

1.0 Introduction

- 1.1 The standard working week for full time employees is a 37 hour (5 day) week. Part time employees and those with irregular working patterns shall have the same provisions applied on a pro rata basis.
- 1.2 While the standard week is 37 hours, this may be varied by agreement.
- 1.3 In considering working arrangements the following need to be taken into account:
- Working Time Regulations 1998 (as amended);
 - Relevant health and safety legislation;
 - National Agreements on Conditions of Service.
- 1.3 The main provisions of the of the Working Time Regulations are:
- A limit of an average of 48 hours a week (*40 hours for Young workers*) which a worker can be required to work;
 - a limit of an average of eight hours work in 24 which nightworkers can be required to work;
 - a right to 11 hours (*12 hours for Young workers*) rest a day;
 - a right to a day off each week (*2 consecutive days for Young workers*);
 - a right to a minimum in-work rest break of 20 minutes (*30 minutes for Young workers*) if the working day is longer than six hours (*four and a half hours for Young workers*);
 - a right to 5.6 weeks paid leave per year;
 - a right for nightworkers to receive free health assessments.

Greater detail on all of the above can be found at Appendix 1.

- 1.5 The aim of the council is to comply with the provisions (i.e. without the use of flexibilities, modifications and exemptions) of the regulations, which have been written with a view to reducing health and safety risks.
- 1.6 This procedure applies to all employees of the council other than those appointed by schools with delegated powers. The scope of the Working Time Regulations however is much wider and in the context of these regulations and the following procedure a 'worker' covers:
- Someone who has a contract of employment, or

- Someone who is paid a regular salary or wage and works for an organisation, business or individual. Their employer normally provides them with work, controls when and how the work is done, supplies them with tools and other equipment, and pays tax and National Insurance contributions. In the council this includes casuals, sessional workers and the majority of agency workers and freelancers.

Note 1: This procedure addresses working time issues during periods of normal activity. Guidance on working time considerations in the event of adverse weather conditions can be found in Appendix 4.

2.0 Standard Working Arrangements

- 2.1 Standard working arrangements should be determined at the time of or immediately following an offer of employment to the successful candidate. At the latest this should be conducted on the first day of work and both parties **must** complete and sign Appendix 2, which is provided for this purpose.

Note 2: Completed forms must be forwarded to the Human Resources (HR) Advisory Service to be filed securely in the employee's personal file.

Note 3: Details of non-standard working patterns and shift work including associated enhancements and allowances can be found in the council's Pay policy B.2.

- 2.2 The manager will consider any request made by the employee in relation to their working hours against the needs of the service. This may lead to negotiations to set the working hours, however the overriding factor will be the need to meet service requirements.
- 2.3 If an employee wishes to temporarily change their standard working arrangements this must be agreed in advance by the line manager, who will decide if the request for change meets the needs of the service. Employee requests to permanently change standard working arrangements should be made in accordance with the council's Flexible Working and Career Breaks policy B.3.6 if applicable.

3.0 Implementation, Monitoring and Review

- 3.1 In seeking to make changes to working arrangements, Directors or their nominated senior officers, in conjunction with HR, will consult fully with staff and their trade union representatives.
- 3.2 HR will assist Directors, as necessary, to establish appropriate records for demonstrating particular areas of compliance as required by the Working Time Regulations, specifically:
- The 48 hour week;
 - night working limits; and
 - health assessments for night workers.
- 3.3 Directors or their nominated senior officers should identify employees who regularly work in excess of their contracted weekly hours and investigate the reasons for this situation. Where employees are identified as exceeding the 48 hour limit, managers should review the workload and practice and consideration should be given to adjusting working hours or redesigning the job.

4.0 Recording of Time

Note 4: Employees have a responsibility to arrange their working time and locations in the most efficient way possible. This will minimise the claiming of time in excess of normal working hours.

- 4.1 Employees are deemed to start work for the day when they begin their first duty, at their first place of work.
- 4.2 Employees who are not working at their normal place of work and have to undertake a journey to work that is longer than their usual journey from home to work may record the additional travelling time as time worked. Employees whose journey is shorter than usual, should record their start time when they begin their first duty on arrival.
- 4.3 For time recording purposes employees will claim the actual time spent on the training course, plus any travel time in accordance with paragraph 4.2, subject to it not exceeding their normal working day.

- 4.4 If an employee is directed to attend a meeting or conference where the main beneficiary is the council, or the employee is required to represent the council, the actual working time spent away from the work base, plus any travel time in accordance with paragraph 4.2, may be recorded.

5.0 Additional Employment

- 5.1 New employees joining the council who already have another job must notify the council prior to commencement so that the overall working hours may be taken into account.
- 5.2 Employees must equally ensure that any work undertaken outside their main employment with the council does not adversely affect their ability to satisfactorily perform the duties of their main post.
- 5.3 Existing council employees who wish to take up additional employment (including work on a self-employed basis) must inform their line manager in writing prior to taking up any additional employment. The letter should contain information about the hours and patterns of work involved and specifically detail the combined total hours the employee intends to work.
- 5.4 Managers must assess the request against the provisions of the Working Time Regulations including considering whether the employee's health is likely to suffer as a result of inadequate breaks. Managers must also judge whether there is any potential conflict of interest.
- 5.4.1 The council does not prevent employees from having more than one job. However, if an employee has more than one job, they must make sure they declare the combined actual total hours they work. This also applies to any casual work that employees do.
- 5.4.2 Where an employee has more than one job their combined hours should not exceed the weekly average of 48 hours.

5.4.3 If an employee is working more than an average of 48 hours a week in total, or more generally in the manager's view the number or pattern of hours proposed or being worked might threaten the health or safety of the employee (or of others), the manager must take all reasonable steps to remove the health or safety risk. This might mean:

- Reducing the number of hours being worked (if that is reasonable), or;
- asking the employee to give up the other job.

The priority should be to protect the health and safety of all workers by ensuring that no individual works such long hours as to be a danger to themselves or to others.

5.4.4 Where discussions do not successfully reduce the employees total working hours to less than an average of 48 hours a week, the manager should ask the employee whether they wish to voluntarily sign the working time waiver clause agreement provided at Appendix 3.

5.5 Employees who are paid on spinal column point 23 and above or who undertake work of a regulatory nature will require consent for additional employment by written approval from their Director.

Note 5: 'Regulatory nature' for this purpose means a post that involves 'undertaking enforcement pursuant to a statutory power' i.e. any action taken by officers aimed at ensuring compliance with the law; for example, environmental health and trading standards.

6.0 Flexitime Scheme

6.1 The flexitime scheme is available to all employees of the council other than those employed in schools with delegated powers or where they have been specifically excluded by their manager because of the nature of the duties of the post or the requirements of the service. Detailed guidance can be found in the council's Flexitime scheme B.3a.

7.0 Time Off in Lieu (TOIL)

7.1 TOIL normally applies:

- as an alternative to an overtime payment; or
- as part of the compensation package for working on public holidays.

- 7.2 The amount of time granted in lieu should exactly match the hours worked in all cases except for national conditions of service relating to public holiday entitlement.

- 7.3 Time off in lieu should not be granted as a means of overcoming the flexitime limits.