

# Working Time Procedure

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## NHS Shetland Document Development Coversheet\*

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## 1. Introduction

The driving force behind the working time regulations is European health and safety law which seeks to protect workers from the effects of long working hours. This is to be achieved by placing obligations on the employer to ensure a maximum limit of weekly working hours and working patterns which allow for reasonable rest periods.

On 1 October 1998, measures were introduced called “The Working Time Regulations”. The Regulations implement the EU Directive on the Organisation of Working Time (the Working Time Directive). These Regulations provide new rights for employees ensuring that they do not have to work excessive hours.

The Working Time Regulations determine the maximum weekly working time, patterns of work and holidays, plus the daily and weekly rest periods. They also cover the health and working hours of night workers. The Regulations apply to both part time or full-time workers, including the majority of agency workers and freelancers, although certain categories of workers are excluded.

In general the Working Time Regulations 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 rest break if the working day is longer than six hours
- one day off each week
- a limit on the normal working hours of night workers to an average eight hours in any 24-hour period, and an entitlement for night workers to receive regular health assessments.
- There are special regulations for young workers, which restrict their working hours to 8 hours per day and 40 hours per week. The rest break is 30 minutes if their work lasts more than 4.5 hours. They are also entitled to two days off each week.

## **2. Roles & Responsibilities**

### **Line Managers**

This document provides guidance on the limits on working time and the entitlements provided in the Working Time Regulations. It also provides information on the arrangements which have been made in order to implement the Regulations in Shetland NHS Board (The “Collective Agreement for Working Time Regulations”).

This guide seeks to answer commonly raised questions regarding the implementation of the Working Time Regulations. Please refer to the relevant sections in the Collective Agreement for definitions etc.

Line Managers are responsible for ensuring that these Regulations are implemented appropriately within their sphere of responsibility and that local arrangements/procedures are amended/developed as required. Further advice can be sought from the HR Department.

### **Employees / Workers**

Employees and workers have a responsibility to inform their Manager of all hours worked in all concurrent employment. This responsibility is incorporated into all Contracts of Employment. All secondary employment must be declared using the process described in the Secondary Work Activity Section within the Board’s Ensuring Safe and Fair Recruitment, Selection and Employment Policy - <https://www.nhsshotland.scot/directory-record/3537/ensuring-safe-and-fair-recruitment-selection-and-employment-declaration-of-secondary-work-activity>

Employees and workers have a responsibility to monitor their own working time and to highlight to their line managers where there may be an issue with compliance, e.g. if they are unable to take sufficient rest or breaks, or if they have exceeded their working hours.

Where required as part of their employment, employees and workers will complete the relevant working time opt out form.

## **3. Record Keeping**

Guidance for reporting on working time through Scottish Standard Timesheet System (SSTS) is set out in Appendix 2 and will also be highlighted by the Allocate/Optima Team on a quarterly basis (if required).

Records must be maintained which are adequate to ensure compliance with the various time limits specified in this procedure. These records must be kept for a period of 2 years from the date on which they are made for the purposes of

inspection by the appropriate enforcing authorities (but they may be required for a longer period for other purposes e.g. audit). Records kept in accordance with this procedure must be made available to the appropriate enforcing authorities on request and also in the interests of good employee relations, to staff side representatives. This includes annual leave and/or rest periods records.

Where employees work less than an average of 48 hours per week (over a 17 weeks reference period), a copy of the contract of employment and any relevant duty and overtime sheets would be sufficient evidence that the 48 hour week is not being exceeded. Records, in accordance with the Regulations, do not require to be kept for those staff who opt out of a 48 hour week.

#### **4. Maximum Weekly Working Time**

Employees will normally not be expected to work more than 48 hours per each seven day period calculated over an averaging period of 17 weeks (this may be extended to 26 weeks but only through agreement in the Area Partnership Forum).

Working Time is any time when an employee is “working, at their employer’s disposal and carrying out activities or duties”. For time to be classed as working time all three elements must be satisfied.

Working time is calculated exclusive of meal breaks, except when, with the prior agreement of their manager, an employee is required to work during meal times. An example of this would be where an employee is obliged to participate in a working lunch. Where an employee takes work home, time worked will only count as working time if the work undertaken was previously agreed with their manager. Time spent travelling to and from a place of work is not working time, unless the employee is engaged in travel during the course of their duties.

