

WORKING TIME DIRECTIVE POLICY

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Version:	1	Last Review Date:	N/A
Author:	People Hub		
Directorate:	Workforce and Organisational Development		
Approval Route			
Approved By:		Date Approved:	
Partnership Forum		December 2020	
Links or overlaps with other policies:			
<i>Need to list all policies that are referred to, or have links to this policy. List them in numeric order.</i>			

Amendment History

Issue	Status	Date	Reason for Change	Authorised
1	Active	01/01/2021	New Policy	People Hub

Rapid (E)quality Impact Assessment (EqIA) (for use when writing policies)

Policy Title (and number)		Working Time Directive Policy	Version and Date	V1 October 2020	
Policy Author		People Hub			
An (e)quality impact assessment is a process designed to ensure that policies do not discriminate or disadvantage people whilst advancing equality. Consider the nature and extent of the impact, not the number of people affected.					
Who may be affected by this document?					
Patients/ Service Users <input type="checkbox"/>		Staff <input checked="" type="checkbox"/>	Other, please state... <input type="checkbox"/>		
Could the policy treat people from protected groups less favorably than the general population?					
<i>PLEASE NOTE: Any 'Yes' answers may trigger a full EIA and must be referred to the equality leads below</i>					
Age	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Gender Reassignment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Sexual Orientation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Race	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Disability	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Religion/Belief (non)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Gender	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Pregnancy/Maternity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Marriage/ Civil Partnership	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is it likely that the policy could affect particular 'Inclusion Health' groups less favorably than the general population? (substance misuse; teenage mums; carers ¹ ; travellers ² ; homeless ³ ; convictions; social isolation ⁴ ; refugees)					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please provide details for each protected group where you have indicated 'Yes'.					
VISION AND VALUES: Policies must aim to remove unintentional barriers and promote inclusion					
Is inclusive language ⁵ used throughout?				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>	
Are the services outlined in the policy fully accessible ⁶ ?				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>	
Does the policy encourage individualised and person-centered care?				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>	
Could there be an adverse impact on an individual's independence or autonomy ⁷ ?				Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/>	
EXTERNAL FACTORS					
Is the policy a result of national legislation which cannot be modified in any way?					Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
What is the reason for writing this policy? (Is it a result in a change of legislation/ national research?)					
To ensure the Trust is fully compliant with the Working Time Regulations 1998, while safeguarding the health and safety of staff.					
Who was consulted when drafting this policy?					
Patients/ Service Users <input type="checkbox"/>		Trade Unions <input checked="" type="checkbox"/>	Protected Groups (including Trust Equality Groups) <input type="checkbox"/>		
Staff <input checked="" type="checkbox"/>		General Public <input type="checkbox"/>	Other, please state... <input type="checkbox"/>		
What were the recommendations/suggestions?					
Does this document require a service redesign or substantial amendments to an existing process? <i>PLEASE NOTE: 'Yes' may trigger a full EIA, please refer to the equality leads below</i>					Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
ACTION PLAN: Please list all actions identified to address any impacts					
Action			Person responsible	Completion date	
None required					

Please contact the Equalities team for guidance: For Torbay and South Devon NHS Trusts, please call 01803 656676 or email pdf.sdhct@nhs.net This form should be published with the policy and a signed copy sent to your relevant organisation.

¹ Consider any additional needs of carers/ parents/ advocates etc, in addition to the service user

² Travelers may not be registered with a GP - consider how they may access/ be aware of services available to them

³ Consider any provisions for those with no fixed abode, particularly relating to impact on discharge

⁴ Consider how someone will be aware of (or access) a service if socially or geographically isolated

⁵ Language must be relevant and appropriate, for example referring to partners, not husbands or wives

⁶ Consider both physical access to services and how information/ communication is available in an accessible format

⁷ Example: a telephone-based service may discriminate against people who are d/Deaf. Whilst someone may be able to act on their behalf, this does not promote independence or autonomy

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1. POLICY STATEMENT

- 1.1 This policy is to inform managers and staff of their responsibilities to protecting the health and wellbeing of staff from the risks of working excessive hours by applying the requirements of the Working Time Regulations 1998.
- 1.2 The Trust is committed to promoting a positive work life balance for all staff, to enable us to provide the best care to our patients and the local community.

