

Working Time Directive Policy

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Summary	UC24 is committed to adhering to the Working Time Regulations (1998) to ensure that employees do not exceed reasonable working hours to enable them to have a satisfactory balance between work and home. Individuals also have a responsibility to notify their Manager if their working hours are in contravention of the standards set in this document.

Version	Date	Control Reason	Title of Accountable Person for this Version
V1.0	14.02.18	New Policy	ADoHR
Reference Documents		Electronic Locations (Controlled Copy)	Location for Hard Copies
Dignity at Work Policy Recruitment & Selection Policy Disciplinary Policy		UC24 Intranet	Policy File, Wavertree Headquarters
Consultation: Committees / Groups / Individual			Date
Board			21.2.18

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Purpose

- 1.1 Urgent Care 24 (UC24) is committed to being a good employer and in being so, ensuring the safe, caring and effective services for our service users. It is therefore essential that our workforce is fit and able to deliver the required standards of service.
- 1.2 UC24 believes that the effective management of work patterns and reasonable working hours are fundamental to health and wellbeing of our workers.
- 1.3 UC24 is committed to adhering to the Working Time Regulations (1998) to ensure that employees do not exceed reasonable working hours to enable them to have a satisfactory balance between work and home. Individuals also have a responsibility to notify their Manager if their working hours are in contravention of the standards set out in this document.

2.0 Scope

- 2.1 This document sets out UC24's Working Time Regulations Policy. The policy and standards are intended to follow the Working Time Regulations (1998 reviewed and updated 2003, 2004 and 2007).
- 2.2 This policy, procedure and standards apply to **all** workers in UC24.

3. Definitions

- 3.1 The Working Time Regulations came into force on the 1st October 1998, to implement the provisions of the European Working Time Directive. The Working Time Regulations include elements of the Young Workers Directive which apply to 'young workers' between the ages of 15 and 18 (who are over compulsory school age).
- 3.2 The European Working Time Directive (EWTD) is legislation to support the health and safety of employees by setting minimum requirements in relation to working hours, rest periods and annual leave and includes:
 - Maximum average of 48 working hours per week

- 11 hours continuous rest in 24 hours
- 24 hours continuous rest in 7 days (or 48 hours in 14 days)
- A minimum of 20 minutes break in work periods of more than 6 hours
- For night workers an average of not more than 8 hours work in 24 over the reference period
- Statutory annual leave entitlement

3.3 The European Working Time Directive states ‘if a rest break has to be interrupted or delayed (e.g. to ensure continuity of care or in an emergency), compensatory rest must be taken immediately after the end of the working period, except in exceptional circumstances. The amount of rest should be agreed’.

4.0 Standards

4.1 The Working Time Regulations standards are detailed in Appendix 1 of this document.

4.2 Rotamaster has fields that are populated to ensure that any breaches are flagged prior to them occurring.

4.3 Employees and Associates may opt out of the 48 hour working week regulation but must complete the opt out agreement at appendix 1.

4.4 Employees and Associates are not permitted to opt out of the 11 hours daily rest period in 24 hours.

4.5 Employees and Associates who solely work for UC24 are monitored in line with this policy and adjustment to hours and rest periods are made if breaches occur.

4.6 Employees and Associates who have more than one employer are required to declare this and complete the form at appendix 3. Line Mangers are to assess the form and ensure where breaches are identified adjustments to

hours are made. Employees and Associates are then responsible for ensuring that further breaches do not occur.

5.0 Standard 1 – The working week

Managers must ensure that employees are not requested to work on average more than 48 hours per week, which is calculated over a reference period of 17 weeks.

5.1 No worker should suffer any detriment for refusing to work more than 48 hours in any one week when requested to do so by their line manager.

It is the responsibility of the employee to notify their manager if;

- They have more than one contract of employment
- They are likely to be working more than 48 hours a week across all employments
- If their circumstances change

5.2 An individual worker may agree to work more than 48 hours a week in either one employment or as a combination of two or more contracts of employment.

5.3 These different contracts may be with UC24 or with another employer. If so, he or she must sign an opt-out agreement (Appendix 1), which they can cancel at any time, provided they have given the appropriate notice. Both UC24 and the worker would need to give three months' notice in writing.

5.4 These different contracts may be with UC24 or with another employer. If so, he or she must sign an opt-out agreement (Appendix 1), which they can cancel at any time, provided they have given the appropriate notice. Both UC24 and the worker would need to give three months' notice in writing.