##### **4.1 Calculating Weekly Working Time**

Average weekly working time is calculated by dividing the number of hours worked by the worker by the number of weeks in the reference periods i.e. 17 weeks. Reference periods can relate to any point in time.

The calculation of average weekly working time must take account of periods where a worker is absent due to annual leave, sick leave, maternity leave or any working days that are covered by an agreement in which the worker has consented to work in excess of the weekly working time limits. If any such time falls within a reference period, time is added to compensate for the absence.

To do this, the number of hours worked in the first working days after the reference period should be added to the total working hours. The number of working days taken into account should be the same as the number of days

missed from the reference period. The additional days are counted in both the reference period in which the leave falls and the subsequent one.

Where an employee has worked for an employer for less than the number of weeks in the reference period, the number of weeks actually worked should replace the number of weeks in the reference period.

The average weekly hours can be calculated using the following 2 examples:-

**Example One:** A worker has a standard working week of 36 hours and does overtime of 20 hours a week for the first 10 weeks of the 17 week reference period. No leave is taken during the reference period.

The total hours worked is:-  $(17 \times 36) + (10 \times 20) = 812$

Therefore the average is:  $812 \div 17 = 47.76$  per week

Therefore, the average limit of 48 hours has not been complied with.

**Example Two:** A worker has a standard working week of 36 hours and does overtime of 5 hours a week for the first 6 weeks of the 17 week period. 4 days annual leave entitlement is also taken in the reference period.

The total hours worked in the reference period is:-

- 16 weeks and 1 day (36 hours a week and 7.2 hours a day) and 6 weeks of 5 hours of overtime:  $(16 \times 36) + (1 \times 7.2) + (6 \times 5) = 613.2$
- To this must be added the time worked for the 4 days annual leave entitlement. In the first 4 working days after the reference period the worker does no overtime, so 4 days of 7.2 hours work should be added to the total:  $4 \times 7.2 = 28.8$

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

$613.2 + 28.8 \div 17 = 37.84$  hours per week

Therefore the average limit of 48 hours has been complied with.

## 5. On Call

Employees who are required to be “on-call”, i.e. participating in an on call rota and available to work if called upon, will be regarded as working from the point at which they are required to undertake any work related activity including travelling time. Where employees are on-call but otherwise free to pursue their own interests this will not count towards working time. This method of calculating working time does not affect on-call payments.

In some of the Board's services, employees can be called out for long periods of time, at night. In such cases managers must consider implementing local agreements, which take account of the intensity of work an employee is required to do whilst "on-call" in order to ensure that compensatory rest is taken. This may take the form of, for example, a delayed start time on the working day following an on-call commitment if the employee has failed to achieve 11 hours daily rest.

As described previously "Working Time" is defined as any time when an employee is "working, at their employer's disposal and carrying out activities or duties". For time to be classed as working time all three elements must be satisfied.

This means that although an employee who is "on call" can be contractually paid for being "on call" for the purposes of the Regulations, "working time" does not start until they have received a call to go to work. Once the employee receives the call or the employer has contacted them by some other means, "working time" will commence from then on.

This also includes for example Managers who may be called to give advice over the telephone. The period they are on the telephone giving such advice can be counted as "working time".

A distinction should be made between those employees who need to respond immediately and those who are warned in advance (e.g. Theatre Practitioners – the team includes: Doctors, Nurses, ODPs and Healthcare Support Workers, who may be advised that they will be needed in a couple of hours). In the latter case "working time" should not start until the employee has left his/her residence.

## **6. Compulsory Resident**

Under normal circumstances, the Board does **not** require employees to be compulsory resident in their premises whilst performing on-call duty. In general it is agreed that is an individual's personal responsibility to ensure that they are contactable and available whilst on-call to reach the workplace in time to meet clinical commitments.

Where an employee is working in a remote location away from their home whilst performing on-call duty, the Board will provide suitable 'home-from-home' accommodation and employees will be on-call but otherwise free to pursue their own interests; this will not count towards working time until a call-out is received as described in section 5 above.

In exceptional circumstances (e.g. severe weather), or where an employee whose duties involve on-call commitment lives outwith reasonable travelling distance of the place of work, the Board will provide the facility of on-call accommodation near to the place of work. In such cases the employee can choose to avail themselves of the on-call accommodation in Board premises.

