undertaken at a local level, by Area Management Teams and their human resource teams.

Recommendation 5. That any changes to PCSO duties are implemented at the same time as any changes to working times and PCSO powers.

Recommendation 6. That shift patterns for all staff within the Force Control Room (supervisors, dispatch, Crime Recording Unit, Occurrence Management Unit and Call Handlers) remain unchanged and that all those who all work the 5 Band shift pattern but who do not all work 24/7, are reassessed post implementation of the OS Stage 6 Project.

Recommendation 7. That the Shift System 1, (page 21) current 5 Band shift pattern in use by 24/7 Officers and staff remains in place, and that SLT consider the option to extend the early shift on Friday and Saturday to 11 hours and that with the exception to these early shifts the pattern is subject to acceptance of recommendation 1.

Recommendation 8. That the Shift System 2, (page 23) a 4 Band shift pattern is adopted for Area CID, subject to acceptance of recommendation 1. Alternately Pattern 2a is adopted.

Some members of shift review group, area Detective Inspectors, Chief Inspectors, the Federation and UNISON have made strong representation that shift system 2 better meets demand, in that many commercial premises etc work Monday to Friday. It was also recognised that there may be additional resources required on a Sunday mornings to deal overnight arrests.

Recommendation 9. That the Shift System 3, (page 24) a 4 Band shift pattern is adopted for dedicated Safer Neighbourhood officers and PCSO’s, subject to acceptance of recommendation 1. Alternately Pattern 3a is adopted.

The Federation and UNISON have made strong representation that shift system 3a better meets demand, in that partners and many commercial premises etc work Monday to Friday. Additionally that this pattern also gave a better work life balance.
Recommendation 10. That the Shift System 4, (page 26) a 3 Band shift pattern is adopted for Safer Neighbourhood Support Teams. Alternately that the pattern selected for Safer Neighbourhood Officers is also adopted for these officers, subject to acceptance of recommendation 1

The three band pattern is NOT supported by the Federation.

Recommendation 11. That the default 8 hour Shift System 2, (page 29) a 4 Band shift pattern should be considered in the event that NYP cannot reach on suitable VSA’s with the Federation JBB.

SECTION 4

METHODOLOGY

Guidance from the Chief Constable indicated that officers and staff who currently worked a 24/7 rota would not form part of this review and their current shift pattern would not be changed. However as part of my research into shift patterns and duty rosters I have become aware that the existing pattern does place considerable restrictions on managers ability to meet demand. As a result whilst not changing the overall rest day or duty pattern pattern I have sought to introduce some flexibility to meet operational needs/demands and have proposed that there is a flexible start time for shifts. I have also proposed an option to alter the duration of some tours of duty in order to meet these operational needs. These would in the ordinary course of events form part of the published 3 month duty rota. Changes would only be as a result of an exigency of duty.

Therefore the focus of this report has been on those individuals who currently work the 5 band shift pattern but who do not work a 24/7 rota.

An early reference work was the Home Office Accenture Report.- Study of Police Resource Management and Rostering Arrangements this highlights that a variable shift pattern with flexible start times gives the most effective means of matching resources and demand.

In considering exigency of duty, Police Regulations define this requirement, and work is ongoing with UNISON to address this, however, to assist and to ensuring a common understanding I have proposed that a statement clarifying terminology/definition is added to the Variable Shift Agreement. (VSA) Appendix 1). The authority to alter the 3 month published roster should remain at Chief Officer level.

From the outset it was acknowledged that the time-scale for carrying out its work and producing a report was extremely tight, if there was to be sufficient time given for staff consultation and to allow implementation of any new shift pattern by July 2008.

The approach taken was to reverse the normal consultation structure, but with no intention to avoid proper consultation. The approach taken was to obtain information from other Police Forces on shift patterns which were new to North Yorkshire, along with the research carried out into such things as demand analysis and health and safety in those forces.
If this approach is to succeed, within the original time-scale, it is important that a Strategic Leadership Team (SLT) decision is made in April 2008 so as to allow sufficient time to consult staff and implement by 22nd September 2008.

The task was not made easier by the fact that resources to produce statistical data, could not be sourced immediately. This created a loss of about 3 weeks at a crucial time. The issue of statistical data is dealt with later in the report.

It also follows that there are a number of issues, which have not been resolved at this stage. Principal among these is the fact that I have been unable to produce a VSA WA. The reason for these will need to take into account the particular shift system which is being worked by any given group of employees. Furthermore the Federation’s legal advice has indicated that they should not enter into any work on the VSA or WA until the results of their ballot are known. I anticipated that once these decisions are known then the VSA and WA can be produces to match the shift pattern(s) and in tandem to the consultation process.

Until such time it is impossible to define the these agreements. It is anticipated that once a shift pattern(s) for the force is/are agreed, then I will then produce a VSA and WA to match the shift pattern(s).

