# Working Time Regulations Policy

<table>
<thead>
<tr>
<th>Version No.:</th>
<th>3.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective From:</td>
<td>20 April 2016</td>
</tr>
<tr>
<td>Expiry Date:</td>
<td>25 January 2019</td>
</tr>
<tr>
<td>Date Ratified:</td>
<td>20 April 2016</td>
</tr>
<tr>
<td>Ratified By:</td>
<td>Employment Policies &amp; Procedures Consultative Group</td>
</tr>
</tbody>
</table>

## 1 Introduction

1.1 The purpose of this Policy is to outline the Trust’s approach in respect of Working Time Legislation.

1.2 The terms of the Policy are binding and, unless otherwise stated, must be adhered to by all employees of the Trust.

1.3 Working time is recognised by the Trust as a health and safety related issue and as such, this Policy shall complement the Trust’s existing health and safety policies.

1.4 The implementation of this Policy shall be undertaken in such a way as to ensure that employees are treated fairly and equitably.

## 2 Scope

The policy applies to all employees/workers of the Trust (e.g. Trust Bank workers – see section 5.12 for further information). The policy does not apply to contractors or any self-employed individuals working for the Trust.

## 3 Aims

3.1 The aim of this policy is to take all reasonable steps, in keeping with the need to protect the health and safety of staff, to ensure the requirements of the Working Time Regulations are met.

3.2 This Policy sets out the entitlements of employees, what records must be kept and, identifies how the entitlements shown below are to be applied:

- periods of rest
- in-work rest breaks
- limits on average working time
- night work limits
• health assessments
• paid annual leave

3.3 This Policy identifies very clear minimum limits and standards, a feature of the Regulations and this Policy is an acknowledgement to adopt a flexible approach to implementation. This is in recognition of the fact that the Trust maintains ‘round the clock’ services, on a twenty-four hour basis and that unforeseen circumstances can occur which may reasonably prevent the normal application of this Policy. It is stressed, however, that such occasions will be rare. In any event, primary consideration will be given to the health and safety implications for affected employees.

3.4 Underpinning the implementation of this Policy is the need for the Trust, through its managers and employees, to observe and carry out their obligations in respect of working time. In paragraph 1.3 of this Policy it is stated that working time is a health and safety related issue. As such, all employees have a legal obligation to take reasonable care for the health and safety of themselves and others at work and to co-operate with the requirements of this Policy.

3.5 Any employee who is uncertain as to the application of any aspect of this Policy should contact their line manager, safety representative, a Trust Health and Safety Adviser, or a member of the Human Resources Department for clarification.

4 Duties (Roles and responsibilities)

4.1 The Executive Team is accountable to the Trust Board for ensuring Trust-wide compliance with policy.

4.2 Directorate managers and heads of service are responsible to the Executive Team for ensuring policy implementation.

4.3 Managers are responsible for ensuring policy implementation and compliance in their area(s).

4.4 Staff are responsible for complying with policy.

5 Definitions

5.1 Working Time is defined as any time that an employee is ‘working, at the Trust’s disposal and carrying out his/her activities or duties’. All three elements of this definition must be satisfied in order that time may be classed as working time. For the purposes of this Policy working time need not equate to paid time.

5.2 An employee who is required to be on-call/stand-by shall be regarded as working time from the time that he/she is contacted and asked to attend work to the time
that he/she returns home directly from work. Provided that an employee is otherwise able to pursue time as his/her own, the remaining time spent on-call/stand-by shall not be classed as working time. An employee who is rostered to be on-call/stand-by shall be expected to remain fit for work as a condition of his/her participation in any on-call/stand-by arrangement.

5.3 An employee required to be available at his/her place of work and available for work throughout that period shall be regarded as working for the purposes of this Policy.

5.4 Where an employee has no fixed base travel from home to the first location and travel from the last location to home will be classed as working time.

Where an employee is contacted at home (e.g. by telephone) regarding a work-related matter, but there is no requirement for him/her to attend work, he/she shall be classed as working for the duration of the contact (e.g. telephone call(s)) and will be entitled to equivalent compensatory rest.