5.5 Only in exceptional circumstances should a worker be asked to work more than an average of 48 hours per week. In these circumstances the line

manager should ensure that this is formally agreed and recorded with the employee, and a copy passed to local HR for the employee's personal file.

- 5.6 Where an employee is identified as exceeding the 48 hour limit Line Managers should review the workload and practice with consideration being given to re-designing the role or adjusting working hours.
- 5.7 Line Managers should identify employees who regularly work in excess of their contracted hours. This also includes senior managers and should be investigated (if required) in accordance with the UC24's Health and Safety Policy and Procedures.
- 5.8 Managers must not force a worker to sign an opt-out agreement. Any opt-out must be agreed to willingly.
- 5.9 Managers must keep a record of who has agreed to sign an opt-out agreement and the date of reviewing any such arrangement. Managers are responsible for carrying out the review of this opt out arrangement on a quarterly basis.
- 5.10 Should there be a need for an individual or group of workers to work an average of more than 48 hours per week on a regular basis, the line manager should explore alternative working arrangements. If this is not possible an exceptional agreement may need to be developed with the worker(s) and their representatives. Any such arrangement must be approved by the Operational Director or Department Head, in conjunction with advice from your local Human Resource team, and a copy passed to local HR for the employee's personal file. See Opt out form

6.0 Standard 2 – Hours of Work

The Working Time Regulations state that working time is when someone is "working, at his employer's disposal and carrying out his activity or duties".

- 6.1 When calculating working hours, Line managers should include:

- When a worker has to travel as part of his or her work, this does not include routine travel between home and work.
- Exceptional travel time between home and work this will be considered on an individual basis in conjunction with your line manager and advice from local HR
- Time spent working at home
- Time spent actually working
- Time for training where this is agreed as being part of working time
- Where workers are to attend training during working time the line manager should agree with them in advance about time for travel and attendance.
- Sleeping-in duty in residential care units

Time spent responding to a call whilst performing on-call duty

6.2 When calculating working hours, Line managers should not include:

- On-call duty (except the actual time spent responding to call)
- Normal travel from home to work
- Unpaid breaks

Training which is not agreed as being undertaken as working time

6.3 Line managers should ensure that employees do not work excessive hours and should ensure work patterns are reviewed where it is evident that employees may be working hours which could be detrimental to their health and wellbeing; this will include travel time.

6.4 The number of hours worked each week should be averaged out over the preceding 17 weeks, or however long a worker has been working for UC24 if this is less than 17 weeks. This period of time is the reference period.

6.5 The average weekly working time is calculated by dividing the total number of hours worked by the number of weeks over which the average working week is being calculated (e.g. 17).

Detailed below is the formula used to calculate if an employee is exceeding the Working Time Regulations:

$$\frac{A + B}{C}$$

A is the aggregate number of hours comprised in the worker's working time during the course of the reference period;

B is the aggregate number of hours comprised in his working time during the course of the period beginning immediately after the end of the reference period and ending when the number of days in that subsequent period on which he has worked equals the number of excluded days during the reference period; and

C is the number of weeks in the reference period.

- 6.6 When calculating the average weekly working time, if the worker is on leave (e.g. maternity, paternity, adoption, parental, sick etc.), during the reference period you will need to make up this time in your calculation. This is done by adding the hours worked during the days which immediately followed the 17 week period. Use the same number of days as those when work was missed

7.0 Standard 3 – Breaks

Line managers should ensure all employees have reasonable breaks during their working hours. These breaks are unpaid and line managers should be explicit in defining this. All breaks should be recorded for the week for monitoring purposes and kept for a minimum of the 17 week reference period.

- 7.1 The Working Time Regulation's stipulate minimum statutory entitlements to breaks and line managers should ensure compliance. These are:

- A minimum of 20 minutes in every 6 hours
- 11 consecutive rest hours in every 24-hour period (excluding workers on split shifts when compensatory rest breaks should be given)
- 24 consecutive hours in every 7 day period, including split shifts. (This may be averaged over 2 weeks to give 2 days' per fortnight)

- 7.2 Only in exceptional circumstances should line managers seek variations to these minimum breaks, following advice from local Human Resource teams. This should be agreed through consultation with the employees and their representatives and formalised in an agreement that has been

sanctioned by a workforce or collective agreement, signed by the employees (or their representatives) and the Operational Director or Department Head. Any such arrangement should always be based upon a business rationale and only be a short term agreement lasting no longer than the 52 week reference period and should be made in conjunction with local HR.