I do not see this as a major issue. It will not delay the actual implementation of a shift pattern. The Police Federation have made it clear that at the end of the review they expect a shift system to be in place which meets the requirements of the Working Time Regulations, or forms the basis of a system to which derogation can be agreed in a WA.

In carrying out research into shift patterns I did not have the time to conduct research of my own into issues such as the Health and Safety impact of proposed systems, other than a calculation of the fatigue index. I have not however, ignored these issues. A great deal of work has been carried out by a number of Police Forces into these areas, in conjunction with various Universities and professional bodies, and I have relied upon the conclusions drawn from that research. (Accenture Report) I believe that the force can be confident of the conclusions drawn in other forces (and indeed from industry) as many of the conclusions are already generally accepted and hold no surprises.

The issue of an implementation date has been raised by the Police Federation and UNISON, for the purposes of this report I will assume the following:

- SLT will make decisions on the options contained within this report in time for the Federation JBB to consider these proposals on 24th April 2008.
- The Federation having decided that all proposals will be put to a ballot of **ALL Federated Ranks** before any VSA or WA can be agreed will conduct this during April and May 2008.
- Any such ballot approves the options proposed.
- Consultation on the changes with UNISON starts no later than 30th April 2008.

With this in mind the earliest that the force could hope to implement is 22nd September 2008. Consideration will need to be given regarding annual leave as this date will fall within the main holiday period. There may be problems regarding annual leave allocation and conflicts between rosters where partners move rota.
A diversity impact assessment will be conducted as soon as final options are known.

As far as overall duties management is concerned a change which falls at the start of the 10 week cycle would be beneficial.

Any proposed implementation date will also need to balance the proposed disruption against benefits to the organisation and individuals. Consideration will also need to be given to officers and staff who are required or warned to attend court, in particular the Crown court is currently listing cases for July.

Roles affected are

- **Dedicated Safer Neighbourhood Officers (all Ranks)**
- **Area Based CID (Up to Inspector)**
- **IMU/OPSU/SNU**
- **Intelligence Unit**
- **PCSO**
- **Case Building Teams**
- **Operational Support Officers (Front Office Staff)**
- **FCR Staff (post OS Stage 6 implementation)**

There is also ongoing development of the Safer Neighbourhood Strategy and I recommend that any changes to PCSO duties are implemented at the same time as any changes to working times and PCSO powers.

Discussion with FCR Management regarding shift patterns for Crime Recording Unit, Occurrence Management Unit and Call Handlers who all work the 5 Band shift pattern but who do not all work 24/7, have highlighted a need not to alter these individuals shift pattern at this time due to the implementation of the OS Stage 6 Project.

Given that there will be little change for the vast majority of officers/staff disruption will be reduced in the context of the whole organisation although within certain units/departments this may be significant.

The main issues will be in connection with annual leave and to a lesser extent TOIL. There will be periods where these have been approved under the existing rota and as a result of a change to the new rota an individual now has a reduced number of rest-days associated with it, I suggest that the overall period of leave must be honoured and that where the individual requires additional leave or TOIL that this is deducted from their leave or TOIL balance. Where this is not possible, then I suggest that the individual is allowed to exceed the negative TOIL balance and that this should be brought back within agreed limits within three months.

Changes to shift patterns will bring operational benefits with additional operational shifts which will be available for deployment. Depending on options selected then this could be as high as an additional 7 shifts per 20 week period for 306 officers (2142 shifts) and 270 police staff. (1890 shifts)

A total of 4035 shifts per 20 week cycle.

Preferred implementation date is:

- **22nd September 2008** – Earliest date given the need for a ballot and consultation for police staff and preferred by Police Federation and UNISON to allow for holiday period
Having considered these factors I recommend that the agreed VSA should be implemented on 22\textsuperscript{nd} September 2008.

**SECTION 5**

**SHIFT PATTERNS CONSIDERED**

The examination of shift patterns carried out falls broadly into two categories:

- Shift patterns based on the traditional 4 shift and 8 hour working days.

- Those patterns which are known in Police Regulations as VSA. This term generally groups any shift patterns which do not fit the above criteria, either because they have more than 4 shift bands or because the daily hours of work differ from an 8-hour shift.

**Traditional Systems**

I have examined a number of the traditional 4-band/8-hour shift patterns. Most of these patterns are already widely known and many have operated from time to time within North Yorkshire Police (NYP).

Shift patterns within this grouping have been slightly adapted between forces in the past, but they fall under a number of generic patterns, in this case non 24/7:

- Continental 3-2-2. (Lates, to afternoons, to earlies).
- Forward Rotating 3-2-2. (earlies, to afternoons, to Lates).
- Straight week-about patterns
- Hybrid patterns which incorporate an element of both 3-2-2 and straight week about.

**Variable Shift Arrangements**

I have examined the patterns currently in use in force and those either proposed or adopted within West Yorkshire and Northumbria Police.

Similar shift patterns are now being worked in a number of other forces beyond those mentioned above. These patterns also have a number of similarities which made them appear worthy of further examination:

- The originating forces have carried out extensive research into all aspects of the patterns prior to implementation.

