

“Working Time Regulations 1998” – ELFT Rules

In compliance with the Working Time Regulations 1998 (WTR) no member of staff, may work more than 48 hours a week on average whether substantive staff or Bank staff unless they have signed the Individual Working Hours Agreement form (see form below).

It is the responsibility of all concerned to ensure that these regulations are not infringed.

The onus is on ward or departmental managers to ensure that all substantive staff working extra hours on their ward have signed the Individual Working Hours Agreement form and have retained a copy for their reference and returned a copy to the Bank.

Providing that the Individual Working Hours Agreement form is signed, a member of staff may work up to a maximum of 60 hours per week. Under no circumstances will a member of staff be permitted to exceed these hours either through undertaking bank/agency work or duties within the Trust or with another organisation. Under the WTR 1998, the average working time, including overtime, should not exceed 48 hours for each 7-day period.

The above will also apply to staff who has entered into substantive employment contract with the Trust (inclusive of both normal and Bank work).

If you are required to work a shift in your post, in doing so you agree that you will not undertake back-to-back shift working, which may include:

- A Late (or a long day) shift followed by a night shift
- A Night shift followed by any day duty

You should also ensure that you comply with the following rest periods, which can be averaged out over a seven-day period; however, you should ensure that you receive a minimum of a 90 hour rest period a week.

- 20 Minutes every 6 hours (averaged over a 7 day period)
- 11 hours every 24 hours (averaged over a 7 day period)
- 24 hour continuous rest period every 7 days.

Annual Leave: Individuals should ensure that they take a minimum of 28 days of their annual leave strictly for annual leave/rest purposes and should not undertake any bank/agency work or duties within all localities of the Trust or elsewhere during this time.

In the event that the Trust implements its Emergency Management Plan Director level guidance will apply.

**Individual Agreement on Working Hours Limits for All Staff
(Excluding Doctors in Training)**

I agree that I fully understand and will abide by the following rules and regulations and that my failure to comply with these rules and regulations could lead to disciplinary action being taken against me up to and including DISMISSAL.

Section A: Compliance with Working Time Regulations

1. I will work up to a **maximum of 48 hours per week averaged over a reference period of any 26 weeks.** If I choose to **opt-out** of this provision and work **up to a maximum of 60 hours per week (the Trust's limit*)** I have completed the relevant section below and I will not exceed these hours either through undertaking any bank/agency work or duties within all localities/services of the Trust or with another organisation.

2. I will ensure that I comply with the following rest periods, which can be averaged out over a seven day period, however, I will ensure that I receive a minimum of a 90 hour rest period a week:
 - 20 minutes every 6 hours (averaged over a 7 day period)
 - 11 hours every 24 hours (averaged over a 7 day period)
 - 24 hour continuous rest period every 7 days or 48 hours per fortnight
 In cases of an emergency instead of getting normal breaks, I will take a 'compensatory rest'. This is rest taken later, ideally during the same or following working day. If I choose to work through my break I will not be entitled to a compensatory rest break.

3. I will ensure I take a minimum of 28 days leave per year, irrespective of annual leave or bank holidays, strictly for annual leave/rest purposes. For 28 days a year I will not undertake bank/agency work or duties within all localities of the Trust or with another organisation.

Section B: Compliance with Trust Health and Safety Rules*

1. I will not undertake back-to-back shift working which may include:
 - A late (or long-day) shift followed by a night shift;
 - A night shift followed by any day duty.

2. On returning from sickness absence or any other unexpected absence, I will refrain from undertaking additional bank/agency duties for a period of 7 calendar days.

Confirmation of Agreement: Employee

Signed: _____ Print Name: _____

Date: _____

Confirmation of Opt-out of Working Time Regulations: Employee to sign

I do intend to work over 48 hours per week up to a maximum of 60 hours per week (the Trust's limit). I will give two months notice if I wish to change this provision. I agree that if I do intend to work over an average of 48 hours per week that my working hours and practices will be monitored by my manager and Trust processes and mechanisms.

Signed: _____ Print Name: _____

Date: _____

Received by: Authorising Manager/Supervisor

Signed: _____ Print Name: _____

Date: _____