



Time Management and Regulations Policy

Director Responsible

Director of Adult Services

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CONSULTATION AND RATIFICATION SCHEDULE

Name of Consultative Body	Date of Approval
SMT	August 2020
Care Co-ordination Team	
Learning and Development Department	
Service Users Forum	

CROSS REFERENCE TO OTHER POLICIES / STRATEGIES

This policy should be read in conjunction with:	Detail
Policy 19	Health and Safety Policy

CONTENTS

1. INTRODUCTION	1
2. KEY PRINCIPLES	1
3. SCOPE	1
4. MANAGERS RESPONSIBILITIES	1
5. EMPLOYEE RESPONSIBILITIES	2
6. ENTITLEMENTS TO REST PERIODS AND BREAKS	2
7. NIGHT WORKERS	3
8. ANNUAL LEAVE	3
9. RECORD KEEPING	3
10. STAFF TIME KEEPING	4
11. ACCESS – MONITORING TIMES	4
12. SERVICE TIMES	4
13. POLICY REVIEW STATEMENT	5

1. INTRODUCTION

Primecare Health is committed to the health and safety of its employees and acknowledges its obligations within the Working Time Regulations. The Working Time Regulations set down entitlements of employees to maximum working hours, rest periods, rest breaks whilst at work, annual leave and working arrangements for night workers.

Under Health and Safety at Work legislation there is a responsibility on all employers for the health, welfare and safety of their employees, as far as is reasonably practicable. Management and control on working hours should be regarded as an integral element of promoting and managing the health and welfare of employees

2. KEY PRINCIPLES

This policy aims to ensure all employees are managed fairly and consistently under the Working Time Regulations and ensure that staff are managing their own time to ensure that they are following the correct procedures and arriving at service users house in line with times on the ACCESS system.

3. SCOPE

This policy applies to all staff employed by Primecare Health, whether on a permanent, temporary or casual basis.

4. MANAGERS RESPONSIBILITIES

Managers within Primecare Health have the following responsibilities:

- To ensure that the Regulations outlined in this document are adhered to at all times and ensure their rotas are working time compliant
- To ensure employees are made aware of this policy and understand their responsibilities in relation to it
- To ensure working hours of their employees are monitored to ensure that they are not in breach of the regulations
- To keep appropriate records pertaining to annual leave for their employees
- To ensure that employees take their entitled rest period and breaks to reduce the risk of fatigue, loss of concentration and associated stress
- To ensure that staff time keeping is monitored on the ACCESS system

5. EMPLOYEE RESPONSIBILITIES

Employees have the following responsibilities:

- To monitor their working hours and, in conjunction with their manager, take responsibility for hours worked
- To ensure they take appropriate rest breaks in agreement with their manager and in line with this policy
- To inform their line manager of any additional employment and the hours they work
- To make their manager aware if they believe that their working pattern is in breach of this policy
- To make a manager and/or on-call aware of any issue with ability to attend service user call at correct time.

6 ENTITLEMENTS TO REST PERIODS AND BREAKS

A worker over the age of 18 may voluntarily choose to work more than the 48 hour weekly limit. The agreement must be in writing and must allow the worker to terminate the agreement subject to giving at least 7 days' notice. If a worker wishes to opt out of the 48 hour week they should complete the Opt Out Form.

An employer must keep records of all workers who have opted out of the 48 hours limit and the actual hours worked by each worker to whom the agreement applied. They must be available for inspection at any time by the Health and Safety Executive.

6.1 Rest Periods

All employees are entitled to:

Daily rest

An uninterrupted rest period of at least 11 consecutive hours in each 24 hour period. For young workers the daily rest period is 12 consecutive hours

Weekly rest

An uninterrupted rest period (separate to the 11 hour break detailed above) of 24 hours in each 7 day period or alternatively an uninterrupted rest period of 48 hours in a 14 day period. Young workers should be allocated two days consecutive rest in each 7 day period.

When a shift worker changes shift, it may not be possible for them to take their full rest entitlement before starting the new pattern of work. The Regulations state that in these circumstances daily and weekly rest do not apply.