- These patterns now have the support of both management and the staff who work them, however the West Yorkshire patterns have caused considerable problems during consultation and subsequent ballots. The lessons from this earlier review have been incorporated within my review.

The results of this examination are dealt with in detail later in this report.
SECTION 6

CURRENT SHIFT ARRANGEMENTS

There are many shift patterns currently worked throughout the force (200+), however the majority of police officers and police staff who work shifts work what is commonly known as the 5 band system or a slight variation thereof.

I have started from a position of accepting that this shift pattern had a number of failings as far as being suitable for all officers/staff in all roles.

The Federation had a strongly held belief that any move for any groups or teams of officers away from this pattern will be a detrimental step for the force. In particular if this was to an 8 hour pattern.

This was primarily due to the loss of team ethos, that these posts would be difficult to attract candidates for recruitment and that there would be significant inequalities between groups, who may now have significant differences in the number of rostered rest days.

Furthermore there was the potential for conflict between partners rota’s who work for the force or elsewhere in trying to arrange childcare and for their work life balance.

Staff Currently working on the 5 Band Rest Day Rota

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<th>Police Staff Fulltime</th>
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Number of Staff on 24/7

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Of the officers and staff working on this pattern a number will have flexible working arrangements, these will need to be considered on an individual basis and where their pattern would alter, negotiations conducted with those concerned. Organisational need must be demonstrated before these arrangements could be changed.

I recommend that this process is undertaken at a local level, by Area Management Teams and their human resource teams.

**SECTION 7**

**FACTORS FOR CONSIDERATION IN ANY CHANGE**

Any change to shift patterns should take account following issues:

- The Working Time Regulations 1998
- Police Regulations 2003
- Police Staff Terms and conditions
- Health and Safety legislation
- Staff morale
- Matching resources to demand
- Force sickness figures
- Overtime costs

**SECTION 8**

**MEDICAL EVIDENCE**

A number of forces have pulled together medical research into the effects of shift working. All of this research is agreed on the basic conclusion that shift working is basically unhealthy.

Whilst this may seem to be an obvious statement, it is nonetheless the basic point from which any review of shift patterns must start. The trick is to find a shift system which mitigates as many of the negative effects as possible, whilst at the same time continuing to provide sound operational cover.

Much of the medical research concludes as follows:

- That a reverse rotating shift pattern, such as Continental 3-2-2 (i.e. nights, to afternoons, to days) is unhealthy.
- That ‘quick-changes’ within a pattern are themselves unhealthy.
- That short durations of night duty are the healthiest option and that the worst option of all is that of a weekly rotation.
• That research shows problems for shift workers are created by loss of sleep (sleep deprivation) rather than longer hours of work.

Whilst it is accepted that any shift system consideration for the Police Service needs to meet a balance between Health and Welfare issues and operational demand, it is my view that the health aspect of any shift system is the greatest factor for consideration. I arrived at this conclusion for two reasons:

Firstly, it is simplistic, but true, and the force can never hope to achieve optimum performance if it has in place an unhealthy shift system.

Secondly, the Health and Safety aspects of any shift system are the only areas which are subject to legislative demands. The impact of the Working Time Regulations is the most obvious example, but it is important also to understand the requirements of more general Health and Safety legislation. Under this legislation an employer owes a duty of care to employees, which extends to safe system of work, including the form of shifts they are required to work.

In short, an employer can legally ignore the fact that a shift pattern does not meet demand patterns, or any other factor, but can not ignore the Health and Safety aspects of the shift pattern.

SECTION 9

CLEAR LINES OF MANAGEMENT ACCOUNTABILITY TO SUPPORT PDR

One of the terms of reference was that any recommended shift system must provide clear lines of management accountability to support the PDR process.

I take the view that ‘management accountability’, as it impacts on a shift system, refers to accountability for the Sergeant and Inspector ranks and equivalent police staff supervisors and managers and I will therefore restrict my comments in justifying the above statement to those ranks.

There a clear lines of responsibility with those officers/staff on bands which have their own Inspector, Sergeant, supervisor or manager, these are predominately Response and some specialist roles, (Firearms Support Unit (FSU) and Control Room), however, there are issues in many if not all Safer Neighbourhood Teams (SNT) and other units, many are managed by a single Sergeant/Supervisor.

The need for all Officers to be attached to a rota for Annual Duty Roster purposes, inevitably means that they will see some Officers (who are on the same band), on a regular basis, but will see others at very irregular intervals. This is not conducive to clear lines of management accountability, but this situation will not change whichever shift system is worked. This equally applies to their Inspectors. There will remain a need for these supervisors to retain a degree flexibility within their shift pattern to ensure that ALL staff are appropriately supervised.

The second challenge at Inspector level is the ability to maintain PACE Cover, in reality this means that Safer Neighbourhood Inspectors will need to remain available to cover for abstractions for response Inspectors. I would suggest that a de-fault position should be that the SNT Inspectors are not required to work ‘Nights’ and that other Inspectors roles are altered to allow SNT Inspectors at least in part be available
for their communities and officers. This proposal is not supported by the Federation who believe that all Inspectors should provide cover on Nights.