2 INTRODUCTION

- 2.1 The Working Time Regulations 1998 state the minimum legal conditions relating to weekly working time, rest entitlements and annual leave. They also make special provision for the working hours and health assessments for night workers.
- 2.2 The regulations also cover the provisions of the Young Workers Directive that relates to working time for adolescents between school leaving age and the age of 18.

3 SCOPE

- 3.1 This policy applies to all staff employed by Torbay & South Devon NHS Foundation Trust, together with those on a joint contract with the organisation and another employer.
- 3.2 Although not employees of the Trusts, bank staff, agency staff and outside contractors will be required to comply with the policy.
- 3.3 Additional arrangements apply to doctors in training which can be found [here](#).

4 EQUALITY AND DIVERSITY STATEMENT

- 4.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trust will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.
- 4.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis.

5 DEFINITIONS

5.1 The relevant terms and their definitions within the context of this policy are provided below:

Table 1: Definitions

Term	Definition
Hours of work	Agreed hours of work, either weekly, monthly or annually.
Working time	Any periods when staff are working, at the employer's disposal and carrying out their duties in accordance with national law and/or practice. This includes time taken for training purposes, civic and public duties, health and safety and trade union duties.
Rest period	Any period that is not working time.
Night time	The period between 11pm and 6am. Staff will be subject to the provisions relating to working during night time if they regularly work at least 3 hours during the night time period on most of the days they work (enough for this to be regarded as part of their regular working pattern).
Night worker	Any staff who, during night time, work at least three hours of their daily working time as a normal practice.
Shift work	Any method of organising work in shifts where staff replace each other at the same work stations according to a pattern, including a rotational pattern, and which may be continuous or discontinuous, resulting in the need for workers to work at different times over a given period of days or weeks.
On call	Any staff member who is available on call to provide flexible cover, as needed, during a given time period above their normal hours of work.
Unsociable hours	Hours of work which attract an unsociable hours premium as they are in the evening, night time, Saturday, Sunday or Bank Holiday.
Overtime	Any hours worked over and above the whole time equivalent (WTE). E.g. 37.5 hours per week).

Additional hours	Any hours worked over and above the hours of work up to their WTE e.g. 37.5 hours per week.
48 hour week	<p>The average of 48 hours per week that a member of staff is allowed to work over a rolling reference period of 17 weeks.</p> <p>For doctors, this is set nationally as a rolling reference period of 26 weeks.</p>
Opt out of 48 hour week	Where a member of staff chooses to opt out of the 48 hour limit formally in writing.
Reference period	<p>The period over which average working hours are calculated. This is a rolling period of 17 weeks.</p> <p>For doctors, this is set nationally as a rolling reference period of 26 weeks.</p> <p>If a member of staff has worked for the Trust for less than 17 weeks in total, the reference period is the period worked up til that date.</p> <p>In recognition of the nature of certain work, staff may, in exceptional circumstances agree to extend the reference period to a maximum of 52 weeks.</p> <p>To calculate average hours over a reference period, see Appendix A.</p>
Adult worker	Any member of staff aged 18 or over.
Young worker	Any member of staff aged 16 or 17.
Doctor in training	<p>Are those doctors or dentists who are in approved postgraduate training programmes under the auspices of Health Education England (HEE).</p> <p>This will also apply to any locum/bank doctors.</p>
Special daily and weekly working time limits – doctors in training	All doctors in training are subject to the 48 hours per week limit as all other Trust staff. However, doctors in training are still contracted to the contractual limits on working hours and protected rest periods, as set out in schedule 3 of the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016.