7.3 UC24 states in the terms and particulars of employment that each employee working a full day (over 6 hours) should have a 30 minute unpaid lunch break in each working day as a minimum.

7.4 Compensatory rest breaks can only be given to Residential workers where they have not had a rest break or rest period at the time that it is due because of reasons to do with providing a residential service. The equivalent rest break must be offered unless exceptional circumstances apply. The compensatory rest is normally the same length as the normal period of rest, or part of a period of rest that a worker has missed.

8.0 Standard 4 – Annual Leave

8.1 Under the Working Time Directive an employee is entitled to 5.6 weeks paid leave. Part time employees are entitled to the same amount of holiday, but this will be pro rata. This is inclusive of bank holiday entitlement. Please refer to the Annual Leave Policy and Procedure for specific detail on organisational allowances.

9.0 Standard 5 – Night Working

A night worker is someone whose daily working time includes at least three hours a night. Night time is between 11pm and 6am, although workers and employers may agree to vary this.

9.1 Line managers should ensure that the calculation of the hours for employees working at night is averaged over 17 weeks (the referencing period). Where an employee has worked for less than 17 weeks, the reference period applicable is the period that has elapsed since the employee commenced in post.

- 9.2 Under the working time regulations there is no distinction between day and night workers so the rest breaks outlined in standard three will still apply.
- 9.3 See guidance to calculate a night workers average hours (Appendix 2)
- 9.4 Line managers should ensure that prior to an employee commencing night working that the employee's specific suitability for night work has been assessed using the health questionnaire.
- 9.5 Line managers should ensure that night workers are assessed quarterly and complete a health questionnaire to document this. Should this questionnaire highlight any areas of concern for the suitability of the worker for night work the questionnaire would be assessed further by Occupational Health on their continued fitness to work at night?
- 9.6 A quarterly review period should be established for night working employees when their health is checked and the outcomes recorded. If required further guidance should be sought from Occupational.
- 9.7 Line managers should monitor the health of night workers and where there are concerns that the night worker is not fit to continue night working advice should be sought from Occupational Health and local HR. Where possible suitable alternative day work should be sought and offered to the employee. In the event that an employee undertakes alternative day work, they should continue to be assessed by Occupational Health on a regular basis.

10.0 Standard 6 – Young workers

A young worker is someone who is above the minimum school leaving age but under 18.

10.1 Line managers must ensure that any worker aged between the minimum school leaving age and 18 is treated in accordance with all these Corporate Standards with the following variations:

- Breaks during the day must be 30 minutes in every 4 ½ hours.

- There must be a minimum 12 hour rest period in every 24.
- There must be 2 days' rest in every period of 7 days.

11.0 Standard 7 - Record Keeping

Line Managers are responsible for all record keeping, and ensuring that a copy is passed to local HR for the employee's personal file.

11.1 Line Managers must ensure all workers are informed of their normal working hours and this is recorded in the employees' supervision and personnel records.

11.2 Line managers must ensure records are kept of situations where the working hours are irregular or:

- Where the employee has more than one job in UC24 where the combined hours may regularly exceed 48 hours per week
- When employees' contracted hours are close to or exceed 48 hours per week
- All night workers

When employees' work rotas or patterns may result in breaches of these UC24 working time standards.

11.3 Line Managers must ensure that all records are accessible for inspection at any time, and should form part of the risk assessment process as outlined in the Health, Safety and Welfare Policy and its arrangements. These records must be kept for a minimum of 2 years to assist audit purposes by minimum wage inspectors and other regulatory bodies

12.0 Standard 8 – Consultation and Advice

12.1 Line managers should seek advice from their local Human Resources team before varying contracted hours of work or entering into consultation with employees or their representatives.

13.0 Equality Statement

- 13.1 Urgent Care 24 is committed to promoting equality of opportunity and developing and maintaining a diverse workforce, working with our staff and volunteers to establish a workplace culture that is inclusive, fair and respectful to all.
- 13.2 In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010) and the equality laws in Northern Ireland; age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation and political opinion (NI), in addition to offending background, trade union membership, or any other personal characteristic.
- 13.3 An Equality Impact Assessment has been carried out on this policy and can be found in Appendix 3.

14.0 Monitoring and Review

The policy and procedure will be reviewed every 3 years from date of issue. Where review is necessary due to legislative or national policy change, this will happen immediately.