However, I believe that this will also support the Forces commitment to make Safer Neighbourhood at the core of it’s policing.

SECTION 10

SHIFT SYSTEMS TO ACCOUNT FOR DIFFERING NEEDS

During my work, I have identified a need to examine a number of areas within North Yorkshire. I identified that there are many competing needs for a shift system, which may in fact differ between different areas and falls into three types of Area.

Large Urban  – York, Harrogate and Scarborough

Small Urban  – Northallerton, Malton, Skipton etc.

Rural   – Ingleton, Bedale, Boroughbridge etc.

Demands in these differing types of geographic area will differ significantly, the principal I advocate for dealing with this is for a variable shift pattern which allows for a flexible start time. This will allow for resources to be altered to meet demands as part of the published rota. It will also retain a corporate overall framework within which any changes could be applied.

Breaking areas down in this way also identifies the fact that no single shift system can ever meet all the needs of the force. As an example a system which operates within a large 24-hour station (Scarborough) will not be suitable for a rural station providing reduced hours of cover (Stokesley).

An example of this is Scarborough where demand patterns are seasonal. If my recommendations are accepted, shift patterns can be altered to meet seasonal demand or for planned events without the need to negotiate alterations. I would envisage that Area’s and Departments as part of their duties planning would define their requirements in this area. It is acknowledged that for many of these smaller groups there is insufficient or limited data on which to base any revised shift pattern and that consideration of demand has been based on discussions with Heads of Department.

SECTION 11

STATISTICAL DATA PRODUCED

Statistical data was gathered relating to both Incidents, Crime and Arrests. Analysis of the incident data has been matched onto the data provided by the Tribal Avail Project. There has been no change in the overall demand profile although as you would expect volumes have been reduced since this work was carried out in 2006.

Likewise the Home Office Accenture Report:- Study of Police Resource Management and Rostering Arrangements indicates that 80% of BCU’s have a common demand profile, again NYP data matched this profile very closely. Again West Yorkshire
Police have conducted extensive demand profiling work, whilst overall volumes differ significantly the profile is almost identical.

All of the above have been used to validate patterns proposed in NYP.

It is clear that no shift patterns considered will ideally map the pattern of demand identified, however the levels of flexibility proposed allow for the closest match. In analysing the statistical data, no consideration has been given to the quality or duration of the incidents and the resources needed to police that demand. The data is purely quantitative. In addition, the work highlights that in some SNT’s the small number of incidents, makes meaningful analysis difficult.

The Avail report indicated that the existing shift pattern and levels of resource broadly meets the demand, in consequence I do not anticipate that the overall hours covered will alter.

**Demand Profile Incidents by Hour of Day**

[Graph showing No. of Incidents per Hour Dec 06 - Nov 07]

**Demand Profile Incidents by Day**

[Graph showing No. of Incidents per Hour by Day Dec 06 - Nov 07]
Analysis of custody data indicates that detainees remain in custody on average for 9 hours and 9 minutes. There is some anecdotal information that this period has been extended since the introduction of NPT’s, (now SNT) as there are insufficient resources available during the night and prisoners who would previously have been dealt with by the night shift are now having a full period of rest before being processed and released.

**SECTION 12**

**OPTIONS FOR SHIFT SYSTEMS AND RECOMMENDATIONS**

The various options for shift systems for non 24/7 officers and staff have been set out briefly earlier in this report. In this section I consider the options and reasons for recommending or rejecting them.

It should be noted that the patterns outlined below have been prepared showing a 40 hour working week, in the case of support staff this will need to be reduced by 2.5 hour per week (full time equivalent) assuming a 30 minute meal break is taken, additionally it should be noted that the vast majority of police support staff start their working day at 8am and that should an earlier start to required then contracts will need to be renegotiated. Following approval by SLT of the proposed pattern this will be addressed through consultation with UNISON.

Before looking at these options I consider that there are a number of proposals that should be adopted irrespective of what option is proposed and these are dealt with under recommendations 1 - 6.
RECOMMENDATIONS

Recommendation 1. Whatever patterns are adopted the option of a flexible start time (plus or minus 2 hours) is available. However a common principal is that the early shift should start no earlier than 7am and the night shift no later than 10pm. This should be published as part of the 3 month Rota.

Recommendation 2. SNT Inspectors who are required to provide Area PACE Cover are not, other than in exceptional circumstances required to work ‘Nights’ and that other Inspectors (Area and HQ Departments) shifts are altered to allow SNT Inspectors at least in part to be available for their Communities and Officers.

Recommendation 3. That subject to agreement with the NYP Federation JBB and UNISON that the Force accepts the statement relating to exigency of duty at appendix 1 as the statement to be used to assist in ensuring a common understanding of the term ‘Exigency of Duty’ and that this is added to the Variable Shift Agreement. The authority to alter the roster will remain at Chief Officer level.

