
Part Time Working and Operational Resilience

ACPO/NPIA Equality Conference 2009

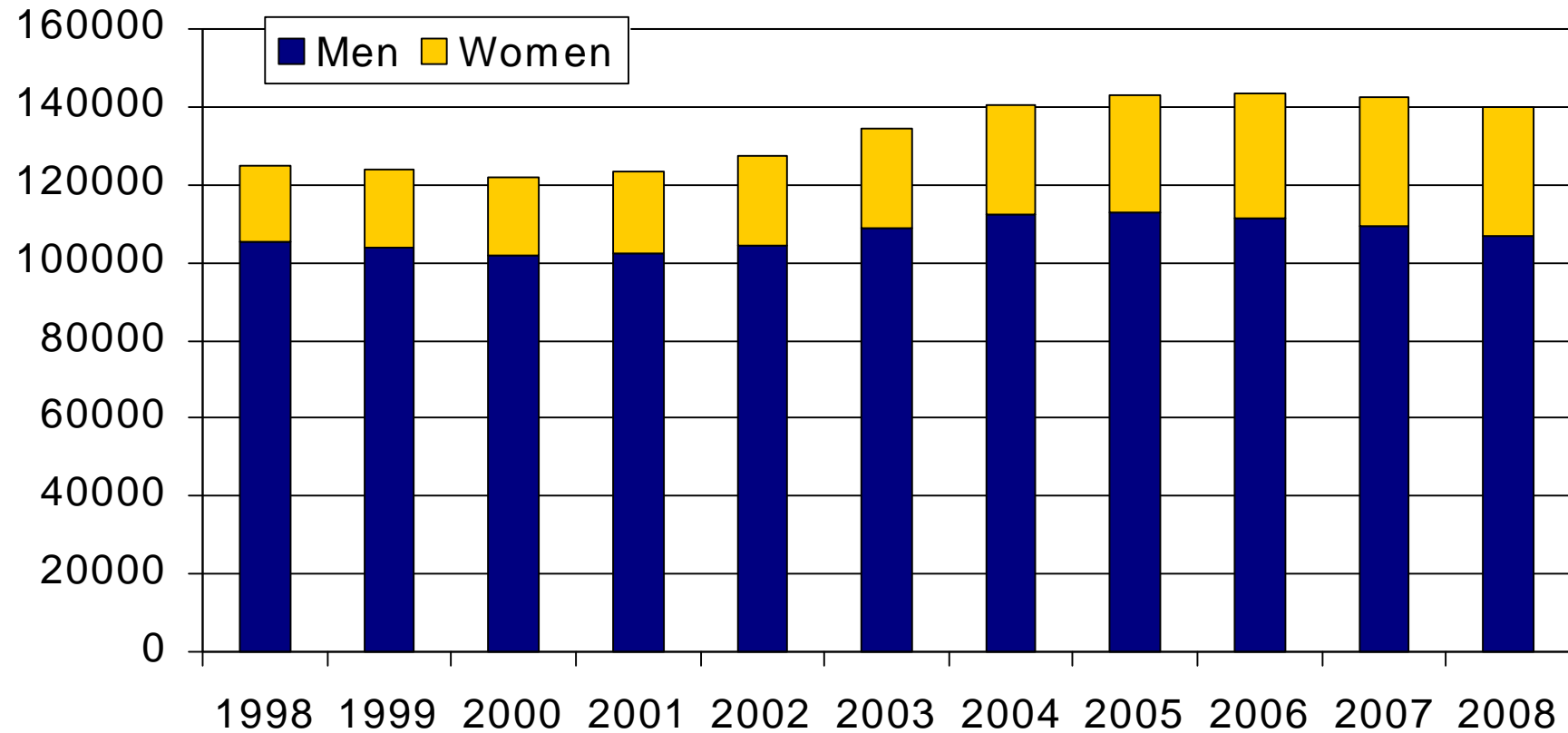
Ian Rennie
General Secretary
PFEW

Jayne Monkhouse
Equality Advisor

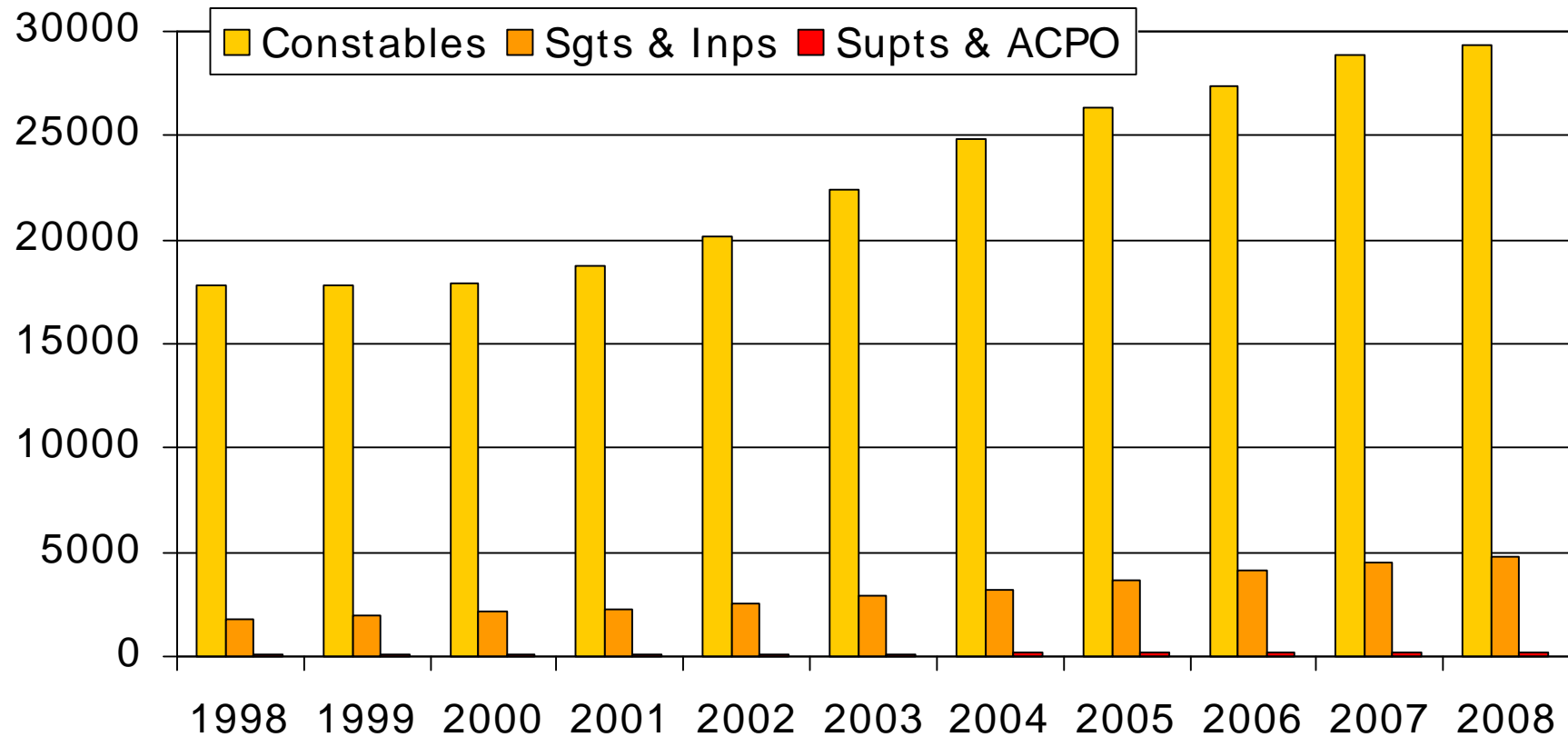
Women in the Police Service 2007/8

- Average age of officer recruits is 26
 - Women make up 35% of officer recruits
 - Women are having their children later in life, often in their 30s and 40s
 - In 2006 4% of police officers were part time
 - 91% of them were women
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Male & Female Officers in E&W



Women Officers by Rank in E&W



“Family Friendly” Legal Framework

- Discrimination on grounds of sex
 - Discrimination on grounds of family status
 - Less favourable treatment on grounds of part time status
 - Police Regs and Determinations 2003
 - HOC 68/2004
 - Green Paper proposals
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Indirect sex discrimination