Where employees are required by the Health Board to sleep over on NHS premises for the duration of a specified period, and are not free to pursue their own interests, they are regarded as working for the purposes of this procedure. In some cases employees will work more than the average maximum number of hours stated within the Regulations. In such cases managers must consider implementing local agreements, which take account of the intensity of work an employee is required to do whilst sleeping over, in order to ensure that compensatory rest is taken.

## **7. Individuals Opting to Work More Than 48 Hours Per week**

Employees may choose to agree to work more than the 48 hour average weekly limit. However, this must be in agreement with their line manager. Exercising this option is an individual, voluntary choice and no pressure should be placed on an employee to take such a decision. However, if an employee chooses to work more than 48 hours per week a written agreement will be required (see Appendix 1).

Such an agreement must:-

- (a) identify the employee by name and job title and show their normal contracted working hours;
- (b) if it is to be for a specific period, clearly state the relevant dates and give the reason for the increased hours, e.g. the absence of a colleague or an increase in workload;
- (c) if it is to be for an indefinite period, clearly state this and if appropriate, include a date for review;
- (d) state if it is for the purpose of allowing an employee to maintain more than one job; all secondary employment must be declared using the process described in the Secondary Work Activity Section within the Board's Ensuring Safe and Fair Recruitment, Selection and Employment Policy;
- (e) state the notice period under which the agreement may be terminated.

If an employee is also working for another employer, the agreement must state the regularity and basis upon which the employee will inform the employer of the hours they are working within another job.

To allow for individual flexibility, notice periods to amend the agreement should be negotiated between the employee and their manager at the time the agreement is made. Notice must be given in writing. In accordance with the Working Time

Regulations the notice period to terminate an agreement should not be more than 3 months.

## **8. Employees with More Than One Employer**

The Working Time Regulations require employers to take all reasonable steps to ensure that employees do not exceed an average of 48 hours of weekly working time. Such steps include enquiring whether an employee is working elsewhere or requesting that they be informed of an employee getting other work.

Employees have a responsibility to notify Line Managers of other work for a different employer. Existing staff will be required to state on the individual monthly timesheet if they regularly work for any other employer. In such circumstances they will be informed of the Board's position and of their responsibilities relating to multiple employments and the Working Time Regulations. If total working hours from all employments exceed 48 hours on average per week, the employee will be asked to confirm that this is a voluntary individual choice.

Job applicants may be asked to provide information about total hours of work in all posts. The interview panel will be responsible for considering the impact on patients, services, colleagues and the individual if total hours to be worked are in excess of the 48 hour limit.

It may be the case that an employee may have more than one contract of employment with the Board. Under such circumstances the Board will take all reasonable steps to ensure that these employees work no more than 48 hours on average per week.

## **9. In-work Rest Break**

Where the working day is longer than six hours, all staff are entitled to take a break of at least 20 minutes. Rest breaks must be taken during the period of work and should not be taken either at the start or the end of a period of working time. Employees should also be able to take this rest break away from their work station. In exceptional circumstances, if it is agreed by the employee and their line manager that an employee is unable to take a rest break, the unused entitlement should be claimed as a period of equivalent compensatory rest. However, the Regulations do not require for rest breaks to be paid.

There is recognition that, on occasions, an employee may not be able to take the rest break away from their workstation. Only in exceptional circumstances (and where the employee's activities involve the need for continuity of service in relation to reception, treatment or care of patients) should an employee be required to work through their in work rest break. Compensatory rest must be available within a reasonable period, probably two weeks. However, the Regulations do not require for rest breaks to be paid.

Arrangements for employees to take their breaks will be agreed at department level. Existing department arrangements which already provide for breaks of more than 20 minutes will meet the requirements of this provision and no further action is necessary.

In circumstances where work is repetitive, continuous or requiring exceptional concentration managers must ensure the provision of adequate rest breaks as an integral part of their duty to protect the health and safety of employees. In such circumstances the advice of the Occupational Health Service should be sought.

## **10. Minimum Daily Rest Periods**

Employees should normally have a rest break of not less than 11 hours in each 24 hour period. In exceptional circumstances, due to the needs of the service, the daily rest given is less than 11 hours, compensatory rest (see Section 15) must be provided.