Recommendation 4. That staff with flexible working arrangements will be individually consulted on changes to rotas and that this process is undertaken at a local level, by Area Management Teams and their human resource teams.

Recommendation 5. That any changes to PCSO duties are implemented at the same time as any changes to working times and PCSO powers.

Recommendation 6. That shift patterns for all staff within the Force Control Room (supervisors, dispatch, Crime Recording Unit, Occurrence Management Unit and Call Handlers) remain unchanged and that all those who all work the 5 Band shift pattern but who do not all work 24/7, are reassessed post implementation of the OS Stage 6 Project.

Recommendation 7. That the Shift System 1, (page 21) current 5 Band shift pattern in use by 24/7 Officers and staff remains in place, and that SLT consider the option to extend the early shift on Friday and Saturday to 11 hours and that with the exception to these early shifts the pattern is subject to acceptance of recommendation 1.

Recommendation 8. That the Shift System 2, (page 23) a 4 Band shift pattern is adopted for Area CID, subject to acceptance of recommendation 1. Alternately Pattern 2a is adopted.

Some members of shift review group, area Detective Inspectors, Chief Inspectors, the Federation and UNISON have made strong representation that shift system 2 better meets demand, in that many commercial premises etc work Monday to Friday. It was also recognised that there may be additional resources required on a Sunday mornings to deal overnight arrests.

Recommendation 9. That the Shift System 3, (page 24) a 4 Band shift pattern is adopted for dedicated Safer Neighbourhood officers and PCSO’s, subject to acceptance of recommendation 1. Alternately Pattern 3a is adopted.

The Federation and UNISON have made strong representation that shift system 3a better meets demand, in that partners and many commercial premises etc work Monday to Friday. Additionally that this pattern also gave a better work life balance.
Recommendation 10. That the Shift System 4, (page 26) a 3 Band shift pattern is adopted for Safer Neighbourhood Support Teams. Alternately that the pattern selected for Safer Neighbourhood Officers is also adopted for these officers, subject to acceptance of recommendation 1

The three band pattern is NOT supported by the Federation.

Recommendation 11. That the default 8 hour Shift System 2, (page 29) a 4 Band shift pattern should be considered in the event that NYP cannot reach on suitable VSA’s with the Federation JBB.

SHIFT SYSTEM 1- Rota for officers and staff who work a 24/7 shift pattern

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Notes
1. 26 rest days per 10 week rotation
2. This shift pattern is the basic 24/7 pattern in Force - Areas may have adapted the times
3. 2 Training days readily identified therefore less administrative to maintain

Shift Appraisal
This pattern has the approval of Chief officers.
The pattern is popular with Staff.
Pattern complies with both Working Time Directives and Police Regulations.

Recommended for Consideration.

11 hour Early Shift Option

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Shift Appraisal

In addition to the benefits above, this pattern will resolve some issues with staff having to remain on duty (Overtime) at the end of an existing early shift as well as allowing the late shift to drop back to cover issues with the night time economy after 3am.

The Federation will only support this proposal providing the option to vary start times for these 11 hour tours of duty is not available and that every effort is made by managers to ensure that officers and staff are not kept on duty beyond 11 hours.

Recommended for Consideration

NON 24/7 SHIFT PATTERNS CONSIDERED

I have considered the following options for police officers who are required to work a non 24/7 pattern.

Shift patterns 2 and 3 are almost the same, pattern 2 is recommended for CID officers who work a very limited number of night shifts, 1 or 2 per month. Pattern 3 is for other non 24/7 who work an pattern between 7am and midnight.

Shift patterns 5, 6 and 7 are all 8 hour shifts, as mentioned above the Federation see any move to this type of pattern as being a detrimental to the force. Whilst they comply with Police Regulations I do not consider them worthy of consideration. All will be unpopular with officers.

The default 8 hour pattern will be the pattern to be considered should the Force be unable to agree a VSA with the Federation.
SHIFT SYSTEM 2

CID and Office based officers and police staff who currently work 5 band non 24/7

Following feedback from SLT re a further shift option which did not involve 2 bands being on rest days on a Sunday additional consultation has taken place. However, this pattern is considered the most suitable. An alternative option without 2 bands on Sundays is shown following the original option 2.