Thursday, 5 December, 2002, 17:25 GMT
Ex-policewoman wins compensation



Michelle Chew asked to work the same days each week

An ex-policewoman, who won a sex discrimination case after a force refused to alter her shifts to accommodate childcare arrangements, has won compensation. The case began in 1998 when Michelle Chew asked for permission to work the same days each week to organise childcare for her two children. Avon and Somerset police refused, saying Ms Chew had to work a pattern of early, late and night shifts. The issue was then contested at an employment tribunal which Ms Chew won.

Daily Mail

27 June 2006
Page: 9

WPC who was denied child-friendly hours is awarded £93,000

New mother who claimed she was forced out of job wins police payout

By Nick Craven

A POLICEWOMAN forced out of her job after returning from maternity leave has won £93,000 in damages.

Michelle Butler – who as a pregnant trainee was commended for bravery – claimed to have been subjected to sex discrimination when officers refused to let her work flexible hours in order to see her baby daughter.

The 32-year-old probationary officer finally resigned from Hertfordshire Police with severe post-natal depression, exacerbated by irregular shift patterns which left her exhausted.

Her partner and fellow probationer, Jason Goodall, 36, left in disgust at the same time.

As off-duty trainees, the pair had been commended for bravery for their actions at the scene of a motorway accident when they stopped traffic and rescued a mother and child from a blazing car.

Miss Butler was training in St Albans when she became pregnant in August 2002. After ten months of service, she took maternity leave and returned to work in January 2004.

Ten weeks later, she was put on rotating shifts, ranging from a 7am start to an 11pm start. For a year, she fought for day shifts so she could organise more regular childcare for her daughter Trinity-Rose.

But each time she tried to transfer to a department which would allow more flexible hours, her attempt was blocked by her Inspector, Nigel Dalkin.

Yet during Miss Butler's maternity leave, Mr Goodall, who was injured in a serious car accident, had been allowed to return

to work gradually, and work 9 to 5 shifts thereafter to facilitate childcare.

Watford employment tribunal ruled last month there had been 'no investigation as to whether or not Miss Butler could be accommodated'. Her repeated requests to transfer were rejected by her inspector, despite her 'exhibiting signs of exhaustion'.

Miss Butler, who now lives in Shrewsbury with Mr Goodall, who is working for the West Mercia force, said: 'I was crying a lot. I was missing my daughter and they were not taking my condition seriously'.

She had applied to the West Midlands force, hoping to get a transfer to be closer to her parents, but her application was turned down when her 'inexperienced' Sergeant Yvonne Carroll gave her a reference in which it was wrongly stated she had taken 240 'days off'.

In fact, the time was part of her maternity leave.

Miss Butler even suggested a job swap with her partner Mr Goodall, because of his fixed daytime hours, but this request too was turned down. Inspector Dalkin came in for scathing criticism in the judgment. 'We did not find Inspector Dalkin an impressive witness,' concluded the tribunal chairman.

'We found that he departed from parts of his witness statement in his oral evidence; he gave convoluted answers that were less than impressive on occasions and was not credible on certain issues and inconsistent on others.'

'We find that he was unsympathetic

to [Miss Butler] from an early stage.'

Miss Butler, who is now pregnant with twins, revealed how an incident at her home had also somehow found its way into the tribunal evidence.

'They tried quite a few things to get rid of me, including, I discovered only at the tribunal, trying to bring a charge of criminal damage against me.'

'I was painting a fence with creosote when I saw a man dumping something in the skip outside our house. I told him to use the dump, and he tried to run me over.'

'I reported it to the police and colleagues came and took the guy's number plate. I heard nothing more about it.'

But at the tribunal, it emerged the man had – falsely – claimed had thrown creosote over his car, and that Hertfordshire Police had sent a file to the CPS without telling me anything about it.'

'Inspector Dalkin blurted out the criminal damage allegation when he was in the witness stand. It was the first I had heard about it.'

The £93,000 award includes compensation for past wages and two years' future lost wages, plus interest of £2,600.