5.5 When attending approved non-residential study leave, the time at the event will be classed as working time. Travel time will be subject to agreement with the manager and in line with the Trust's Study Leave/Continuing Workforce Development (CWD) Policy.

5.6 There may be instances where an employee may spend time at home carrying out work that would otherwise be performed in the workplace. This shall be regarded as working time for the purposes of this policy, provided that the line manager has given prior permission. In such instances, it will be necessary for the employee and the manager to determine the amount of time to be allocated to such work prior to it being undertaken.

5.7 Trade union duties undertaken by an accredited representative of a recognised trade union/staff organisation shall be classed as working time for the purposes of this Policy. Trade Union duties are defined in the Trust’s Recognition Agreement for Trade Unions/Professional Staff Organisations.

5.8 Health and safety and union learning duties undertaken by an accredited Safety Representative of a recognised trade union/staff organisation, shall be classed as working time.

5.9 Authorised public duties undertaken by an employee, shall be classed as working time. Public duties arise when an employee is a member of:

a) a trade union

b) a magistrate/justice of the peace
c) member of a local authority, police authority or statutory tribunal

d) a board of prison visitors

e) member of a health authority or Trust,

f) member of an educational establishment maintained by a LEA or a further or higher education corporation,

g) member of a school council or board or self-governing school

h) the Environment Agency

5.10 Night-time is identified as the hours of 23.00 pm to 06.00am inclusive.

5.11 A night worker is an employee whose contract of employment requires him/her to work at least 3 hours of night-time, and/or he/she works these hours regularly (over a 26 week period) as opposed to on an infrequent or ad hoc basis.

5.12 A ‘worker’ is an individual who has entered into or works under either a contract of employment, or any other contract, whether the contract is express or implied. If it is express, whether oral or in writing, the individual undertakes to do or perform personally any work or services for another party to the contract. (The word “worker” in the context of this Policy is interchangeable with “employee”).

5.13 Shift work is defined as any method of organising work in shifts where employees succeed each other at the same workstation according to a certain pattern, including a rotating pattern, and which may be continuous or discontinuous, entailing the need for employees to work at different times over a given period of days or weeks.

5.14 Shift worker is defined as any employee whose work schedule is part of shift work.

5.15 The leave year for the purposes of this Policy is the period 1 April to 31 March inclusive each year.

5.16 Equivalent compensatory rest is defined as the difference between the amount of rest actually taken and the amount of rest that ought to be taken to ensure compliance with the Working Time Regulations.

5.17 Young worker is defined as an employee who is 15 years of age or over but under 18 years of age.

5.18 Normal working hours are defined as those hours stated in the employees’ terms
and conditions of employment as their contractual hours. Overtime hours that are neither guaranteed nor compulsory, shall not be classed as normal working hours.

5.19 Reference Periods

- The standard reference period to be used for calculating average weekly working time shall be 17 weeks. ST3+ level doctors have a 26 week reference period; those Doctors in Training on four monthly rotations have a reference period of 17 weeks.

- Where an employee has completed less than 17/26 weeks service, the reference period shall be the period that has elapsed since he/she started.

- In exceptional circumstances the standard reference period may be extended to a maximum of 52 weeks by means of a collective agreement at departmental/ward level.

- A collective departmental/ward level agreement may also determine alternative dates over which average weekly working time may be calculated.

- A collective departmental/ward level reference period agreement shall only apply to employees in that particular area of work.

- Employees who are covered by an agreement as above cannot collectively agree to work in excess of the average maximum weekly limit. This may only be done on an individual and voluntary basis in writing (see 7.3 below).

6 Entitlement to Rest Breaks & Rest Periods

6.1 Daily Rest

6.1.1 An employee is entitled to a rest period of not less than 11 consecutive hours between each working day in each 24 hour period. This entitlement may be disapplied for shift workers subject to equivalent compensatory rest being provided. The entitlement of employees not regarded as shift workers may also be disapplied provided that this is not done on a regular or routine basis and that it is in response to exceptional service needs. In such instances, equivalent compensatory rest shall be provided within two weeks: equivalent compensatory rest for Doctors in Training should be provided within 72 hours.