Original Option 2Pattern

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Option 2a Shifts start on Tuesday - 2 shifts in on Mondays and Wednesdays only - 1 full weekend

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Notes

1. 9 rest days per 4 week rotation (equating to 45 Rd's in 20 weeks or 22.5 in 10 weeks)
2. Training days not readily identified however could be accommodated on Mondays Weds Thurs or Fridays when 2 day shifts in
3. Each day apart from Tuesday and Sunday there are 2 day shifts in and 1 evening shift
4. On each day the late shifts fall back to 2300 hours. This could be enhanced if needed. (Not classed as night shift until 2am).
5. Overlaps built in - could be amended as necessary for own Area / Dept.
6. Start time staggered at 7am and 9am - (only 8am shift on a Sunday)

Shift | Shift Commences: | No earlier than | No later than |
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<td>Days start 1000hrs</td>
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<td>Nights start 2200hours</td>
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In order to meet the forces requirement for detective night cover there will be one Detective Sergeant and 2 Detective Constables rostered to work night shift 2200 –
Restricted – Subject to Consultation with Employee Representation

0700 hours in place of the late shifts. (As current arrangements cover provided from across all three Area’s) An example of this can be found at Appendix 2

This pattern is similar to pattern default 8 hour pattern the main difference is that the rota has a mixture of 8 hour and 9 hour shifts. The system is a forward rotating system based upon shifts which start on an early turn, moving through afternoon shifts, to finishing the week on Late shift or night shift. The system meets the requirements of the Working Time Regulations and has no adverse health implications.

There would be a moderate increase in the number of duty days over the course of a year.

This pattern mitigates some of the negative features of 8 hour pattern

**Shift Appraisal**

This pattern has the approval of Area Crime Commanders.

The pattern will be far more popular with staff than the 8 hour pattern, whilst not being as popular as the 5 Band pattern.

Pattern complies with both Working Time Directives and Police Regulations.

As the pattern is a 4 band system staff from one band will be able to be split across the remaining 4 bands, which will increase resilience, ability to meet demand and manage overtime.

There will be an additional 7 shifts per 20 week period.

Recommended for Consideration.

**SHIFT SYSTEM 3**

**SNT and PSCO who currently work 5 band non 24/7**

Following feedback from SLT re a further shift option which did not involve 2 bands being on rest days on a Sunday additional consultation has taken place and an alternate option 3 pattern is considered the most suitable.

An original pattern is still considered most suitable by both the Federation and UNISON and is also below.

<table>
<thead>
<tr>
<th>Option</th>
<th>Shifts start on Tuesday - 2 shifts in on Mondays and Wednesdays only - 1 full weekend</th>
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<tbody>
<tr>
<td>1</td>
<td>Monday 0700-1500 Tuesday 0700-1500 Wednesday 1000-1900 Thursday 1300-2200 Friday 1500-0000 Saturday 1500-0000 Sunday 1500-0000</td>
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<td>2</td>
<td>Monday RD Tuesday 0700-1500 Wednesday 0700-1500 Thursday 0700-1500 Friday 0700-1500 Saturday 1000-1900 Sunday 1300-2200</td>
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<td>3</td>
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<td>4</td>
<td>Monday 1000-1900 Tuesday 1300-2200 Wednesday 1600-0000 Thursday 1600-0000 Friday 1600-0000 Saturday RD Sunday RD</td>
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</table>
This pattern is similar to the default 8 hour pattern the main difference is that the rota has a mixture of 8 hour and 9 hour shifts. The system is a forward rotating system based upon shifts which start on an early turn, moving through afternoon shifts, to finishing the week on Late shift. The system meets the requirements of the Working Time Regulations and has no adverse health implications.

Unlike the CID rota above there are no nights and the day shift becomes an afternoon shift.

There would be a moderate increase in the number of duty days over the course of a year. This pattern mitigates some of the negative features of pattern 2.

**Shift Appraisal**

The pattern will be far more popular with staff than the 8 hour pattern, whilst not being as popular as the 5 Band pattern.

Pattern complies with both Working Time Directives and Police Regulations.

As the pattern is a 4 band system staff from one band will be able to be split across the remaining 4 bands, which will increase resilience, ability to meet demand and manage overtime.

There will be an additional 7 shifts per 20 week period.

**Recommended for Consideration.**
SHIFT SYSTEM 4

3 Band

Neighbourhood Support Teams

Notes
1. 7 rest days per 3 week rotation (equating to 70 Rd's in 30 weeks or 23.3 in 10 weeks)
2. Training days not readily identified however as number of staff only split between 3 bands, people could be filtered off onto normal training days as necessary if planned on any day
3. Each day there are 2 shifts in 1 day and 1 evening shift
4. On each day the late shifts fall back to midnight
5. Overlaps built in currently - could be amended as necessary for own Area / Dept.
6. Start time 8am each day - could be amended to 7am - 2300 or extended if greater span of hours required
7. One full weekend off every 3 week rotation and the weekend is a 4 day rest period.

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Shift Appraisal

The pattern will more popular with staff than the 8 hour pattern, whilst not being as popular as the 5 Band pattern.

Pattern complies with both Working Time Directives and Police Regulations.

As the pattern is a 3 band system there will be 2 NST per band and it will provide a easily managed system to ensure that force cover is provided ands which will increase resilience, ability to meet demand and manage overtime.

Not supported by Federation

Pattern has 1 block of 4 rest days, which is not conducive with investigations or working with community

Recommended for Consideration.

SHIFT SYSTEM 5

Continental 3-2-2. 8 hour shift

This system contains one ‘quick-change’ in every weeks duties. All medical evidence suggests this is an unhealthy shift system. The system does not meet the requirements of the Working Time Regulations.