Appendix 1 Opt Out Agreement

WORKING TIME REGULATIONS 1998

AGREEMENT TO OPT OUT OF THE 48 HOUR MAXIMUM WEEKLY WORKING HOURS & DECLARATION OF ADDITIONAL EMPLOYER

This agreement is made between **UC24 “the employer”**
AND

Name.....

Home Address.....

.....

Base.....Job Title.....

Assignment Number.....Hours worked (per week).....

Work Pattern (day/hours).....Do you work Night Shifts? Yes / No

“The employee”

- I understand that I am entitled to have my average weekly working time limited to 48 hours per week
- I agree that in my particular case the 48 hour limit will not apply within the 17 week reference period
- I understand that this agreement will remain in force until it is terminated by me or upon termination of my employment.
- I understand that if I wish to terminate this agreement I must give a minimum of 3 months’ notice in writing to UC24.

This agreement is made in accordance with regulation 5 of the Working Time Regulations 1998.

I declare that in addition for working for UC24, I also work for another employerand regularly/on average work the following hoursper week.

I understand that it is my responsibility to inform my line manager if my hours or employment with my other employer change at any time.

SIGNED
“The employee”

SIGNED

NAME (On behalf of the employer)

Appendix 2- Calculating a night worker's average normal hours of work

A night worker normally works **four 12-hour shifts** each week.

The total number of normal hours of work for a **17 week** reference period are:

16 weeks of 4 shifts of 12 hours

$$17 \times (4 \times 12) = 816$$

There are **119 days (17 weeks)** and the worker takes **17 weekly rest periods**, as entitled to under the regulations. Therefore the number of days the worker could be asked to work is **119 - 17 = 102**

To calculate the daily average working time, the total of hours is divided by the number of days a worker could be required to work.

$$816 \text{ divided by } 102 = 8$$

This equals an average of **8 hours** a day.

Appendix 3

Your Name:.....

Position In Urgent Care 24:.....

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Role							
Start Time							
Finish Time							

Total Hours of Work for Urgent Care 24:.....

Other Employment

I declare that I ***do/do not** have other paid work outside of Urgent Care 24 and the details of my other employment if applicable is below.

Signed: Date:

Please complete this section if you also work for another employer on either a *permanent/temporary basis.

Employer Name:.....

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start Time							
Finish Time							

Total Hours of Work:.....

I state that the above information is correct and that the Secondary Employment will not have a detrimental effect on my work at the Organisation. I will inform my Line Manager if there are any changes to the above. I understand that false information given with regard to this Policy and Legislation may result in disciplinary action being taken in accordance with the Organisations Disciplinary Policy & Procedure.

Signed:..... **Date:**.....

Return to your manager by

Equalities and Health Inequalities – Screening Tool



Version number: V1

First published: November 2016

To be read in conjunction with Equalities and Health Inequalities Analysis Guidance, Quality & Patient Safety Team, Urgent Care 24, 2016.

Prepared by: Quality & Patient Safety Team.

Introduction

The purpose of this Screening Tool is to help you decide whether or not you need to undertake an Equality and Health Inequalities Analysis (EHIA) for your project, policy or piece of work. It is your responsibility to take this decision once you have worked

through the Screening Tool. Once completed, the Head of your SDU or the Quality & Patient Safety Team will need to sign off the Screening Tool and approve your decision i.e. to either undertake an EHIA or not to undertake an EHIA.

The Quality and Patient Safety Team can offer support where needed. It is advisable to contact us as early as possible so that we are aware of your project.

When completing the Screening Tool, consider the nine protected characteristics and how your work would benefit one or more of these groups. The nine protected characteristics are as follows:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion and belief
8. Sex
9. Sexual orientation

A number of groups of people who are not usually provided for by healthcare services and includes people who are homeless, rough sleepers, vulnerable migrants, sex workers, Gypsies and Travellers, Female Genital Mutilation (FGM), human trafficking and people in recovery. Urgent Care 24 will also consider these groups when completing the Screening Tool:

The **guidance** which accompanies this tool will support you to ensure you are completing this document properly. It can be found at:

<http://extranet.urgentcare24.co.uk/>

Equality and Health Inequalities: Screening Tool

A	General information
A1	Title: What is the title of the activity, project or programme? Working Time Directive Policy
A2.	What are the intended outcomes of this work? Please outline why this work is being undertaken and the objectives. UC24 is committed to adhering to the Working Time Regulations (1998) to ensure that employees do not exceed reasonable working hours to enable them to have a satisfactory balance between work and home. Individuals also have a responsibility to notify their Manager if their working hours are in contravention of the standards set out in this document.

