



Working Time Directive Policy

Contents

1. Introduction.....	2
2. Aims and Objective.....	2
4. Definitions.....	2
5. Policy Statement.....	3
6. Arrangements.....	3
7. Responsibilities.....	5
8. Competence.....	6
9. Monitoring.....	6
10. Audit and Review.....	6
11. Equality Analysis Appraisal.....	6
12. Financial Checkpoint.....	6
13. Appendix A: Opt-Out Agreement Form.....	7

1. Introduction.

- 1.1. This policy applies to all staff in the South East Coast Ambulance Service NHS Foundation Trust (the Trust) in all work environments apart from Directors who are not presently subject to the Working Time Regulations (WTR). As part of the Trust's commitment to the principles of Improving Working Lives, it recognises and accepts its duty and responsibility to provide a safe and healthy working environment. This includes a responsibility to ensure that staff do not work excessive hours and have appropriate rest periods between work periods. The Trust also recognises its responsibility to ensure that staff takes appropriate annual leave.
- 1.2. Staff also have the responsibility to work safely and not to endanger themselves or others by working excessive hours or by failing to take adequate rest periods when working for this Trust only or additionally for any other employer (secondary employment).

2. Aims and Objective

- 3.1. To provide guidance for both managers and staff on the main provisions of the WTR's and associated local agreements adopted by the Trust.
- 3.2. To establish a framework of maximum hours for all staff including those on shift work, whether they are driving or not. To provide guidance for both managers and staff on the main provisions of the WTR's and associated local agreements adopted by the Trust.
- 3.3. To ensure that all staff adhere to the regulations where these apply to them unless an alternative arrangement has been agreed with them, within the scope of those regulations.
- 3.4. To ensure the health and safety of staff through the adoption of the WTR's.
- 3.5. To provide guidance to managers on how to resolve local difficulties in the adoption of the WTR's for the benefit of staff and service delivery.

4. Definitions

- 4.1. **Working Time** – any time when an employee is working at the Trust's disposal and carrying out activities or duties. It currently does not include 'on call' periods where staff are 'inactive' - free to pursue time as their own. 'Active' on-call time will count as working time. Working time will include time taken for training purposes, civic and public duties and Trade Union duties. Working time will also be taken to include time taken for secondary employment.

- 4.2. Working Time will be calculated exclusive of meal breaks except where employees are required to work during meals in which case such time should be counted as working time.
- 4.3. **On call** - Working time for staff on-call from outside Trust premises will start from when they are required to undertake work-related activity. This will be when they receive a call from the employer or have been contacted by some other means and are required to respond.
- 4.4. Workers with more than one employer – Where an employee has a permanent, temporary or bank contract the total number of working hours for both/all employers must not exceed the maximum working time. This includes working at events and private ambulance arrangements.
- 4.5. **Reference Period** – The average reference period will be the 17 weeks immediately preceding the day in the course of the employee's employment. For new staff the reference period will be the period worked to that date so that when a worker has worked for 4 weeks their average working time will be calculated over this period.
- 4.6. The average working time is calculated by dividing the total number of hours worked during the reference period by the number of weeks in that period.
- 4.7. Annual leave, sick leave and maternity leave should not affect the calculation. When such leave falls within a reference period an equivalent number of days should be added from the next reference period.

5. Policy Statement.

- 5.1. Whilst there is some flexibility in the implementation of the Regulations, the Trust is committed to ensuring as far as reasonably possible, that all workers are encouraged to maintain an effective work life balance and are protected from working excessively long hours.

6. Arrangements

6.1. Working Week

- 6.1.1. For the purposes of this agreement a 'working week' is defined as a seven day period from Sunday midnight to Sunday midnight.
- 6.1.2. Employees will not be required to work in excess of 48 hours over the averaging 'reference period' unless they have completed the Opt-Out Agreement Form (Appendix A).
- 6.1.3. The averaging period is extended by 'excluded days' where an individual is on approved leave, sick leave or maternity leave.

6.2. Rest Periods

- 6.2.1. Adequate rest periods will, as far as reasonably practicable, be provided to protect the health and safety of individual employees.
- 6.2.2. Where the working day is more than 6 hours' staff are entitled to a break of at least 20 minutes.
- 6.2.3. Rest breaks must be taken during the period of work and must not be taken at the start or the end of a period of working time.
- 6.2.4. The Meal break policy should be referred to with regards to the allocation of meal breaks during a shift.

6.3. Daily Rest Periods

- 6.3.1. Employees should normally have a rest period of not less than 11 hours in a 24-hour period. In exceptional circumstances, where it is not practicable because of the exigencies of the service an employee's working time may exceed 13 hours. All such occurrences for A&E operational staff must be recorded by Clinical Scheduling detailing the circumstances.
- 6.3.2. A regular review of rest periods of less than 11 hours should be carried out jointly by the Clinical Scheduling Department and Line Management.

6.4. Weekly Rest Periods

- 6.4.1. Employees should normally receive a weekly uninterrupted rest period of 35 hours (24 hours plus 11 hours referred to in 5.3.1) in each seven-day period for which they work for the Trust. Where this is not possible, they should receive equivalent rest over a 14-day period either as one 70-hour period or two 35 hour periods.