Shift Appraisal

This pattern is not approved by managers.
The pattern will be far more unpopular with staff.

Pattern does not comply with Working Time Directives.

As the pattern is a 4 band system staff from one band will be able to be split across the remaining 4 bands, which will increase resilience and ability to meet demand and manage overtime

**Not Recommended**

**SHIFT SYSTEM 6**  
**Straight week-about system 8 hour Shift**

This system requires staff to work a full week of each shift. The system complies with Regulations and the Working Time Regulations, however, it arguably does not comply with the requirement of duty of care for safe systems of working under general Health and Safety legislation.

**Shift Appraisal**

This pattern is not approved by managers.

The pattern will be far more unpopular with staff.

As the pattern is a 4 band system, staff from one band will be able to be split across the remaining 4 bands. This will increase resilience and ability to meet demand and manage overtime.

**Not Recommended.**

**SHIFT SYSTEM 7**

This pattern is basically the same as the existing 5 band system without the need to work nights and is favoured by the Federation. It would bring no benefit to the Force other than making this one of the agreed VSA’s.

The Federation and UNISON have suggested that the force should consider leaving all staff on the existing 5 band pattern to ensure that the ‘team’ ethos is maintained, that all posts remain attractive for recruitment and that staff are not disadvantaged through having a reduced number of rest days

My response to this is that since introduction of the five band shift pattern in 2000, there has been a steady and persistent migration of staff on to this pattern. There have been many reasons for this, arguably the two most significant are because the pattern is very favourable for staff, there has been pressure/requests from them to move onto this pattern and this process has not been well managed and secondly, a loss of good will from staff who had previously covered nights ‘on call’.

As already articulated working shifts is unhealthy and working a weekly rotating pattern which includes night shifts is worst.

In an effort to mitigate this the force introduced the 5 band pattern for these officers which reduced the fatigue elements and allowed time for staff to recover through
additional rest days (4) This was clearly intended for this group of shift workers (24/7) and not everyone who worked some form of shift.

The result of this has been that almost 73% of police officers work this pattern, but only 55% of them work a 24/7 pattern. This is not sustainable in the current climate, where the force is striving to embed Safer Neighbourhood Policing at the core of its service delivery, whilst meeting communities and customer expectations.

The only realistic way forward has been to recognise that not as many staff should be on this pattern (non 24/7 staff) and to explore alternative patterns which better allow the force to deliver its services whilst supporting staff in maintaining a healthy work life balance.

This has resulted in a number of shift patterns being considered by the Strategic Leadership Team.

**Not Recommended**

**SHIFT SYSTEM 8**

Protective Services - Tactical Operations (FSU) had proposed a variation on the current 5 Band shift pattern to allow bands to be abstracted together for training, however, this had necessitated staff having a mixed training/operational tour of duty of 12 hours duration. The operational element of this tour was at the end of the day until 2130 hours.

I have considered this proposal and have rejected it on the grounds that the demand profile for firearms incidents highlights most incidents taking place between 1800 hours and 0200 hours. In view of this there is a significant likelihood that officers will be dealing with incidents at the end of their tour of duty and will need to be relieved. The worst case scenario is that due to distances involved these officers may have been on duty for 14 hours before they are relieved, then have an hour travel to home station, before driving home. I have concluded that this poses an unacceptable risk to the officers and the force.

**Not recommended.**
**In the absence of an agreed VSA then the Force would need to introduce an eight hour pattern. The pattern shown below is recommended for consideration in this event.**

### 8 Hour Shift System

Forward rotating 3-2-2. 8 hour shift

Shifts shown are for illustrative purposes only. If recommendation 1 is approved then both the number of staff on any one shift can be tailored to meet needs as well as the tour of duty. i.e. Day shift could become a early or a late.

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**Notes**

1. 42 Hours average scheduled per 4 week rotation
2. An ARD would therefore be required each 4 week rotation.
3. No dedicated training day therefore very administrative - Days highlighted in orange could potentially be used
4. Day shifts which fall on a Friday or Saturday amended to a lates to enhance cover
5. The orange days are potential days where an Ard could be allocated
6. Eight Rest Days in a 4 week rotation therefore to compare against a 10 weeks pattern - 40 Rd's average in 20 weeks. ( or 20 in 10weeks)

This system is the default pattern which would be adopted should agreement on a Variable Shift Agreement be not achieved. It is a forward rotating system based upon shifts which start on an early turn, moving through afternoon shifts, to finishing the week on Late shift. The system therefore dispenses with the need for quick-changes. The system meets the requirements of the Working Time Regulations and has no adverse health implications.

There would be a significant increase in the number of duty days over the course of a year (22).

This system would be unpopular with staff and roles may well be very difficult to recruit to. As mentioned previously there a potential issues where partners are on differing patterns regarding child care and work life balance.

Given that Safer Neighbourhood Officers would be on this rota it calls into question the forces commitment to place SNT at the core of it’s policing service.