6.1.2 Where an employee works on-call/stand-by that breaks the 11 hour rest period, he/she is entitled to equivalent compensatory rest. Where practicable this should be taken as soon after the period of the breach as
possible and, in any event, within two weeks or 72 hours for Doctors in Training. Exceptions to this may be made by local agreement.

6.1.3 Where an employee is not able to take 11 hours daily rest because of a request to work extra hours above the standard working week, the implementation of rest periods shall be without prejudice to any financial benefits or payments to which he/she is entitled notwithstanding that the normal working week hours paid at the normal hourly rates have not been completed. The decision to disapply the 11 or 24 hour rest periods shall remain with the worker.

6.2 Weekly Rest

6.2.1 A normal week starts at midnight on Sunday and ends at 23.59pm on the following Sunday.

6.2.2 An employee shall not normally be rostered to work more than 7 continuous shifts (one per day) over a 2 week period. In exceptional circumstances an employee may work a maximum of 8 continuous shifts by arrangement (a Doctor in Training may work a maximum of 12 continuous shifts by arrangement). In such instances, the manager must be able to demonstrate the need. The weekly rest period that has been breached should be taken as soon as possible and no later than 4 weeks from the date of entitlement.

6.2.3 An employee is entitled to an uninterrupted rest period of not less than 24 hours in each 7 day period. Daily and weekly rest are separate entitlements and should be taken consecutively in either one continuous weekly period of 35 hours (i.e. 24 hours weekly rest plus 11 hours daily rest), or one continuous fortnightly period of 70 hours.

6.2.4 The daily rest period of a young worker shall not be less than 12 consecutive hours. Such employees will be given two days consecutive rest in each 7 day period - normally Saturday and Sunday - unless otherwise agreed locally.

6.3 Compensatory Rest

6.3.1 Where an employee is required to work during any time which is supposed to be rest time (e.g. daily or weekly) due to a need for continuity of service or where there is a foreseeable surge of activity then he/she must:

a) be permitted to take an equivalent period of compensatory rest as soon as possible. This should amount to the same number of hours rest lost. Daily rest lost should be taken within two weeks or 72 hours for Doctors in Training and weekly rest lost within four weeks;
or

b) in exceptional cases, where providing equivalent compensatory rest is not possible, be granted rest in order to protect his/her health and safety. This should be a minimum of half the amount of equivalent compensatory rest entitlement to be taken within a 7 day period - the remainder to be taken in the following 7 day period.

c) where rest is taken as in b) above, this shall be without prejudice to any financial benefits or payments to which the employee is entitled, notwithstanding that the normal working weekly hours paid at the normal hourly rates have not been completed.

6.3.2 When a shift worker changes shifts and cannot take his/her entitlement to daily or weekly rest between the end of one shift and the start of the next one, he/she is entitled to equivalent compensatory rest in accordance with 6.3.1 a) above.

6.3.3 Where an employee cannot take his/her entitlement to daily or weekly rest because his/her work is split up over the day, he/she is entitled to equivalent compensatory rest in accordance with 6.3.1 a) above.

6.3.4 Compensatory rest will be paid or unpaid depending on whether the period of daily and/or weekly rest lost was paid or unpaid. If paid rest is due, it will be at the rate applicable during the period of daily and/or weekly rest lost.

6.4 In-Work Rest Breaks

6.4.1 When daily working time is more than 6 hours, an employee is entitled to a minimum uninterrupted break of 20 minutes away from his/her work station. It should be a break during working time and not at the start or the end of the working day. In-work rest should not overlap with daily rest entitlement.

6.4.2 Where an employee cannot take his/her entitlement to in-work rest, he/she is entitled to compensatory rest. This should be taken within two weeks.

6.4.3 Where a young employee’s daily working time is more than four and half hours, he/she is entitled to a break of at least 30 minutes (consecutive if possible) away from his/her work station. This should be a break during working time and not at the start or the end of the working day.

6.5 Entitlement under Other Provisions

Where an employee is entitled to a rest period, rest break or annual leave both
under the Working Time Regulations and under a separate provision (e.g. his/her contract of employment), he/she may not exercise the two rights separately, but may, in taking a rest period, rest break or annual leave, take advantage of whichever right is the more favourable.

