28/05/2013

Dear Mr Greene

FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 000101/13

Thank you for your request for information regarding Working Time Regulations open letter to Sir Hugh Orde which has now been considered.

Applicant Question:

Please provide any information/documentation generated as a result of the below open letter sent on behalf of the Police Federation and the Superintendents Association:-

Dear Sir Hugh,

Working hours of Superintending and Inspecting ranks – Compliance with Working Time Regulations

We write in relation to the working hours of Superintending and Inspecting ranks throughout England and Wales with the intention of establishing a meaningful dialogue on this important issue.

This letter is prompted, in the first instance, by the publication of the report "Time for Justice? Long Working Hours and the Well being of Police Inspectors" by Professor Peter Turnbull and Dr Victoria Wass in February 2012; the results of the Personal Resilience Survey of members of the Police Superintendents' Association of England and Wales (PSAEW), which was published in September 2011; and a survey of Chief Constables carried out by the PSAEW the same year in an attempt to establish what mechanisms were in place within forces for recording and monitoring hours worked, together with the number of weekly and annual leave days owed to its members.

The results of the two substantive surveys are consistent, revealing a culture of excessive working hours and stress that is organisational and collective, not episodic or individual.

The issue that particularly concerns us, and which has principally generated this open letter to you, is the widespread non-compliance with employment law around the recording and monitoring of working hours.

The disappointing response by Chief Constables to the survey conducted by the PSAEW is a cause of some regret and concern. Only twelve out of 43 Chief Constables actually responded to the request for information. Of those that did respond, the majority did not address the questions that were posed but provided limited alternative and often irrelevant, information. This lack of response, and failure to provide the information
requested, suggests very strongly that most forces do not have effective systems in place to either record or monitor the hours worked by its Superintending ranks, a clear legal requirement under the Working Time Regulations. It is intended to repeat this survey next year.

The study conducted of members of the Inspecting ranks makes it strikingly clear that individuals are very reluctant to refuse to work excessive hours. Nor will they complain about this unacceptable situation. It therefore puts a clear responsibility on us, as staff associations representing the interests of our members, to ensure that the relevant regulatory framework is adhered to. We have, for too long, been complicit in a system which has a culture of non-adherence to the law. We are sure you will agree that this is neither a comfortable nor an acceptable position in which law enforcement agencies should be.

At a time when reductions in funding are being made to the Service it is even more critical that there is proper oversight and management of this issue. For not only does it affect the health and welfare of our respective memberships, it impacts upon the quality of service delivered to the public and significantly increases the risk of serious mistakes and misjudgments being made when stressed systems rely on stressed individuals.

We believe that the problem is so endemic and widespread that it cannot be solved by mere exhortation to individual Chief Constables alone. We are therefore seeking a national and collective response to this issue.

We request an early meeting with you to seek your advice to determine how this important issue might be taken forward.

Yours sincerely,

Alan Greene Alan Jones
Chair Chair
Command Resilience Business Area Inspectors’ Central Committee
PSAEW PFEW

Yours faithfully,

Independent Police Support Group

ACPO Response:

The Association of Chief Police Officers (ACPO) brings together the expertise and experience of chief police officers from England, Wales and Northern Ireland, providing a professional forum to share ideas and best practice, co-ordinate resources and help deliver effective policing which keeps the public safe. ACPO guidance and practice advice defines nationally agreed good practice for forces, but accountability as to whether to adhere to such guidance rests with chief constables who are operationally independent.

In respect of your request, adherence to the working time directive is a matter of law. Compliance is quite properly a responsibility for individual forces and managers within policing, not for ACPO itself. However, I can confirm that ACPO does hold information in response to your request:

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<td>Richard Hamlin</td>
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Cc Simon Ash
Yours sincerely

Sherry Traquair
Freedom of Information Officer & Decision Maker

www.acpo.police.uk

COMPLAINT RIGHTS

Internal Review

If you are dissatisfied with the response you have been provided with, in compliance with the Freedom of Information legislation, you can lodge a complaint with ACPO to have the decision reviewed within 2 months of the date of this response. The handling of your request will be looked at by someone independent of the original decision, and a fresh response provided.

It would be helpful, if requesting a review, for you to articulate in detail the reasons you are not satisfied with this reply.
If you would like to request a review, please write or send an email to ACPO Freedom of Information, c/o PO Box 481, Fareham, Hampshire, PO14 9FS.

If, after lodging a complaint with ACPO, you are still unhappy with the outcome, you may make an application to the Information Commissioner at the Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.