Pauline Lawrence, head of Hertfordshire Police human resources, said: 'We are reviewing our policies and procedures in light of the tribunal findings.'

Since April 2003, parents of children aged up to six have had the right to request flexible working arrangements. But firms can refuse if they can prove that would harm their business.

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Family Leave

- Parental leave
 - 13 weeks unpaid leave to look after a child under 5 or disabled child under 18
 - Dependents leave
 - To make emergency care arrangements
 - Right to request flexible working (Staff only)
 - To care for child under 6 or adult over 18
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Right to Request Flexible Working

Staff Only

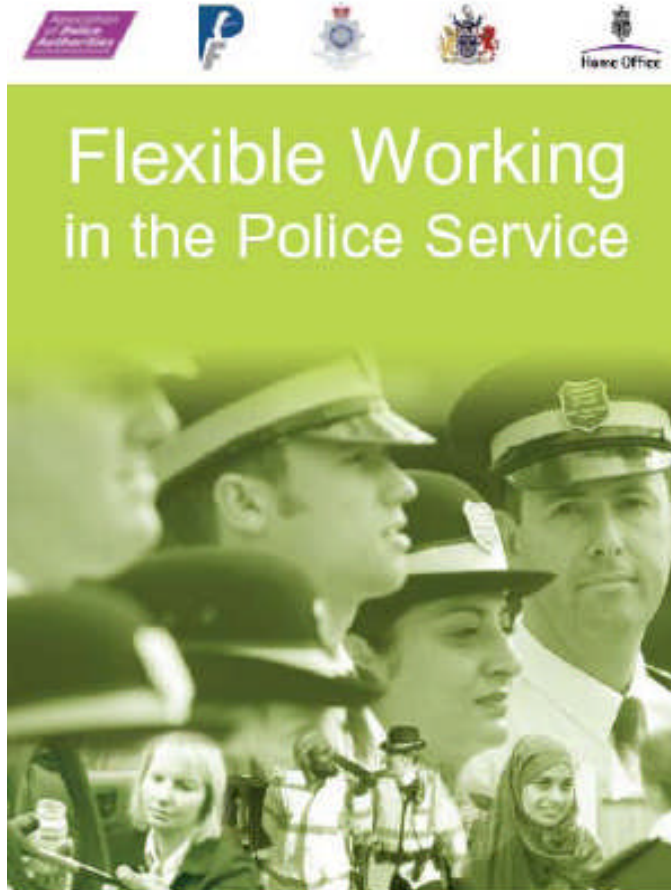
- a close relative or someone with parental responsibility for
 - a child under 6 or if disabled, under 18
 - an adult over 18
 - 26 weeks service qualification
 - apply once a year
 - following a statutory process
-

Grounds for Refusal

Staff Only

- Burden of additional costs
 - Impact on ability to meet customer demand
 - Inability to reorganise work among existing staff
 - Inability to recruit additional staff
 - Detrimental impact on quality or performance
 - Insufficiency of work during the periods an employee proposes to work
 - Planned structural changes
-

Right to Request Flexible Working



Flexible Working

Officers

- A Role not a Post
- Police Regulations
- Unrestricted
- Right to return F/T
- Good practice
- Senior officers no working hours

Staff

- A Post
 - Employment Contract
 - Criteria for application
 - Permanent change
 - Statutory form & timescale
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Flexible Working Patterns

Officers & Staff

- Fixed Shifts
- Part Time
- Term Time
- Annualised Hours
(Snr officers only)

Staff Only

- Flexi-time
 - Zero Hours
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Part Time Workers (Prevention of Less Favourable Treatment) Regs 2000

Unless objectively justified, a part time worker should not to be treated less favourably than a full time worker regarding

- pay including bonuses and overtime once they have worked normal full time hours
 - leave including public holidays, maternity and parental leave etc
 - access to training, promotion etc
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Additional Reduced Hours Claims

- Additional hours payment for Part Time Inspectors
 - Enhanced payment trigger
 - Free days to be treated as rest days
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A Benefit not a Burden

- Matching supply and demand
 - Greater resilience in times of need e.g.
Olympics
 - Retain experienced officers
 - Improve opportunities for officers with domestic commitments
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