7 Working Time Limits

7.1 Weekly Working Time Limits

7.1.1 An employee’s working time, including overtime, in any reference period which is applicable in his/her case shall not exceed an average of 48 hours per week. This includes Doctors in Training.

7.1.2 It is acknowledged that an employee may wish to work more hours than the maximum weekly limit. Such an employee shall be permitted to do so provided that he/she has entered into an individual and voluntary written agreement with the Trust to disapply the 48-hour rule (see 7.3 below).

7.2 Calculation of Average Working Time

7.2.1 Average working time shall be calculated by dividing the total number of hours worked (see Section 3) by the number of weeks in the reference period applicable to the employee.

7.2.2 The calculation shall not take account of periods where an employee is absent, for example due to annual leave, sickness, maternity and paternity leave, parental leave, special leave or compassionate leave, as this is not classed as working time. If any such absence falls within a reference period, the hours worked in an equivalent period falling immediately after the reference period will be used. For example, if five days annual leave was taken in the reference period, the end date of the reference period will be extended to cover the next five working days.

7.3 Agreement to Exceed the Weekly Working Time Average Limit

7.3.1 An employee is not expected to work more than their applicable average weekly working time average limit, in most cases this will be 48 hours per week.

7.3.2 He/she may make a request to opt out of the limit if he/she wishes provided this is done on a voluntary basis in writing (see Appendix I). Opt-out agreements (and evidence of their termination) will be retained on the employee’s personal file.

7.3.3 In assessing a request to opt-out, consideration shall be given to the Health and Safety implications and, if necessary, a risk assessment shall
be undertaken in conjunction with the Trust’s Health & Safety Adviser and/or Occupational Health Service. If an opt-out request is not acceptable to the Trust it will be declined. Where a risk assessment is undertaken, a copy should be placed on the employee’s personal file.

7.3.4 Where an employee holds other employment with another employer and he/she wishes to opt out of the 48-hour rule, it is his/her responsibility to ensure they give their written agreement to the other employer.

7.4 Night Working Limits

7.4.1 A night worker’s normal working time, including overtime, in any reference period which is applicable in his/her case shall not exceed an average of 8 hours for each 24 hours.

7.4.2 Where a night worker’s duties involve special hazards or heavy physical or mental strain, he/she shall not work for more than 8 hours in any period of 24 consecutive hours.

7.4.3 The identification of night duty special hazards of heavy physical and mental strain shall be undertaken by a process of risk assessment in accordance with the Management of Health and Safety at Work Regulations 1992 and the Trust’s local risk assessment procedures. Where a risk assessment is undertaken, a copy should be placed on the employee’s personal file.

7.4.4 The standard reference period to be used shall be 26 weeks.

7.4.5 Where an employee has completed less than 26 weeks service, the reference period shall be the period that has elapsed since he/she started.

7.4.6 In exceptional circumstances the standard reference period may be extended to a maximum of 52 weeks by means of a collective agreement at departmental/ward level.

7.4.7 A collective departmental/ward level agreement may also determine alternative dates over which the average 8 hours in 24 hours may be calculated.

7.4.8 A collective departmental/ward level reference period agreement shall only apply to employees in that particular area of work.

7.4.9 Employees who are covered by an agreement in 7.4.7 above cannot collectively agree to work in excess of the average of 8 hours in 24 hours maximum limit. This may only be done on an individual
voluntary basis in writing (see 7.3 above).

7.4.10 A collective departmental/ward level agreement may also vary or exclude the night working limits and referencing periods subject to the night workers receiving compensatory rest as defined in Section 5.16.

7.4.11 The Manager shall offer an employee a health assessment i) before they become a night worker, and ii) on a regular basis after that. The frequency of subsequent offers of assessment will be determined by the manager as part of the annual appraisal discussion. The assessment will be undertaken by Occupational Health following a referral from the manager using the standard occupational health referral form available on the intranet. Where the offer of assessment is declined, a record will be made by the manager and recorded on the employee’s personal file. Employees may also request a health assessment via self-referral to Occupational Health.