A3.	Who will be affected by this project, programme or work? Please identify whether the project will affect staff, patients, service users, partner organisations or others. All Staff		
B	The Public Sector Equality Duty		
B1	Could the initiative help to reduce unlawful discrimination or prevent any other conduct prohibited by the Equality Act 2010? If yes, for which of the nine protected characteristics (see above)?		
	Yes	No	Do not know
	Summary response and your reasons: No Unlawful discrimination is unacceptable and the procedure aims to ensure that all Directors and Non-Executive Directors will receive appropriate treatment and will not be disadvantaged by conditions or requirements which cannot be shown to be justified. This is particularly so for those protected characteristics as set out in the Equality Act 2010 e.g. age, disability, gender, marriage & civil partnership, race, religion or belief, sex, sexual orientation.		
B2	Could the initiative undermine steps to reduce unlawful discrimination or prevent any other conduct prohibited by the Equality Act 2010? If yes, for which of the nine protected characteristics? If yes, for which of the nine protected characteristics?		
	Yes	No	Do not know
	Summary response and your reasons: See above		
B3	Could the initiative help to advance equality of opportunity? If yes, for which of the nine protected characteristics?		
	Yes	No	Do not know
	Summary response and your reasons: Yes. As above.		
B4	Could the initiative undermine the advancement of equality of opportunity? If yes, for which of the nine protected characteristics?		
	Yes	No	Do not know
	Summary response and your reasons: as above.		
B5	Could the initiative help to foster good relations between groups who share protected characteristics? If yes, for which of the nine protected characteristics?		
	Yes	No	Do not know
	Summary reasons: as above.		
B6	Could the initiative undermine the fostering of good relations between groups who share protected characteristics? If yes, for which of the nine		

	protected characteristics?						
	<table border="1"> <tr> <td>Yes</td> <td>No</td> <td>Do not know</td> </tr> </table>	Yes	No	Do not know			
Yes	No	Do not know					
	Summary response and your reasons: as above.						
C	The duty to have regard to reduce health inequalities						
C1	Will the initiative contribute to the duties to reduce health inequalities?						
	Could the initiative reduce inequalities in access to health care for any groups which face health inequalities? If yes for which groups?						
	<table border="1"> <tr> <td>Yes</td> <td>No</td> <td>Do not know</td> </tr> </table>	Yes	No	Do not know			
Yes	No	Do not know					
	Summary response and your reasons: N/A						
C2	Could the initiative reduce inequalities in health outcomes for any groups which face health inequalities? If yes, for which groups?						
	<table border="1"> <tr> <td>Yes</td> <td>No</td> <td>Do not know</td> </tr> </table>	Yes	No	Do not know			
Yes	No	Do not know					
	Summary response and your reasons: N/A						
D	Will a full Equality and Health Inequalities Analysis (EHIA) be completed?						
D1	Will a full EHIA be completed? Bearing in mind your previous responses, have you decided that an EHIA should be completed? Please see notes. ¹ Please place an X below in the correct box below. Please then complete part E of this form.						
	<table border="1"> <tr> <td>Yes</td> <td>Cannot decide</td> <td>No</td> </tr> <tr> <td></td> <td></td> <td>X</td> </tr> </table>	Yes	Cannot decide	No			X
Yes	Cannot decide	No					
		X					
E	Action required and next steps						
E1	If a full EHIA is planned: Please state when the EHIA will be completed and by whom. Name: Date:						
E2	If no decision is possible at this stage: If it is not possible to state whether an EHIA will be completed, please summarise your reasons below and clearly state what additional information or work is required, when that work will be undertaken and when a decision about whether an EHIA will be completed will be made. Summary reasons: Additional information required:						

¹ Yes: If the answers to the previous questions show the PSED or the duties to reduce health inequalities are engaged/in play a full EHIA will normally be produced. No: If the PSED and/or the duties to reduce health inequalities are not engaged/in play then you normally will not need to produce a full EHIA.

	When will it be possible to make a decision about an EHIA?
E3	<p>If no EHIA is recommended: If your recommendation or decision is that an EHIA is not required then please summarise the rationale for this decision below.</p> <p>Summary reasons: This policy has been consulted on by the Quality & Patient Safety Tem. There is no negative impact with respect to the characteristics as defined by the Equality Act.</p>