



Working Hours

Policy and Procedure

Notice to employees using a paper copy of this policy
The company Policies folder on the shared drive holds the most recent version of this document and all employees must ensure that they are using the most recent guidance.

Document Control

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Version Control

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1.0	January 2017	Jonathon Short	New policy implemented
2.0	Nov 2017	Karen Hodgkinson	Format adjusted, updated ownership
3.0	27.06.2019	Karen Hodgkinson	Reviewed Document and version control standardised

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Outcome

People who use services are safe and their health and welfare needs are met by staff who are fit, appropriately qualified and are physically and mentally able to do their job.

Scope

The policy applies to Agency Workers only and does not apply to contractors or any self-employed individuals working for the organisation.

Policy Statement

This policy sets out Libertatem Healthcare Group's position regarding working hours of Agency Workers.

Libertatem Healthcare group managers have a responsibility to ensure that working hours are kept within reasonable limits and will monitor working hours for this purpose. Agency Workers themselves also have a duty to ensure that they are not working excessive hours and inform the manager directly if they consider that they may be doing so.

This policy is issued by way of guidance on the Company's policy and practice. It does not form part of a contract of employment or otherwise have any contractual effect. This policy may be varied, withdrawn or replaced at any time by Libertatem Healthcare Group at its absolute discretion.

Our approach ensures compliance with the Care Quality Commission's Guidance about Compliance: Guidance for Providers on meeting the Regulations in particular regulation 19.

Aim of the policy

Libertatem Healthcare Group strives to provide a safe working environment and ensure the safety and wellbeing of all its workers. The Company seeks to ensure that workers do not exceed reasonable working hours to provide for a satisfactory balance between work and personal life. Libertatem Healthcare Group is also committed to ensuring that workers' health is not compromised by the workplace.

Hours of work

As an Agency Worker we do not guarantee a set number of hours in any given week; however it is important for agency workers to understand their obligations in relation to the Working Time Directive, especially when undertaking work with more than one Agency/Employer.

Under the Working Time Directive, Agency Workers must take reasonable steps to ensure that they do not work more than 48 hours a week over a period of 26 weeks. A record of hours worked will be kept by their main work provider and we advise that agency workers inform their main work provider of the hours they work as an agency worker. Should the agency worker wish to work over 48 hours on a regular basis i.e. if the average hours worked over 26 weeks are more than 48 hours, the Company will request that they sign a form to "opt out" of the Working Time Regulations 1998. The Agency Worker has the right to refuse this request and, if they sign the opt-out, can give the Company [seven days] notice that they wish to revoke this, without facing any penalty. Any worker who has not signed the opt-out or who has revoked their opt-out will not be permitted to work more than 48 hours in one week.

Rest breaks

Agency Workers have the right to a minimum unpaid rest break of 20 minutes after working for six hours. If operational requirements mean that workers are unable to take these breaks at that time, they will be entitled to compensatory rest to be agreed with their Manager.

Workers also have the right to a rest period of 11 consecutive hours in each 24-hour period. This does not apply to shift workers who change shifts, which prevents them taking this break. Workers are also entitled to an 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. The Agency Worker has a duty to inform their Branch Manager as soon as possible if they are or may be at risk of being unable to take these required rest breaks.

Night Workers

Night workers (i.e. those who work at least three hours between midnight and 5am) should not exceed an average of eight hours' work in every 24-hour period however; this is calculated over a reference period of 17 consecutive weeks (which may be extended to a reference period of 26 weeks). The worker has a duty to inform their Branch Manager as soon as possible if they are or may be at risk of working hours in excess of this. The Branch Manager will take appropriate steps to ensure that excessive night hours are not being worked by that individual.

Under Regulation 21 of the Working Time Directive there are some exemptions, for instance where the worker's activities involve the need for continuity of service, i.e. hospitals or similar establishments and residential institutions.

The exemption in relation to the continuity of care applies where there is a need for the particular worker to provide that continuity.

Working time

A worker is considered by the Company to be "working" when they are carrying out activities on behalf of the Company. It does not include travel from the worker's home to their place of work, rest breaks, travel time outside normal working time.

Working time will include time where a worker is required to be at the client'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 perform their functions at different locations.

However, working time will not include travel to and from a worker's home, or time when a worker (despite being on the Company's premises or at their place of work) is not available to perform functions for the Company or is pursuing outside interests during that time.

Miscellaneous

Libertatem Healthcare Group expects that Agency Workers will ensure that they are present at the place of work during the times and for the total number of hours each day/week as advised by the Company.

Complaints about working hours

If a worker considers that they have been unfairly treated with regard to their working hours (for example being required to work excessive hours), they are requested to raise this informally with their Manager. If the worker's complaint relates to their Manager, they are requested to raise it with a more Senior Manager. If a worker is not satisfied following this route, they have the right to raise a grievance in accordance with the Company's Grievance Procedure.