<p>Special daily and weekly working time limits – young workers</p>	<p>Young workers may not ordinarily work more than 8 hours per day and/or 40 hours per week.</p> <p>These hours cannot be averaged out over a reference period and there is no opt out available.</p> <p>They may work longer hours where it is necessary to either maintain continuity of service or production or respond to a surge in demand for a service. This will only apply if there is no adult available to perform that task and the training needs of the young worker are not adversely affected.</p> <p>Young workers should not ordinarily work at night time, unless:</p> <ul style="list-style-type: none"> - They are employed in hospitals or similar establishments and; - There is no adult available to perform the task and; - They are allowed an equivalent period of compensatory rest, and; - They are adequately supervised, where necessary, for their protection.
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6 ROLES AND RESPONSIBILITIES

- 6.1 Board of Directors – Commitment through endorsement of this policy and identifying and allocating any resources required to enable this policy.
- 6.2 Chief Executive – Ensuring the proper application of this policy.
- 6.3 Policy Lead – The Executive Director of Workforce and Organisational Development has strategic responsibility for ensuring compliance with this policy and that it is applied fairly and consistently. The Director will ensure that this policy and its requirements are communicated to all Executive Directors, Directors, the Workforce and Organisational Development teams, Staff Side Representatives and all staff to raise awareness of the policy and their responsibilities.
- 6.4 Line Manager – Ensuring they are familiar with the policy and confident in its practical application.

Ensuring that all Trust staff are working in accordance with the policy and the Regulations, using the quick reference guide at Appendix D and/or Flow Chart at Appendix E as tools.

- 6.5 All Staff – Ensuring they are familiar with the policy and the Regulations and adhere to these.
- 6.6 People Hub – Monitoring the policy and advising staff and managers on the application of the policy and Regulations.
- 6.7 Workforce Information and E-Rostering – Advising staff and managers on practical matters regarding the policy and ensuring Trust systems are fully compliant.

7 PROCEDURE

7.1 Staff with more than one job/employer

- 7.1.1 Where staff wish to undertake additional paid employment or bank work with another employer, or work in a self-employed capacity, they must inform the Trust via their line manager and submit a declaration through the online system available on [ICON](#). A thorough discussion with their line manager is especially important if their secondary employment is likely to result in them regularly working over 48 hours per week.
- 7.1.2 Where staff have more than one job, their combined hours should not exceed an average of 48 hours per week with a reference period of 17 weeks.
- 7.1.3 Individual members of staff have a responsibility to ensure that any work undertaken outside their main employment with the Trust does not adversely affect their ability to satisfactorily perform their work for the Trust.
- 7.1.4 Specific provisions apply in respect of private practice for medical staff in accordance with Schedule 9 of their national terms and conditions.

7.2 Opting out of the 48 hour week

- 7.2.1 In normal circumstances the Trust does not require any member of staff to work in excess of an average of 48 hours per week. This is part of the Trust's commitment to a positive work life balance for staff. In exceptional circumstances, where an individual member of staff might be requested to work more than this average, or has advised their line manager that they will exceed the average 48 hour limit, they must confirm in writing that they have chosen to opt out of the weekly 48 hour limit by completing the opt out form.
- 7.2.2 For exceptional circumstances only, the opt out form is found on [ICON](#) with a copy for reference in Appendix C.

7.3 Staff who may exceed the 48 hour limit in any working week

- 7.3.1 Those staff who work irregular hours for the Trust and/or through other paid employment or bank work must confirm with their line manager if their total working hours will exceed the average 48 hour limit for that week.
- 7.3.2 If, in exceptional circumstances, this situation occurs, the line manager shall review the allocation of working hours for the next week(s) to ensure the limit is not exceeded over the reference period of 17 weeks.
- 7.3.3. If this cannot be ensured, the staff member shall be asked to agree in writing to opt out of the weekly 48 hour limit by completing the opt out form on [ICON](#).
- 7.3.4 The Trust, through the relevant line manager, will need to feel satisfied that the health and safety of the individual member of staff and the safe delivery of the service will not be adversely affected when making such individual agreements.
- 7.3.5 It is important that managers and staff do not presume that working beyond the average weekly limit of 48 hours should be the norm.

7.4 Records of weekly hours worked

- 7.4.1 Where staff have opted out of the 48 hour working week, it is the responsibility of the line manager to monitor the number of weekly hours worked by their team and ensure any opt out forms are added to the individual personal files.