The entitlements also do not apply where a worker's work is split up over the day and so precludes taking 11 hours continuous rest, for example for an employee who supports a Service User only in the morning and then in the evening

6.2 Rest Breaks

All employees are entitled to an uninterrupted rest break of 20 minutes in one block where daily working time exceeds 6 hours. Young workers are entitled to an uninterrupted rest break of 30 minutes when daily working time exceeds 4.5 hours.

Rest breaks are unpaid and usually coincide with an individual's lunch break although managers will determine appropriate break arrangements.

Rest breaks can only be taken if possible; please read Section 8.3 Compensatory Rest for clarification.

6.3 Compensatory Rest

Where an employee is engaged in work which involves the need for continuity of service then it may not always be possible for rest breaks to be taken. Given the nature of the service Primecare Health provides it may be that an employee has to work during a period that would otherwise be a rest period or rest break. Where this occurs the employee is entitled to compensatory rest. Compensatory rest should ideally be taken during the same or following working day. The key objective of compensatory rest is to ensure that workers receive adequate rest, rather than to reduce working time. Provided that a worker receives "on average" at least 90 hours rest per week the obligation to give compensatory rest is discharged

7 NIGHT WORKERS

Normal hours for night workers should not exceed an average of 8 hours for each 24 hours over a 17 week reference period. Normal hours are the hours regularly worked and/or fixed by their contract of employment. Overtime is not normal hours and is not included in this calculation.

8 ANNUAL LEAVE

The Regulations specify that all workers are entitled to 5.6 weeks paid leave (28 days if working full time hours). Part time workers are entitled to the same amount of holiday pro-rata. This is inclusive of bank holidays.

Employees should refer to their terms and conditions of employment for details.

9 RECORD KEEPING

Managers must keep records of all hours worked by staff. In particular managers must:

- Maintain adequate records to show the weekly working time limits on working time and night work have been complied with and that the work health assessments have been satisfied.
- Maintain records of employees who have opted out of the 48 hour limit

10 STAFF TIME KEEPING

All employees are expected to report for work punctually and to observe the normal hours of work laid down in their statement of terms and conditions of employment. This is of particular importance where the employee works a shift pattern. Failure in this regard is detrimental to the efficient running of the business and imposes an unnecessary burden on service users.

If late for work, you must report to a Manager, Coordinator or on call service and explain the reason for your lateness before starting work.

If it is necessary to take time off work during working hours (even in circumstances of a family emergency) you are to report to your line manager both before leaving and on re-starting work.

You have no contractual or statutory right to be paid for time not worked due to lateness or absence. Any payments made by Primecare Health in such circumstances are done so in its absolute discretion.

Attendance and time-keeping will be monitored by a Coordinators and managers. Such monitoring will include visual observation and monitoring through ACCESS alert system where appropriate.

Failure to comply with the above rules without reasonable excuse and/or persistent transgression will be met by appropriate use of Primecare disciplinary procedure.

11 ACCESS – MONITORING TIMES

Staff times will be monitored for in call times through the ACCESS system. This will be done by managers and Coordinators. Staff are required to stay in calls for a minimum for 90% of the call time.

Staff are required to document on the ACCESS care notes with details of any reasons that the 90% has not been maintained. Staff to also contact and report when visit times have to been achieved. Staff to report to a manager, coordinator and/or Primecare Health on call service.

12 SERVICE TIMES

Where possible clients preferred times will be met, where not possible contracted times will be provided. Priority will be given to clients were medication times have to be met. Contracted times will be provided within a 45 minute window either side of the call time. Clients should be aware to call the office if the Carer has not arrived after 30 minutes of call time. Clients who have a contracted time that is not their preferred time can request that there calls times are reviewed by the relevant coordinator. If a client's preferred time is not available then clients can ask to be added to waiting list, for when a preferred call time becomes available.

13 POLICY REVIEW STATEMENT

This policy will be reviewed every 3 years or earlier if appropriate in line with any future updates.