7.5 Calculating Working Time and Breaks

7.5.1 Weekly Working Time – the average weekly working time (48 hours) calculation is:

\[
\frac{A+B}{C}
\]

A is the total number of hours worked during the reference period.
B is the total number of hours worked, immediately after the reference period, during the number of working days equal to the number of days missed due to leave (see 5.3.2 above).
C is the number of weeks in the reference period.

7.5.2 Example

An employee has a standard working week of 40 hours and does overtime of 12 hours a week for the first 10 weeks of the 17 week reference period. No leave is taken.

The total hours worked is:

17 weeks of 40 hours and 10 weeks of 12 hours of overtime

\[(17 \times 40) + (10 \times 12) = 800\]

Therefore the average (total hours divided by number of weeks):

\[
\frac{800}{17} = 47.1 \text{ hours a week}
\]
The average limit of 48 hours has been complied with.

7.5.3 Where an employee has more than one job the Trust is under an obligation to ensure that the 48 hour weekly average is not exceeded. This will entail asking the employee whether he/she has worked elsewhere and, if so, for how many hours. It may be that the employee is asked to provide written consent to working more than the 48 hour weekly average limit.

7.5.4 Night Workers Working Hours – the normal working hours of a night worker should not exceed the limit of an average of 8 in any 24 hour period. The standard reference period for the calculation of this average is 26 weeks. This may be extended to a maximum of 52 weeks by means of a collective agreement at departmental/ward level. The calculation to be used is as follows: A B-C

A is the number of hours during the reference period which are normal working hours for that worker.
B is the number of twenty-four hour periods (days) during the reference period.
C is the number of hours of weekly rest to which the employee is entitled under the Regulations (i.e. twenty-four hours for each seven days) divided by 24. (It should be noted that this is not the total amount of hours that the employee is at rest in each week. Only the hours making up the weekly rest period that the worker is entitled to under the Regulations are counted).

7.5.5 Example

The reference period is 26 weeks, if a night worker usually works 4 x 12 hours in each 7 day period he/she will work for 26 (4 x 12) = 1248. There are 182 twenty-four hour periods in the reference period and 26 twenty-four rest periods. The calculation is as follows:

\[ \frac{1248}{182-26} = \text{an average of 8 hours (i.e. compliance)} \]

8 Annual Leave

8.1 Entitlement to Leave

8.1.1 Employees are entitled to paid annual leave, including Public Holidays in accordance with their terms and conditions of employment. The first 5.6 weeks (pro rata for part time employees) of contractual annual leave entitlement will be off-set against any entitlement to statutory annual leave under the Working Time Regulations.
8.1.2 The leave year shall be 1 April to 31 March each year.

8.2 Carry-Over of Annual Leave

Only in extenuating circumstances may annual leave entitlement equivalent to 5 days, i.e. one working week (pro-rata for part-time employees and full time employees who work their shifts over less than 5 shifts per week) be carried forward from one leave year to the next. This is subject to the prior written approval in advance from the employee’s line manager. Where annual leave is carried over, the first leave taken in the following leave year will be deemed to be carry over until the amount of leave carried over is exhausted – as per the Trust's Annual Leave Policy. Where the carry over of statutory annual leave is appropriate, the amount which may be carried over to a new leave year is four weeks (the entitlement under the EWTD) - the additional 1.6 weeks' annual leave under regulation 13A of the WTR does not carry over.

9 Records

9.1 Records must be kept which demonstrate that departments, wards and the Trust comply with the weekly working and night working time limits.

9.1.1 There is no requirement to keep a running calculation of each employee’s weekly working time. Records which are kept for the purposes of this Policy will be of time already worked rather than of current or prospective working time.

9.1.2 Where an employee has agreed to work over the 48 hours per week average limit there is a requirement to keep records of the number of hours actually worked.

9.1.3 All working time records including health assessments for Night Workers must be kept for two years from the date on which they were made.

9.2 Junior Doctors in training are monitored for EWTD compliance every 6 months. This occurs as part of the contractually required New Deal monitoring. Trainees complete a work diary over a period of 3 weeks which is then reviewed to ensure they are adhering to all regulations under both EWTD and New Deal. The results of the monitoring are reported back to the trainee and the Directorate and any issues which arise will be resolved in conjunction with all parties.