7.5 Working during night time

7.5.1. 8 hour limit

- 7.5.1.1 The normal hours of staff who regularly work during night time must not exceed an average of 8 hours per 24 hour period calculated over the reference period.
- 7.5.1.2 The reference period for averaging normal hours is 17 weeks with the exception of doctors in training who have 26 weeks.
- 7.5.1.3 The calculation should be made using the formula in Appendix B.
- 7.5.1.4 Staff who regularly work during night time are not necessarily undertaking work that involves special hazards or heavy physical or mental strain. However, line managers need to assess the risks associated with night time working and keep these under regular review.
- 7.5.1.5 If areas of work during night time are found to involve special hazards, the normal hours of staff regularly working during night time shall not exceed 8 hours on any occasion that they work at night.

- 7.5.1.6 The line manager and member of staff should complete the Night Worker Health Assessment at least annually. Individual advice should be sought from Occupational Health, where required.

7.5.2 Night Worker Health Assessment

- 7.5.2.1 Before a staff member begins night time work they and their line manager should identify if they are fit to carry out the night work they have been assigned to complete. This can be done through the completion of the Night Worker Health Assessment. Completed assessments should be added to the staff member's personal file.
- 7.5.2.2 The Night Worker Health Assessment should be completed at least annually and individual advice sought from Occupational Health, where required.
- 7.5.2.3 In circumstances where Occupational Health advise that a member of staff is experiencing health problems directly related to working during night time, the Trust will attempt to offer suitable alternative day work. In these circumstances, where this cannot be facilitated within the current role, the line manager should contact the People Hub for specific advice and support.

7.5.3 Records for regular night workers

- 7.5.3.1 It is the responsibility of the line manager to keep a record, for two years, of the working hours of those staff who regularly work during night time, including their specific rota.
- 7.5.3.2 The line manager should ensure the retention of completed Night Worker Health Assessments for 2 years on the individual personal files.

8 REST PERIODS

8.1 Daily rest period

- 8.1.1 A member of staff shall be entitled to a rest period of at least 11 consecutive hours between each working day. This is increased to 12 consecutive hours for staff under the age of 18. These will apply unless any exceptions apply, detailed in Section 8.1.3.

8.1.2 Weekly rest period

- 8.1.2.1 A member of staff shall be entitled to an uninterrupted rest period of at least 24 hours in each 7 day period, averaged over 2 weeks (each week starting at midnight between Sunday and Monday).
- 8.1.2.2 The weekly period is in addition to each daily rest period (i.e. one period of 35 hours of consecutive rest per 7 day period).

8.1.2.3 For young workers the entitlement is 2 days rest in each week.

8.1.3 Exceptions and compensatory rest periods

8.1.3.1 The Trust understands that there will be occasions where the full entitlements to daily and weekly rest periods cannot practically be achieved, for example:

- a) Where the staff member changes shifts (e.g. from a late shift to an early shift).
- b) Where the staff member works split shifts (e.g. a morning shift and an evening shift).
- c) Where there is the need for continuity of care in areas where staff work in direct contact with patients in 'round the clock' services.
- d) Where staff have undertaken work during an on-call period which is preceded and/or followed by a period of duty.
- e) Where staff are required to work due to emergency or unforeseeable circumstances.

8.1.3.2 In circumstances a-e the member of staff shall be allowed to take equivalent periods (i.e. the same number of hours lost) of compensatory rest. This should be taken within 2 weeks for daily rest and 8 weeks for weekly rest.

8.1.3.3 The only exception applying to young workers is when working split shifts (b).

8.1.4 In work rest breaks

8.1.4.1 A member of staff shall be required to take an uninterrupted break of at least 20 minutes when working time is more than 6 hours.

8.1.4.2 This is an unpaid break and should not be taken at either the start or the end of working time. This entitlement shall be modified where the exceptions detailed below apply.

8.1.4.3 The Trust recognises that in exceptional circumstances there are some service areas and rare occasions when the entitlement to an in work rest break cannot be achieved, for instance:

- Where there is a need for continuity of care in areas where staff work directly with patients.
- Where staff are required to work due to emergency or unforeseeable circumstances, which should be rare and not the norm.

8.1.4.4 In the case of such exceptions applying the member of staff shall be allowed to take equivalent periods of compensatory rest during another period of duty, as soon as reasonably practicable, usually within 2 weeks. This should not be taken at the start or end of a period of working time.