Patten is labour intensive re duties management as there is no dedicated training day.

**Recommended for Consideration should agreement on a Variable Shift Agreement be not achieved.**
Appendix 1

‘Exigencies of Duty’

The term ‘exigencies of duty’ should be interpreted as relating to a situation where a pressing* demand, need or requirement is perceived that is not reasonably avoided and necessitates a change of the roster. Changes to rosters should only be made after full consideration of welfare, operational and practical circumstances rather than purely financial grounds.

* in this context the word “pressing” relates to the expected situation at the time when the duty is performed rather than the time when the duty roster is changed: i.e. The reason for a change may be known many months in advance but still be pressing.

For clarity It is required that known events e.g. Bonfire night, will be planned in advance of the 3 month roster and staff notified accordingly of any duty changes. However, any event may subsequently become an exigency should further intelligence become available which indicates that additional resourcing is required. In these circumstances the exigency will provide for the additional resources only and not the resourcing for the whole event.

Exigencies of Duty - PNB 86/9 – This circular should be read in conjunction with police Regulations 2003.

4.3 PNB CIRCULAR 86/9

4.3.1 Where alterations are made to an annual duty roster after its publication these changes must arise from the exigencies of duty (unless they are made at the officer.s own request or have otherwise been agreed with the joint branch board). The term ‘exigencies of duty’ should be interpreted as relating to situations where a pressing demand, need or requirement is perceived that is not reasonably avoidable and necessitates a change of roster. In this context the word ‘pressing’ relates to the expected situation at the time when the duty is to be performed rather than the time when the duty roster is changed, i.e. the reasons for a change may be known many months in advance but still be pressing.

4.3.2 Changes to rosters should only be made after full consideration of welfare, operational and practical circumstances rather than purely on financial grounds. Because rosters are produced annually a number of unforeseen reasons for changes may subsequently arise. It is clearly not possible to produce an exhaustive list of all of the potential reasons which may necessitate changes. However, by way of example, changes to rostered duties would be justified by unforeseen public order situations, court attendance and essential training. An officer should be told as soon as the
requirement for the change is known and at the latest, by midnight on the calendar day before the changed period of duty commences.

4.3.3 Late turn: Officers should be given adequate notice as set out above before being changed to a full normal period of duty from 9 am to 5 pm when the exigencies of duty require attendance at morning court.

4.3.4 Night duty: It is clearly not in the interest of police forces, or individual officers, that officers should be required to perform a full normal period of duty between 9 am and 5 pm having just concluded a period of night duty at 6 am/7 am that day. Exceptionally, where an officer requests such a change, and the appropriate supervising officer considers it desirable, approval may be given for such a change which may also be appropriate on quick changeovers. An officer should not normally be required to perform consecutive periods of night duty, late turn duty and 9 to 5 duty, to facilitate court attendance during a shift cycle of night duty, unless an officer requests such a change. Changes to the duty roster might be necessary where an officer is required to attend court on consecutive days during a shift cycle of night duty.

4.3.5 General It is recognised that it may not always be possible to follow the guidelines set out above, but the aim should be to allow an officer adequate time for rest and recuperation between duties. There is of course an absolute requirement at all times to follow the provisions of Police Regulations governing changes to rosters. In accordance with Regulation 27(5) all practical measures should be taken to avoid rosters being changed so that an interval of less than eight hours expires between one daily period of duty and the next.

4.4.1 PNB CIRCULAR 93/12 (ADVISORY)

Advise that where chief constables (or supervising officers acting on their behalf) consider it reasonably practicable to do so, consideration should be given to the wishes of individual officers in allocating re-rostered rest days. Chief constables and joint branch boards may consider it appropriate to discuss in force joint consultative committees local practice on the allocation of re-rostered rest days. The aim would be to ensure the best possible match between the wishes of individual officers and the most cost effective utilisation of staff.
PSC Agreement on Exigencies of Service

1. Introduction

1.1 The revised PSC Handbook sets out at Section 2, 2.4 that:

"Where, owing to the exigencies of duty, the force have to change the planned starting time of a shift, this should be notified to the employee as soon in advance of the intended change as possible."

1.2 The term ‘exigencies of duty’ has proved problematic because of the way in which forces interpret what circumstances qualify for this definition. For example, some forces use it to cover for staffing shortages that are predictable.

2. Trade Union Side Claim

With the above in mind, the Trade Union Side proposes the following amendment to Handbook Section 2, Clause 2: Shift working and planning rosters:

Insert new sub-paragraph

2.5 The term ‘exigencies of duty’ should be interpreted as relating only to situations of exceptional organisational demand, where a pressing staff requirement arises which could not be reasonably anticipated and which necessitates a change of roster. It is not possible to produce an exhaustive list of all the potential reasons which might necessitate such changes. However, by way of example, changes to rostered duties would be justified by unforeseen public order situations, major disasters, and other non-planned emergency events.
Appendix 2

CID Night pattern

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