10 Secondary Employment

10.1 For an employee who also has employment with another employer, or multiple posts within the Trust it is the duty of both the Trust and the individual to recognise that all working time (including with other employers) is relevant for the purposes of this Policy.
10.2 It is a condition of employment with the Trust that an employee discloses secondary employment to their manager/Head of Department and the HR Department. For further information, an employee should refer to their Contract of Employment: Further Particulars, and Corporate Governance: Standards of Business Conduct available on the intranet.

10.3 If an employee fails to declare secondary employment, or hours worked for another employer, this may result in an investigation being conducted in accordance with the Trust’s Disciplinary Policy/Procedure.

11 Safety Implications

It is recognised that all hours worked with all employers may be relevant for the purposes of this Policy and, as such, the Trust and its employees must ensure that any potential safety implications are addressed.

12 Training

Training will be provided by the Human Resources Department to managers following implementation of the procedure.

13 Equality and Diversity

The Trust is committed to ensuring that, as far as is reasonably practicable, the way services are provided and the way staff are treated reflects their individual needs and does not unlawfully discriminate against individuals or groups. This policy has been properly assessed.

14 Monitoring Compliance with the Policy

<table>
<thead>
<tr>
<th>Standard / Process / Issue</th>
<th>Monitoring and Audit</th>
<th>Method</th>
<th>By</th>
<th>Committee</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>EWTD compliance (junior doctors) monitored on a 6 monthly basis.</td>
<td></td>
<td>Work Diary</td>
<td>Director of Human Resources</td>
<td>Heads of Human Resources Meeting</td>
<td>Annually</td>
</tr>
<tr>
<td>EWTD compliance (all staff)</td>
<td>ERA Employee Activity Report</td>
<td>Director of Human Resources</td>
<td>Heads of Human Resources Meeting</td>
<td>Annually</td>
<td></td>
</tr>
</tbody>
</table>

15 Consultation and Review of this Policy

This policy has been reviewed in consultation with the Employment Policies and Procedures Consultative Group
16 Implementation of the Policy (including raising awareness)

A summary of the key changes will be notified to managers following implementation. Further advice and guidance will be available from the Human Resources Department.

17 References

1. Working Time Regulations
   http://www.hse.gov.uk/contact/faqs/workingtimedirective.htm

18 Additional Documents

- Annual Leave Policy
- Disciplinary Policy
- Recognition Agreement for Trade Unions/Professional Staff Organisations
- Study Leave/Continuing Professional Development (CPD) Policy

Author: Employment Policies and Procedures Consultative Group
Appendix 1

The Newcastle upon Tyne Hospitals NHS Foundation Trust

Opt-out Agreement – Working Time Regulations

Employee to complete:

<table>
<thead>
<tr>
<th>Surname:</th>
<th></th>
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<tbody>
<tr>
<td>Forename(s):</td>
<td></td>
</tr>
<tr>
<td>Date of Birth:</td>
<td></td>
</tr>
<tr>
<td>ESR Number:</td>
<td></td>
</tr>
<tr>
<td>Band:</td>
<td></td>
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<tr>
<td>Ward/Department:</td>
<td></td>
</tr>
<tr>
<td>Directorate:</td>
<td></td>
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<tr>
<td>Site:</td>
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</tbody>
</table>

I wish to request to start/end my opt-out of the 48-hour working time rule with effective from: (   /   /   )

<table>
<thead>
<tr>
<th>Employee signature:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td></td>
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</tbody>
</table>

Manager to complete:

The above request is approved/not approved. (If not approved, please state reason(s) below).

A risk assessment was/was not undertaken prior to making the decision

<table>
<thead>
<tr>
<th>Managers name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Title:</td>
<td></td>
</tr>
<tr>
<td>Signature:</td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
</tr>
</tbody>
</table>
A copy of the Opt-Out Agreement and risk assessment (where appropriate) should be placed on the employee’s personal file.
The Newcastle upon Tyne Hospitals NHS Foundation Trust

Equality Analysis Form A

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

PART 1

1. **Assessment Date:** 7/1/2016

2. **Name of policy / strategy / service:**
   Working Time Regulations Policy

3. **Name and designation of Author:**
   Karen Pearce, Senior HR Manager (Projects)

4. **Names & designations of those involved in the impact analysis screening process:**
   Natalie Cowan, HR Manager (Projects), HR Heads, EPPCG

5. **Is this a:**
   - Policy: X
   - Strategy: 
   - Service: 
   **Is this:**
   - New: 
   - Revised: X
   **Who is affected:**
   - Employees: X
   - Service Users: 
   - Wider Community: 

6. **What are the main aims, objectives of the policy, strategy, or service and the intended outcomes? (These can be cut and pasted from your policy)**
   The purpose of this Policy is to outline the Trust’s approach in respect of Working Time Legislation.