Any proposed regular amendment to the minimum daily rest period must be agreed at department level in advance with staff side representatives.

The Board believes working patterns should allow for sufficient time off between periods of working time for rest. It is recognised that in some areas current working practice may not allow for a minimum of 11 hours between periods of duty but it may not be practicable to offer meaningful compensatory rest. In these exceptional circumstances employees must receive other appropriate protection.

Failure to achieve 11 hours daily rest normally occurs:

- a. Where hospital nurses work a late shift followed by an early shift. The gap between the end of the late shift and the commencement of the early shift is 10½ hours. If this working pattern occurs more than twice in a seven day period compensatory rest may not be practicable.
- b. Where an employee performs on-call duty and is called to work thereby interrupting 11 hours of continuous rest before their return to duty for the normal working day. This can occur for employees who are part of an on-call rota or for single handed specialists (e.g. Community Nurses on Non Doctor Islands etc) who are effectively on-call at all times outwith the normal working day.

Working patterns should therefore be reviewed and where they fall outwith the terms of the Working Time Regulations alternate approaches considered.

Employees are entitled to receive an uninterrupted weekly rest period of not less than 24 hours. Taken in conjunction with the minimum daily rest period indicated above this amounts to one period of 35 hours consecutive rest per seven day period. Where it is not possible to provide this rest, employees should receive

equivalent rest over a 14 day period, either as one 70 hour period or two 35 hour periods.

## **11. Shift Workers**

Where an employee changes shift, it may not be possible for them to take their full rest entitlement prior to starting their new pattern of work. Similarly, employees who work split shifts, for example, staff on morning and evening shifts, may not be able to take their full rest entitlement between shifts. The Regulations indicate that in these circumstances, daily and weekly rest entitlements do not apply.

However, within the Board where the full daily and weekly rest periods cannot be taken, arrangements should be made to allow equivalent compensatory rest as soon as possible.

## **12. Night Workers**

For the purposes of this section an employee who works during night time is referred to as a Night Worker with night time being defined as the hours between 11pm and 6am. A night worker is someone who normally works for at least three hours a day during night time hours. Normal hours are those which are regularly worked and/or fixed by a contract of employment.

Managers must ensure that the normal hours of night workers do not exceed an average of 8 hours per night over a 17 week period. Calculation is not affected by absence from work, as a worker's normal hours of work would remain the same regardless of the actual hours worked. Time worked as overtime is not classed as normal hours.

### **12.1 Special Hazards and Heavy Physical or Mental Strain**

Employers must identify, using risk assessment tools, any special hazards faced by night workers which pose a significant risk to health and safety. Employers must ensure that night workers, whose work does involve special hazards or heavy physical or mental strain, do not actually work for more than 8 hours at night in any 24 hour period.

However, for the purposes of this procedure, the Board has taken the view, that there are no employees within the Board whose work involves special hazards or heavy physical or mental strain.

### **12.2 Health Assessments**

All night workers are entitled to and will be offered a regular, free and confidential health assessment. The Board will advise all night workers of this entitlement and request that they contact the Occupational Health Service. Staff on rotational shifts should be advised of the assessment prior to a rotation to night duty. When

a work related problem is identified as a result of the health assessment or otherwise, managers must determine whether the worker is fit to undertake the night work to which they have been assigned. Paid time off will be given to employees to attend for a health assessment.

Within the Board the health assessments will be undertaken by the Occupational Health Service. Periodic reassessments will be agreed on an individual basis between the employee and the Occupational Health Service. The assessment is not mandatory for staff who choose not to participate.

The requirements of the Regulations do not remove the responsibility of the employee or their manager to contact the Occupational Health Service for advice and guidance if problems occur outside the assessment date.

Employees identified by the Occupational Health Service as having health problems related to night work should be offered wherever possible the option of transfer to suitable day work with the appropriate pay and conditions of service.

### **13. Annual Leave**

Employees are entitled to four weeks paid annual leave (pro-rata for part-time and fixed term employees). Entitlement to this annual leave is not in addition to existing contractual entitlements (i.e. contracted annual leave, bank, public or statutory holidays). Taking contractual paid leave in a particular leave year therefore counts against an employee's entitlement under the Regulations. This means that those employees with substantive full time contracts, who work additionally for the bank, will not be entitled to further leave. There is no statutory entitlement to bank or public holidays. These are simply days where an employee receives paid leave under the terms of their contract.