- 8.1.4.5 For young workers an uninterrupted break of at least 30 minutes should be taken when working time is more than 4 and a half hours.

8.2 Appeals

- 8.2.1 Any member of staff who is not satisfied with any management decisions relating to the Working Time Regulations or feel that they have suffered any detriment should refer to the Trust Grievance Policy.

9 CONSULTATION

- 9.1 The following staff/groups were consulted with in the development of this policy document:

- a) Workforce and OD Policy Group
- b) Staff side representatives and senior managers

10 AUDITING OF WORKING HOURS PRACTICES

- 10.1 Audits of working hours practices will be undertaken using the Electronic Staff Record (ESR) interface into payroll and other electronic roster systems. This will be undertaken annually by the Workforce Information and Temporary Staffing teams.

11 TRAINING AND AWARENESS

- 11.1 Advice and support will be provided by the People Hub team and Workforce Information/E-Rostering teams to support staff and managers in adhering to this policy.
- 11.2 The People Hub team will raise awareness of this policy through the publication of information on ICON and to advise staff of changes to the policy through ICON News and ratification processes.

12 REFERENCES

- 12.1 NHS Agenda for Change Handbook (Section 27)
<http://www.nhsemployers.org/employershandbook/>
- 12.2 NHS Litigation Authority (2008) Risk Management Standards for NHS Trusts
www.nhsla.com
- 12.3 Working Time Regulations 1998
<http://www.hse.gov.uk/contact/faqs/workingtimedirective.htm>
- 12.4 Management of Health and Safety at Work Regulations 1999
<http://www.hse.gov.uk/pubns/hsc13.pdf>

13 CONTACT DETAILS

- 13.1 Any queries regarding this policy should be directed to the People Hub within the Directorate of Workforce and Organisational Development.

People Hub Advice Line – 01803 655754 (ext. 55754) or
tsdft.humanresources@nhs.net

14 MONITORING, AUDIT AND REVIEW PROCEDURES

- 14.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the Directorate of Workforce and Organisational Development unless legislative changes determine otherwise.

15 APPENDIX A – Calculating Average Weekly Working Time

The average weekly working time is calculated using the following formula: $\frac{(A+B)}{C}$

- A Total number of hours worked in the reference period.
- B Total number of hours worked immediately after the reference period, during the number of working days equal to the number of days missed due to annual leave entitlement, sick leave, maternity leave etc.
- C The number of weeks in the reference period.

Example 1:

A worker has a standard working week of 40 hours and does overtime of 12 hours a week for the first 10 weeks of the 17 week reference period. No leave is taken during the reference period.

The total hours worked are:

- 17 weeks of 40 hours and 10 weeks of 12 hours of overtime
- $(17 \times 40) + (10 \times 12) = 800$

Therefore, their average (total hours divided by number of weeks):

- $800 \div 17 = 47.1$ hours per week

The average limit of 48 hours per week has been complied with.

Example 2:

A worker has a standard working week of 40 hours (8 hours per day) and does overtime of 8 hours per week for the first 12 weeks of the 17 week reference period. 4 days of annual leave are used during the reference period. On their return to work, normal hours are worked for the first week (40 hours).

The total hours worked are:

- $(16 \times 40) + (1 \times 8) + (12 \times 8) = 744$

We then add time worked to compensate for the 4 days of annual leave, taken from the first 4 working days after the reference period. The worker does no overtime, so this is 4 days of 8 hours ($4 \times 8 = 32$) to add to the overall total.

- $744 + 32 = 776$

Therefore, their average (total hours divided by number of weeks):

$$- 776 \div 17 = 45.6 \text{ hours per week}$$

The average limit of 48 hours per week has been complied with.

16 APPENDIX B – Calculating Average Hours Worked at Night

The average hours worked at night are calculated using the following formula: $\frac{A}{B-C}$

- A The number of hours during the reference period that are normal working hours for the worker.
- B The days within the applicable reference period.
- C The number of hours weekly rest to which a worker is entitled under the Regulations (i.e. 24 hours for seven days) divided by 24. It should be noted that this is not the total number of hours that the worker is at rest each week. Only the hours that make up the weekly rest period that the worker is entitled to under the Regulations can be counted.

