



**Islington**

**Clinical Commissioning Group**

**Working Time Directive Policy**

1	<b>POLICY DRAFTED BY:</b>	<b>HR, NEL CSU</b>
2	<b>ACCOUNTABLE DIRECTOR:</b>	<b>Martin Machray, Director of Quality &amp; Integrated Governance</b>
3	<b>APPLIES TO:</b>	<b>All Employees</b>
4	<b>COMMITTEE &amp; DATE APPROVED:</b>	<b>NCL Joint Partnership Group, July 2015</b>
5	<b>VERSION:</b>	<b>1</b>
6	<b>RELATED DOCUMENTS:</b>	<b>Leave Policy &amp; Procedure Flexible Working Policy &amp; Procedure Grievance Procedure</b>
7	<b>DATE OF IMPLEMENTATION:</b>	<b>TBC</b>
8	<b>DATE OF NEXT REVIEW:</b>	<b>August 2018 or earlier should there be national NHS terms &amp; condition/ legislative changes</b>

**DOCUMENT CONTROL**

<b>Date</b>	<b>Version</b>	<b>Action</b>	<b>Amendments</b>

BEFORE USING THIS POLICY ALWAYS ENSURE YOU ARE USING THE MOST UP TO DATE VERSION

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## **Working Time Directive Policy**

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## **1. Introduction**

- 1.1 Islington CCG is committed to the health and safety of its employees and acknowledges its obligations within Working Time Regulations. The CCG strives to provide a safe working environment and ensure the safety and wellbeing of all its workers. The CCG seeks to ensure that workers do not exceed reasonable working hours to provide for a satisfactory balance between work and personal life. The CCG is also committed to ensuring that workers' health is not compromised by the workplace.
- 1.2 Managers have a responsibility to ensure that working hours are kept within reasonable limits and are required to monitor working hours for this purpose. Staff themselves also have a duty to ensure that they are not working excessive hours and inform their manager directly if they consider that they may be doing so.
- 1.3 The European Working Time Regulations outlines the entitlement of employees to maximum working hours, rest periods, rest breaks whilst at work, annual leave and working arrangements for night workers.

## **2. Scope of Policy**

- 2.1 This policy applies to all Islington CCG employees and any agency or contract staff whilst they are working for the CCG.

## **3. Policies statement**

Islington CCG's policies set out the organisation's standards and intentions, and are written with the aim of being as clear and comprehensive as possible. However, we operate in a dynamic and evolving work environment and attention should be paid to the spirit of the policy as well as the letter. Policies by themselves cannot guarantee effective behaviour or the delivery of key objectives. While they are designed to support the CCG, and the people working within it, our success depends on continuous, high quality effort by everyone the policy covers. Therefore thought must be given to good practice when applying or interpreting any of the CCG's policies, and you should read any guidance or supporting documentation that relates to this policy to help you do this. In addition, this policy should work in accordance with national and local guidance on child and adult safeguarding as applicable.

## **4. Working Hours**

- 4.1 Unless they consent, staff should work not in excess of 48 hours per week on average. The CCG will take all reasonable steps to comply with this limit. Should the employee wish to opt out they should complete Appendix 1 and return it to their Line manager.
- 4.2. Employees working for more than one employer or who also undertake work through self-employment should still not exceed the 48 hour limit with regards to their total average weekly working time. Secondary employment includes working on the bank or through an agency.

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4.3 Night workers should not exceed an average of 8 hours' work in every 24 hour period. A night worker is defined as someone who normally works at least 3 hours between 11.00pm – 6.00am

## **5. Rest Period & Breaks**

5.1 Employees are entitled to the following rest periods and breaks:

- Rest period of no less than 11 consecutive hours in each 24 hour period.
- Uninterrupted rest period of at least 24 hours in each seven-day period, 48 hours in each 14-day period or two uninterrupted rest periods of at least 24 hours in each 14-day period. All staff have a duty to inform his/her manager as soon as possible if he/she is or may be at risk of being unable to take these required rest breaks.

5.2 The CCG expects that employees will take their rest break between leaving work and starting work the following morning and between finishing work on Friday and starting work on Monday morning.