An employee who commences employment part way through a leave year is entitled to leave proportionate to that period of the leave year remaining. If the period of leave includes a proportion of a week, this shall be calculated in days with any part days being treated as whole days. Under the Regulations an employee must have worked for the employer for 13 consecutive calendar weeks before entitlement to leave arises. However, during this time annual leave is still accrued. Employers are not required to adhere to this restriction, thus allowing employees within the Board to be able to take up their entitlement to annual leave from the first day of their employment as is currently the practice.

Annual leave cannot be replaced by an "allowance in lieu" except where the employment relationship is terminated. Where an employee's contract is terminated during the course of the leave year and where the proportion of leave taken is less than the employee is due, then the employee is entitled to a payment in lieu of untaken leave. Where an employee has taken more leave than that to which they are entitled at the date of termination, the Board should be

compensated by way of a payment or by the employee undertaking additional work.

Mere absence from work during what would otherwise be time when the employee would be engaged on normal work tasks does not necessarily constitute leave. For example, an employee might be carrying out representative duties for which time off work was allowed by the employer. The Regulations set out conditions in respect of notice of intent to take annual leave and notice of the requirement to take or not to take the leave at certain dates or times. Arrangements should be made at department level in this regard.

#### **14. Compensatory Rest**

The principle underpinning compensatory rest is that it is a meaningful alternative to being able to take rest (i.e. in work rest break or the daily rest break) at the appropriate time. It is acceptable only when rest has not been taken and where the worker's activities involve the need for continuity of service in relation to reception, treatment or care of patients. In order to be meaningful or relevant compensatory rest must be available as soon as possible after the missed rest period but it is recognised that this will require a flexible approach to provide cover.

In circumstances where an employee's entitlement to an in work rest break or daily rest break either does not apply or is modified, the employee must be permitted to take an equivalent period of compensatory rest or in exceptional cases, where providing equivalent compensatory rest is not possible, be given other appropriate protection. Line Managers are responsible for ensuring that compensatory rest is provided, within a reasonable time, usually within two weeks or that appropriate protection is afforded in exceptional circumstances.

Compensatory rest for failure to achieve 11 hours daily rest does not necessarily mean providing an employee with time off in lieu. Employees can currently be afforded opportunities for compensatory rest throughout the course of their working week. An employee cannot, unless by individual agreement, work more than an average of 48 hours per week. They are entitled under the Regulations to 90 hours rest per week (6 x 11 hours of daily rest plus 1 x 24 hours of weekly rest). There are 168 hours available per week, so therefore:-

168 (hours available per week) – 90 (daily and weekly break hours) = 78 hours

less 48 hours (working time) = 30 hours available for compensatory rest.

Therefore, in most circumstances there is adequate opportunity for compensatory rest to be given. However, there will be exceptional circumstances where time off in lieu must be given. In these circumstances, department arrangements must be made.

## **15. Reporting**

The BAU Team will monitor and report on compliance with Working Time Regulations within Allocate on a quarterly basis. The report will be shared with:

- Chief Nurse Corporate
- HR Services Manager
- Health and Safety Lead
- Operational Managers (who will share as appropriate with Team Managers)

It is then the responsibility of Operational Managers and Team Managers to consider options to prevent non-compliance in the future.

## **16. Review**

This procedure will be reviewed no later than three years after its implementation. However, if difficulties arise in the implementation of any section of this procedure a review earlier will be considered.

## **17. Equality Impact Assessment**

This procedure has been equality impact assessed using a rapid impact checklist process. The impact on groups with protected characteristics was felt to be largely positive, particularly in respect of health and safety measures and adjustments for those with ill-health issues due to night working.

**Individual Agreement to Opt Out of Regulation 4(1) of the Working Time Regulations 1998 Regarding Maximum Weekly Working Time**

Whilst accepting the Working Hours stipulated under my Contract of Employment by NHS Shetland. I further accept the possibility of being called upon to work irregular and/ or urgent overtime. Should the situation, with my agreement, develop to a position, which exceeds the Maximum Weekly Working Time as set out in Regulation 4(1) of the Working Time Regulation 1998 I agree to the following individual opt-out.