Normal hours of night work include overtime where it is part of the night worker's normal hours of work.

Example 1:

A night worker normally works 4 days of 12 hour shifts per week.

The total number of normal hours of work in the 17 week reference period are:

- 17 weeks of 4 shifts of 12 hours each
- $17 \times (4 \times 12) = 816$

There are 119 days (17 weeks) and the worker takes 17 weekly rest periods as entitled 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:

- $816 \div 102 = 8$

This equals an average of 8 hours per day.

Example 2:

A night worker normally works 5 days of 10 hours followed by 3 days of rest. The cycle starts at the beginning of the reference period (so there are 15 cycles of work). The worker takes 2 weeks of annual leave and works 6 hours of overtime every 5 weeks. During the reference period, the overtime is worked in the fifth, tenth and fifteenth weeks.

The leave does not affect the calculation of normal hours, but the overtime does and should be included:

- 15 cycles of 5 shifts of 10 hours each = $15 \times (5 \times 10) = 750$ hours
- 6 hours of overtime $\times 3 = 18$ hours
- $750 \text{ hours} + 18 \text{ hours} = 768$ hours in total (including overtime)

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

- $119 - 17 = 102$ days

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.

- $768 \div 102 = 7.53$

This equals an average of 7.53 hours per day.

17 APPENDIX C – Working Time Regulations Opt Out Form

This form can be found on [ICON](#) and must be completed online and a copy added to the personal file.

The Trust is committed to promoting a positive work life balance for all staff. In normal circumstances the Trust does not require any member of staff to work in excess of 48 hours per week.

Working in excess of 48 hours per week should not become the ‘norm’ and this form should be utilised in exceptional circumstances only.

Please complete this form and return to your Line Manager.

- 1) Name:.....
- 2) Assignment Number:.....
- 3) Department:.....
- 4) NI Number:.....
- 5) Weekly Contracted Hours:.....
- 6) Do you regularly work on call? Yes No If yes, please specify rota:

- 7) Do you wish to exercise the right to work more than 48 hours per week, up to a maximum of 60 hours?
Please note that this includes **all** hours worked for the Trust (substantive, overtime, bank or as a student).

Yes
No

- 8) If No, do you hold any employment other than your substantive post specified above?

Yes
No

- Bank Average Hours per week:
- Agency Average Hours per week:

- Other Average Hours per week:
If ‘Other’ please provide details, including your role, and the Name and Address of your other employer:

.....
.....
.....

9) Any other comments:

10) Signature:

Date:

If any of the above details change, you must notify your Manager in writing immediately. Any member of staff who wished to opt out who would like to opt back in to the 48 hour exemption should give one month's notice in writing to their manager.

18 APPENDIX D – Quick Reference Guide for Line Managers

For quick reference, the guide below is a summary of the actions required by line managers.

This does not replace the need to be aware of and follow the detail of this policy, in line with legislation.

Please note, the only part of the Regulations that allows an 'opt out' is the 48 hour working week. All other parts of the Regulations e.g. regarding rest periods, must be complied with and are legal obligations.

- 1) Identify staff who regularly work in excess of their contracted hours, including senior managers, and investigate the reasons for this.
- 2) Where staff are identified as exceeding the 48 hour per week limit, review their workload and practice. Consider adjusting working hours or redesigning their job if the situation is extreme.
- 3) Where it is not possible to comply with the Regulations, due to the nature of the work, seek advice from the People Hub and determine whether individual opt out agreements should be discussed and signed.
- 4) Respond to staff who have stated they believe they are exceeding the working hours outlined in the Regulations (this will include all hours staff work, including with another employer) and seek specific advice from the People Hub.
- 5) Where staff have opted out of the 48 hour working week, keep a record of the opt out form for a minimum of two years.
- 6) Complete the Night Worker Health Assessment at least annually with every member of staff who works regularly during night time. Keep a copy of this for a minimum of two years.
- 7) Keep a record of the working hours of those staff who are night workers, including the specific occasions they have worked at night for at least two years.

19 APPENDIX D – Manager Flow Chart