6.5. Compensatory Rest Periods

- 6.5.1. Compensatory rest for insufficient daily or weekly periods shall, whenever possible and practical, be granted by the line manager to be taken on another occasion. This may **not** be the next subsequent shift/day. Due to the exigencies of the service it is recognised that in some emergency situations compensatory rest may not always be possible.

6.6. Night Work

- 6.6.1. '**Night-time**' is a period of at least seven hours which includes the period from midnight to 0500hrs.
- 6.6.2. Clinical Scheduling should ensure that the 'normal' hour's i.e. excluding overtime, of employees do not exceed an average of 12 hours in any 24 hours calculated over the reference period.

6.6.3. Employees will not be required to work more than 4 consecutive 12-hour night shifts.

6.7. **Health Assessments for Night Workers**

6.7.1. All employees whose contract requires them to undertake three hours or more during night time hours are entitled to regular, free and confidential health assessments. These are available through our Occupational Health provider.

6.8. **Annual Leave**

6.8.1. Staff will have a minimum of 28 days (210 hours) paid annual leave per annum and more where Agenda for Change entitlements exceed this (pro rata for part time staff).

7. **Responsibilities**

7.1. **Employees/ Individuals**

7.1.1. To take rest breaks in line with this policy.

7.1.2. To complete an Opt-Out Agreement Form pas appropriate if they choose to work above the minimum weekly time limits.

7.1.3. To maintain records of hours worked as appropriate.

7.1.4. To declare employment with more than one employer, voluntary organisation or whether work is being undertaken on the Bank.

7.1.5. To advise if medically unable to undertake night work for health reasons.

7.2. **Management**

7.2.1. All managers have responsibility for ensuring that they comply with this policy and for making staff in their work area aware of it and providing access to the policy.

7.2.2. To ensure that employees who choose to work more than 48 hours per week over the reference period complete an Opt-Out Agreement Form.

7.2.3. To refer individual to Occupational Health should there be any concerns regarding and employee's ability to undertake night work.

7.3. **Human Resources**

7.3.1. To provide advice and support to managers and individuals on the interpretation of this policy.

7.3.2. The Human Resources Department is responsible for ensuring compliance with this policy.

- 7.3.3. The Human Resources Department is responsible for updating this policy in line with legislative changes.

8. Competence

- 8.1. All managers and staff must be familiarised with this policy and its requirements.

9. Monitoring

- 9.1. The Director of HR will be accountable for the effective implementation and monitoring of this policy.
- 9.2. Compliance with this policy will be monitored by the Human Resources Department and any issues will be raised with the Senior HR Management Team and/or the relevant Directorate.

10. Audit and Review

- 10.1. Each Executive Director will be responsible for monitoring the implementation of this policy in his/her Directorate and taking action to ensure its principles are achieved.
- 10.2. At the end of each financial year each Executive Director will arrange for a report for those individuals who have worked in excess of 48 hours over the 17 week reference period in previous year to be notified to the Director of HR.
- 10.3. This policy will be reviewed every 3 years by the Human Resources Department in partnership with Staff Organisations to ensure it is meeting its aims and objectives.

11. Equality Analysis Appraisal

- 11.1. The Trust has undertaken an equality analysis appraisal to identify the impact this policy may have on the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

12. Financial Checkpoint

- 12.1. To ensure that any financial implications of changes in policy or procedure are considered in advance of document approval, document authors are required to seek approval from the Finance Team before submitting their document for final approval.
- 12.2. This document has been confirmed by Finance to have no unbudgeted financial implications.

13. Appendix A: Opt-Out Agreement Form

13.1. Consent to work more than 48 hours per week on average

13.2. By completing and signing this form you

- Agree that the 48 hour weekly limit (excluding rest/meal breaks) specified in Regulation 4 of the Working Time Regulations 1998 (as amended) shall not apply to you.
- Agree not to exceed 48 hours per week as an average over the 17 week reference period.
- Are fully aware of your responsibility not to work excessively long hours that may have an impact on your fitness for work or put your colleagues, property, the public or patients at risk.
- Understand that all hours worked include duty time, overtime, active on-call, secondary/voluntary employment and any unpaid hours.
- Agree to keep accurate written record of your hours and submit them to your manager on a regular basis as agreed.
- Are aware that you are under no obligation to sign this agreement and that you have the right to exercise your entitlement under this agreement without suffering a detriment.
- Understand that this agreement will last indefinitely but understand I can change my mind at any time.
- Agree to give and can expect to receive a minimum of 6 weeks' notice in writing if you/ the Trust wish to review this agreement at any time.
- Understand that you are under no obligation to make this agreement and do so freely and voluntarily and that it is illegal for me to be subjected to any detriment if I decline to sign.

A copy of this completed form must be sent to Human Resources, Crawley.

Name (please print):	Employee No:
Job Title:	Base Location:
Line Manager:	Contractual Hours:
Signed:	Date: