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## WORKING TIME REGULATIONS

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# WORKING TIME REGULATIONS POLICY

Nursing Direct aims to meet its legal obligations under the Working Time Regulations 1998 by ensuring that working hours, rest breaks, rest periods, and annual leave arrangements are managed lawfully and safely for all workers. In doing so, the organisation seeks to promote staff wellbeing, minimise fatigue-related risk, and support the delivery of safe, effective, and high-quality care at all times.

## 1. PURPOSE

- 1.1 To ensure that staff including Agency Workers are aware that Nursing Direct will comply with its obligations under the Working Time Regulations.
- 1.2 To ensure that staff including Agency Workers understand the requirements and restrictions in the Working Time Regulations.
- 1.3 To support Nursing Direct in meeting the Care Quality Commission (CQC) Key Lines of Enquiry (KLOEs) and associated Quality Statements.
- 1.4 Relevant Legislation
  - Working Time Regulations 1998
  - Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

## 2. SCOPE

- 2.1 Roles Affected:
  - All Staff including Agency Workers
- 2.2 People Affected:
  - Service Users
- 2.3 Stakeholders Affected:
  - Commissioners

## 3. OBJECTIVES

- 3.1 To provide clarity on the approach of Nursing Direct to ensure compliance with the Working Time Regulations.
- 3.2 To ensure that Nursing Direct protects the health and safety of its workforce and keeps the standard of service to Service Users at a high level.

## 4. POLICY

- 4.1 Nursing Direct will ensure that it complies with its obligations under the Working Time Regulations in respect of providing adequate rest breaks, weekly hours of work and weekly rest periods.
- 4.2 Nursing Direct will take into account the requirements and obligations of the Working Time Regulations when determining staffing and rotas to ensure that sufficient numbers of suitably qualified, competent, skilled and experienced staff are available to meet the needs of the people using the service at all times in accordance with Regulation 18 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.
- 4.3 This policy does not form part of any contract of employment and may be amended at any time.

## 5. PROCEDURE

- 5.1 Staff including Agency Workers are entitled to:
  - At least a 20-minute unpaid break when working more than 6 hours
  - At least 11 hours of rest between working days
  - At least 24 hours rest in any 7-day period (or 48 hours rest in any 14-day period); and
  - To work no more than 48 hours in any week (averaged over 17 weeks)
- 5.2 Nursing Direct will ensure that sufficient time is given to all staff including Agency Workers to take their necessary breaks. However, Nursing Direct is not responsible and will not be in breach of this policy or the Working Time Regulations if staff including Agency Workers choose to work through their break and rest periods.

- 5.3 If staff including Agency Workers request or are required to work more than 48 hours in a week, they will be required to sign a Working Time Opt-out Form which confirms that they have opted out of the 48-hour working week. Staff including Agency Workers may terminate the opt-out agreement by giving not less than 3 months' notice to do so.
- 5.4 The Working Time Regulations recognise that sometimes it is not always possible to follow these rules on night work and rest breaks where there is a need for continuity of service, such as the provision of treatment or care. If it is not possible to give staff including Agency Workers the appropriate rest breaks, compensatory rest should be given as soon as possible and should be the same length of time as the break (or part of it) that staff including Agency Workers missed.
- 5.5 Time spent commuting to a normal place of work would not usually be counted as working time. However, time spent travelling during working hours will usually be counted as working time for the purposes of the Working Time Regulations.

If an individual has no fixed place of work and is required to travel from place to place as part of their role, travel to and from a place of work at the beginning and end of the day is usually counted as working time for the purposes of the Working Time Regulations. However, this time is only relevant for ensuring compliance with rest periods. Travel to and from a place of work at the beginning and end of the day is not work time for the purposes of the National Minimum Wage Regulations and is not payable. Please see the Minimum Wage Policy and Procedure for more details.

- 5.6 It is important that Nursing Direct understands when a staff including Agency Workers may be working elsewhere in addition to their role with Nursing Direct to ensure that, across both jobs, the staff including Agency Workers are getting an adequate rest.
- 5.7 Staff including Agency Workers are entitled to a minimum of 5.6 weeks of annual leave in each annual leave year (pro rata for part time staff including Agency Workers) under the Working Time Regulations.

Staff including Agency Workers should take at least 4 weeks' paid holiday leave in the annual leave year to which it relates, and the remaining 1.6 weeks can be carried over at the discretion of Nursing Direct. Please see the Annual Holiday Policy and Procedure at Nursing Direct for further details on circumstances when staff including Agency Workers will be entitled to carry annual leave into the next annual leave year.

## 6. DEFINITIONS

### 6.1 Staff including Agency Workers

#### 6.1.1 Staff

Denotes the employees of Nursing Direct Healthcare Limited.

#### 6.1.2 Agency Workers

Refers to individuals who are contracted with Nursdoc Limited or another employment business as an Agency Worker (temporary worker) provided to Nursing Direct Healthcare Limited to perform care services under the direction of Nursing Direct.

### 6.2 Nursing Direct

Nursing Direct, also known as Nursing Direct Healthcare Limited, is the entity regulated by the CQC (Care Quality Commission) and responsible for the care service provision, contracted to provide homecare services to service users in their homes, in placements, essential healthcare facilities and in the community.

### 6.3 Nursdoc Limited

As the sister company to Nursing Direct Healthcare Limited, Nursdoc Limited acts as an employment business, specialising in providing staffing solutions to the healthcare sector.

### 6.4 CQC (Care Quality Commission)

CQC throughout this policy, the term "CQC" refers to the Care Quality Commission (CQC) which is the independent regulator of health and social care in England.

### 6.5 Working Time Regulations

In general, the **Working Time Regulations 1998** provide rights to:

- A limit of an average 48 hours a week on the hours a worker can be required to **work**, though individuals may choose to **work** longer by "opting out"
- Paid annual leave of 5.6 weeks a year
- 11 consecutive hours rest in any 24-hour period
- A 20-minute break when working more than 6 consecutive hours; and
- 24 hours consecutive rest in any 7-day period or 48 hours consecutive rest in any 14-day period (the 7 or 14-day period beginning at midnight between Sunday and Monday and ending at midnight between Sunday and Monday either the following week or week after)

### 6.6 National Minimum Wage

You must be at least:


- Of school leaving age to get the National Minimum Wage
- Aged 23 or over to get the National Living Wage - the Minimum Wage will still apply for workers aged 22 and under

The hourly rate for the minimum wage depends on your age and whether you are an apprentice. For details of the current rates, see the Government website.

## OUTSTANDING PRACTICE

To be “outstanding” in this policy area you could provide evidence that:

- Nursing Direct can demonstrate active consideration of the health and wellbeing impact on working hours and takes proactive steps to address this
- Nursing Direct has robust risk assessments in place which are regularly reviewed. When things go wrong, the incident is investigated and lessons learned applied
- Nursing Direct has an effective recruitment strategy and operates with staff working a mix of hours. Staff including Agency Workers are not expected to work excessive hours and there is a culture that promotes a good work-life balance

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<b>SIGNED:</b>	 Marc Stiff – Group Managing Director