1. I hereby consent that the limit in regulation 4(1) of the Working Time Regulations 1998 shall not apply to me and I acknowledge that this means that my working time, including overtime, may exceed an average of 48 hours for each seven days (calculated over a 17 week period)
2. I am aware that I am accountable for my own safe working practice and I am responsible for informing any of my employers of all hours worked (including employment out with NHS Shetland), this will safeguard myself, colleagues and members of the public by ensuring safe practice in the workplace.
3. I agree that I will comply with any reasonable requirements from the employer, which relate to the maintenance of records for my hours of work.
4. This agreement can be terminated by me giving one months' notice in writing to the employer.
5. This agreement is of immediate effect and will continue to operate indefinitely unless terminated in accordance with Clause 4 above.
6. You further agree that, in the event that you wish to withdraw this consent, you will give to the Board one month's written notice of withdrawal of your consent. Please email [shet.hradmin@nhs.scot](mailto:shet.hradmin@nhs.scot) if you wish to Opt Out.

Please complete details below:

Name .....

Job Title .....

Contracted Hours .....

Period of the Agreement ..... to .....

Reason for the Agreement .....  
(if applicable)

If the employee is working for another employer the terms on which the employee is to provide their Line Manager with details of the additional hours they are working within another job, must be stated below:-

.....

.....

Period of notice terminate .....  
this agreement

Signed (Employee) .....

Date of signing .....

Signed (Manager) .....

Date of signing .....

## SSTS System Guidance

SSTS has functionality to monitor and report on compliance with Working Time Regulations. Please note that results do not automatically imply that a breach has occurred, as depending on the report being run and the criteria entered the results can also provide advanced warning that a breach is imminent.

To run reports:

1. From the Rostering menu, click WT Regulation
  - If the option is greyed out you will need to contact the SSTS team to get your access increased
2. Select the end date of the Reference Period you want to report on
3. Enter the number of weeks to be reported on
4. Click the tab for the required report
5. Enter or amend the default values if required
6. Click the Refresh button to display the results

The screenshot shows the NHS SSTS system interface. At the top, there is a navigation bar with the NHS SSTS logo and user information: 'Welcome : Ian', 'Current Location: Demonstration area - Demonstration Roster', and 'Build 21.2'. Below this is a menu with options: 'Rostering', 'Employees', 'SPS Transfers', 'Staff Bank', 'Absences', 'Configuration', 'WorkLoad Tools', 'My Account', and 'Application'. The 'Rostering' option is highlighted with a red box and a circled '1'. Below the menu, the 'WT Regulation Reporting' section is visible. It contains a 'Reference Period End Date' field with a dropdown menu showing '18/02/2018' and a 'Length in Weeks' field with the value '17'. Both fields are highlighted with red boxes and circled '2' and '3' respectively. Below these fields is a 'Report Level' dropdown menu set to 'Roster Location' and a 'Close' button. At the bottom, there are several tabs: 'Gaps Between Shifts', 'Break Times', '7 Day Weeks', 'Average Working Week', and 'Weekly Rest'. The 'Gaps Between Shifts' tab is selected, showing a form with a 'Gap Between Shifts' field containing '11' and a 'Refresh' button.

## Gap Between Shifts

- Reports where, within a single employment, there is a gap equal to or less than the specified length between shifts AND there is also less than 90 hours of rest within the same working week for that employment. Where there is at least 90 hours of rest within the relevant working week it will not be reported.
- Reports wherever there is a gap equal to or less than the specified length between shifts recorded in different employments regardless of rest.

## Break Times

- Returns shifts longer than specified that do not have a break recorded.

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Reference Period End Date:  Length in Weeks:

Report Level:

Maximum shift length without a break  hours

## 7 day Weeks

- Returns staff that worked 7 days in one week

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Reference Period End Date:  Length in Weeks:

Report Level:

The undernoted staff worked 7 days in the weeks indicated below

## Average Working Week

- Returns staff whose average working hours in the reference period is above the specified length.
- For staff with multiple posts on SSTS it will include all posts in the calculation
- Certain leave types will automatically extend the reference period to compensate for the days lost due to leave in order to maintain the duration of the reference period in terms of actual working days.