7. **Does this policy, strategy, or service have any equality implications?** Yes [ ] No X

If No, state reasons and the information used to make this decision, please refer to paragraph 2.3 of the Equality Analysis Guidance before providing reasons:

See below
### 8. Summary of evidence related to protected characteristics

<table>
<thead>
<tr>
<th>Protected Characteristic</th>
<th>Evidence, i.e. What evidence do you have that the Trust is meeting the needs of people in various protected Groups</th>
<th>Does evidence/engagement highlight areas of direct or indirect discrimination? If yes describe steps to be taken to address (by whom, completion date and review date)</th>
<th>Does the evidence highlight any areas to advance opportunities or foster good relations. If yes what steps will be taken? (by whom, completion date and review date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race / Ethnic origin (including gypsies and travellers)</td>
<td>n/a</td>
<td>The policy is applied to all staff equally and does not discriminate on the grounds of race/ethnic origin</td>
<td>n/a</td>
</tr>
<tr>
<td>Sex (male/ female)</td>
<td>n/a</td>
<td>The policy is applied to all staff equally and does not discriminate on the grounds of sex</td>
<td>n/a</td>
</tr>
<tr>
<td>Religion and Belief</td>
<td>n/a</td>
<td>The policy is applied to all staff equally and does not discriminate on the grounds of religion/belief</td>
<td>n/a</td>
</tr>
<tr>
<td>Sexual orientation including lesbian, gay and bisexual people</td>
<td>n/a</td>
<td>The policy is applied to all staff equally and does not discriminate on the grounds of sexual orientation</td>
<td>n/a</td>
</tr>
<tr>
<td>Age</td>
<td>The policy ensures that young workers are entitled to additional rest breaks and shorter working hours, in accordance with the European legislation</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Disability – learning difficulties, physical disability, sensory impairment and mental health. Consider the needs of carers in this section</td>
<td>Night workers will be offered a health assessment.</td>
<td>The policy is applied to all staff equally and does not discriminate on the grounds of disability.</td>
<td>n/a</td>
</tr>
<tr>
<td>Gender Re-assignment</td>
<td>n/a</td>
<td>The policy is applied to all staff equally and does not discriminate on the grounds of gender reassignment</td>
<td>n/a</td>
</tr>
<tr>
<td>Marriage and Civil Partnership</td>
<td>n/a</td>
<td>The policy is applied to all staff equally and does not discriminate on the grounds of marriage and civil partnership</td>
<td>n/a</td>
</tr>
<tr>
<td>Maternity / Pregnancy</td>
<td>n/a</td>
<td>The policy is applied to all staff equally and does not discriminate on the grounds of maternity/pregnancy</td>
<td>n/a</td>
</tr>
</tbody>
</table>

#### 9. Are there any gaps in the evidence outlined above? If ‘yes’ how will these be rectified?

No

#### 10. Engagement has taken place with people who have protected characteristics and will continue through the Equality Delivery System and the Equality Diversity and Human Rights Group. Please note you may require further engagement in respect of any
significant changes to policies, new developments and or changes to service delivery. In such circumstances please contact the Equality and Diversity Lead or the Involvement and Equalities Officer.

Do you require further engagement?  

Yes  

No  

[ ]

11. Could the policy, strategy or service have a negative impact on human rights? (E.g. the right to respect for private and family life, the right to a fair hearing and the right to education?  

[ ] No

PART 2

Name:  

Natalie Cowan

Date of completion:  

7/1/2016

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified, please refer to the Policy Author identified above, together with any suggestions for action required to avoid/reduce the impact.)