5.3 Employees have the right to a minimum unpaid rest break of 20 minutes after working 6 hours. If operational requirements mean that the employee is unable to take these breaks at that time, they will be entitled to compensatory rest to be agreed by their line manager. Breaks should not be taken at the end of the day, or stored up and taken on a cumulative basis at a later date.

5.4 An employee is entitled to 5.6 (statutory provision) weeks paid leave. Part time employees are entitled to the same amount of holiday but is pro rata. This is inclusive of bank holiday entitlement. CCG allowances are in excess of statutory provision.

5.5 Employers must make sure employees can their rest, but are not required to make sure they do take their rest.

## **6. Young Workers**

Young workers are those above school leaving age, but under the age of 18. The CCG does not permit young people to work in excess of 8 hours per day and they are subject to a maximum working week of 40 hours. A young worker must have a rest break of at least 30 minutes if the working day lasts longer than 4.5 hours.

## **7. On-Call**

7.1 An employee is considered by the CCG to be "working" when he/she is carrying out activities on behalf of the CCG. This may include training, business travel and "on-call" time. It does not include travel from the worker's home to his/her place of work, rest breaks, travel time outside normal working time or non-job related training.

7.2 The organisation defines "on-call" time as time when a employee is required to be available at his/her place of work and available for work throughout that

period. If the employee is not at his/her place of work, this does not constitute being "on call".

## **8. Working Time**

8.1 Working time will include time where a worker is required to be at the CCG's premises, but is free to rest while waiting for work to be available. It will also include time where a worker is required to travel from site to site for meetings, to attend training or to perform his/her functions at different locations.

8.2 However, working time will not include travel to and from an employee's home (or the equivalent if he/she is working away from home at the time), or time when an employee (despite being on the organisation's premises or at his/her place of work) is not available to perform functions for the CCG or is pursuing outside interests during that time.

## **9. Unfair Treatment**

If an employee considers that he/she has been unfairly treated with regard to his/her working hours (for example being required to work excessive hours or (temporary) flexible working arrangements), he/she is requested to raise this informally with his/her manager. If the employee's complaint relates to his/her manager, he/she is requested to raise it with a more senior manager. If an employee is not satisfied following this route, he/she has the right to raise a grievance in accordance with the CCG's Grievance procedure.

## **10. Monitoring & Review**

This policy will be reviewed periodically or if statutory changes are required.

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**Appendix 1: Working Time Regulations opt out Form**

**Working Time Regulations 1998 – Opt Out Form**

Under the regulations I am entitled not to work for more than an average of 48 hours per week.

In completing this form, I am choosing to opt out of the 48 hour working limit. Please note that rest periods and breaks still apply.

**Agreement**

I ..... hereby give you notice that I am willing to work, more than an average of 48 hours a week.

In opting out of the 48-hour limit, I agree that I will not work excessively long hours where this may be a risk to the health and safety of my colleagues, the public or myself.

This agreement is to remain effective for an indefinite period and I understand that should I wish to terminate this agreement, I can do so at any time by providing my manager with written notice of my intention to do so.

Signed: .....

Department: .....

Date:.....

**Please return to your manager, who is required to keep a copy of this form on your personal file. A copy should also be sent to HR.**

**Equality Analysis Initial Assessment**

**Title of the change proposal or policy:**

Working Time Directive Policy

**Brief description of the proposal:**

To ensure that the scheme is fit for purpose, complies with NHS LA Standards and takes account of best practice.

**Name(s) and role(s) of staff completing this assessment:**

Darshna Pankhania, HR Business Partner

**Date of assessment:** 24 June 2015

**Please answer the following questions in relation to the proposed change:**

**Will it affect employees, customers, and/or the public? Please state which.**

Yes it will affect employees.

**Is it a major change affecting how a service or policy is delivered or accessed?**

No

**Will it have an effect on how other organisations operate in terms of equality?**

No

**If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:**

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC Terms and Conditions, is legally compliant and takes account of best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

**Please return a copy of the completed form to the Equality & Diversity**