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Reference Period End Date:  Length in Weeks:

Report Level:

Average hours equal to or over

## Weekly Rest

- Weeks with less than 24 hours continuous rest
- Breaches of compensatory rest over a 2 week period – this is when someone has not had a continuous period of 24 hours rest in 1 week and no 48 hour period in either the previous or subsequent weeks.

**Which groups of the population do you think will be affected by this proposal?\***

**Other groups:**

- Minority ethnic people (incl. Gypsy/travellers, refugees & asylum seekers)
- Women and men
- People with mental health problems
- People in religious/faith groups
- Older people, children and young people
- People of low income
- Homeless people
- Disabled people
- People involved in criminal justice system
- Staff
- Lesbian, gay, bisexual and transgender

\*the word proposal is used as shorthand for the policy, procedure, strategy or proposal that is being assessed

**In the following sections, please consider what positive and negative impacts you think there may be and which specific groups will be affected by these impacts?**

**What impact will the proposal have on lifestyles?**

For example, will the changes affect:

- Diet and nutrition
- Exercise and physical activity
- Substance use: tobacco, alcohol and drugs
- Risk taking behaviour
- Education and learning or skills

Ensures that staff are able to practice safely and pose no risk to patients/service users.

**Will the proposal have any impact on the social environment?**

Things that might be affected include:

- Social status
- Employment (paid or unpaid)
- Social/Family support
- Stress
- Income

Work life balance is promoted, potentially enhancing job prospects for individuals and groups whose employment choices might currently be limited.

<p><b>Will the proposal have any impact on the following?</b></p> <ul style="list-style-type: none"> <li>• Discrimination?</li> <li>• Equality of opportunity?</li> <li>• Relations between groups?</li> <li>• Fairer Scotland Duty</li> </ul>	<p>Supports the Board’s commitment to providing a safe workplace.</p>
<p><b>Will the proposal have an impact on the physical environment?</b></p> <p>For example, will there be impacts on:</p> <ul style="list-style-type: none"> <li>• Living conditions?</li> <li>• Working conditions?</li> <li>• Pollution or climate change?</li> <li>• Accidental injuries or public safety?</li> <li>• Transmission of infectious disease?</li> </ul>	<p>Having the right people, with the right skills, available when required, ensures a safer, more supportive, less stressful, working environment for staff.</p> <p>Staff see the Board’s working time procedure as fair, transparent non-discriminatory and fit for purpose, which promotes safety, motivation and job-satisfaction.</p>
<p><b>Will the proposal affect access to and experience of services?</b></p> <p>For example:</p> <ul style="list-style-type: none"> <li>• Health care</li> <li>• Transport</li> <li>• Social services</li> <li>• Housing services</li> <li>• Education</li> </ul>	<p>Safe, motivated staff, who possess the appropriate skills and competencies their role, enhance the quality of care received by patients and service users</p>

## Summary sheet

<p><b>Positive Impacts (note the groups affected)</b></p> <p>Safe working practices for all.</p> <p>The ability to safely employ the right people, with the appropriate skills and competencies in order to meet the requirement to provide safe, high quality healthcare services.</p> <ul style="list-style-type: none"> <li>• minority ethnic people (incl. gypsy/travellers, refugees &amp; asylum seekers)</li> <li>• All genders</li> <li>• people in religious/faith groups</li> <li>• disabled people</li> <li>• older people and young people</li> <li>• lesbian, gay, bisexual and transgender people</li> <li>• people involved in criminal justice system</li> <li>• staff</li> <li>• Job Applicants</li> <li>• Volunteers</li> <li>• Temporary/Agency workers</li> <li>• Locums</li> <li>• Patients/Service Users</li> </ul>	<p><b>Negative Impacts (Note the groups affected)</b></p> <p>Continued robust, pre-employment checks might be a barrier for some individuals/groups. These are necessary in order to ensure patient safety and should not prevent the implementation of this procedure</p>
<p><b>Additional Information and Evidence Required</b></p> <p>N/A</p>	
<p><b>Recommendations</b></p>	
<p><b>From the outcome of the RIC, have negative impacts been identified for race or other equality groups? Has a full EQIA process been recommended? If not, why not?</b></p> <p>No – whilst a complex procedure, barriers are points of law and require careful application, but are not discriminatory.</p>	

Signature(s) of Level One Impact Assessor(s):

Date:

Signature(s) of Level Two Impact Assessor(s):

Date: