

## **HOURS OF WORK POLICY**

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## REVISIONS/AMENDMENTS SINCE LAST VERSION

<b>Date of Review</b>	<b>Amendment Details</b>
December 2013	<p>The original PCT document has been revised to:</p> <ul style="list-style-type: none"><li>• Reflect the Clinical Commissioning Group Establishment</li><li>• Reflect the Clinical Commissioning Group structure</li><li>• Align to the Clinical Commissioning Group Human Resources and Organisational Development Policies and procedures</li></ul>
September 2017	<ul style="list-style-type: none"><li>• Amended to reflect new organisational structure</li><li>• Amendment regarding on call payment</li></ul>

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## **DEFINITIONS**

<b>Term</b>	<b>Definition</b>
Hours of work	Agreed hours of work, either weekly or monthly
Working Time Directive	Employment legislation which details the minimum daily and weekly rest periods, annual holidays and a limit on the working week to an average of 48 hours over a 17 week reference period and restrictions on night working
On-Call	Employees who are available on call to provide flexible cover as needed during a given time period during above their normal hours of work
Timesheets	The recording of all hours, breaks, holidays, sickness etc.
Flexi Time	An agreement whereby an employee works above their weekly/monthly hours on a varying basis
Overtime	Any hours worked over and above 37.5 per week
Additional hours	Any hours worked over and above contracted hours up to 37.5 per week

## **SECTION A – POLICY**

### **1. Policy Statement, Aims and Objectives**

- 1.1. The purpose of this policy is to provide managers and employees with guidance on the application and management of their hours at work to ensure compliance with employment legislation and NHS Terms and Conditions of Service.
- 1.2. NHS Doncaster Clinical Commissioning Group (CCG) is committed to the principle of work life balance and recognises there are potential mutual benefits to the CCG and to the employee if flexible working arrangements can be implemented.
- 1.3. Employees are encouraged on average to work their contracted hours of employment each week, fortnight or month and not to work an excessive amount of hours. Employees are not expected to fulfil work commitments during periods of non- working hours.
- 1.2. The development of this policy:
  - Ensures staff are aware of their hours of work, additional paid hours and overtime arrangements
  - Establishes the principles for on-call working
  - Ensures that all arrangements in relation to hours of work are applied consistently and fairly
  - Ensures compliance with Working Time Regulations

### **2. Legislation and Guidance**

- 2.1. The following legislation and guidance has been taken into consideration in the development of this procedural document.
  - Working Time Regulations 1998
  - NHS Staff Terms and Conditions of Service

### **3. Scope**

- 3.1 This policy applies to those members of staff that are directly employed by NHS Doncaster CCG and for whom NHS Doncaster CCG has legal responsibility. For those staff covered by a letter of authority / honorary contract or work experience this policy is also applicable whilst undertaking duties on behalf of NHS Doncaster CCG or working on NHS Doncaster CCG premises and forms part of their arrangements with NHS Doncaster CCG. As part of good employment practice, agency workers are also required to abide by NHS Doncaster CCG policies and procedures, as appropriate, to ensure

their health, safety and welfare whilst undertaking work for NHS Doncaster CCG.

#### 4. Accountabilities and Responsibilities

- 4.1 Overall accountability for ensuring that there are systems and processes to effectively manage hours of work lies with the Chief Officer. Responsibility is delegated to the following:

<p style="text-align: center;"><b><i>Associate Director of HR &amp; Corporate Services</i></b></p>	<p>Has delegated responsibility for:</p> <ul style="list-style-type: none"> <li>• Maintaining an overview of the corporate ratification and governance process associated with the policy.</li> <li>• Leading the development, implementation and review of the policy.</li> <li>• Advising Managers on all aspects of managing hours of work.</li> </ul>
<p style="text-align: center;"><b><i>Appointing Officers</i></b></p>	<p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> <li>• Ensuring they understand and adhere to their obligations in relation to this policy.</li> <li>• Ensuring the policy is applied fairly and consistently.</li> <li>• Providing a departmental protocol on the hours the service requires cover.</li> <li>• Ensuring accurate and up to date records of working time are maintained via the completion of monthly time sheets by the employee.</li> <li>• To identify the need and subsequently authorise the working of additional hours and to agree appropriate pay mechanisms with the Chief Finance Officer in advance.</li> <li>• To review and authorise all time sheets.</li> <li>• To monitor working hours and report/act upon any concerns regarding potential misuse of the policy or reporting/recording mechanisms.</li> </ul>

<b>All Staff</b>	<p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> <li>• Ensuring they work their contracted hours.</li> <li>• Ensuring they arrive at work punctually.</li> <li>• Ensuring all their working hours comply with the principles of the Working Time Regulations.</li> <li>• Ensuring that any flexi time hours are worked in accordance with departmental protocols.</li> <li>• Ensuring that any additional hours worked are only worked with the Managers permission.</li> <li>• Completion of an accurate monthly time sheet, where applicable, and submission to the Manager on a monthly basis.</li> </ul>

## **5. Dissemination, Training and Review**

### **5.1. Dissemination**

5.1.1. The effective implementation of this procedural document will support openness and transparency. NHS Doncaster CCG will:

- Ensure all staff and stakeholders have access to a copy of this procedural document via the organisation's website.

5.1.2. This procedural document is located on the CCG website. A set of hard copy Procedural Document Manuals are held by the Governance Team for business continuity purposes. Staff are notified by email of new or updated procedural documents.

6.1.3. The Flexible Working Policy should be read in conjunction with this policy.

### **5.2. Training**

5.2.1. All staff will be offered relevant training commensurate with their duties and responsibilities. Staff requiring support should speak to their line manager in the first instance. Support may also be obtained through their HR Department.

### **5.3. Review**

5.3.1. As part of its development, this procedural document and its impact on staff, patients and the public has been reviewed in line with NHS Doncaster CCG's Equality Duties. The purpose of the assessment is to identify and if possible remove any disproportionate adverse impact on employees, patients and the public on the grounds of the protected characteristics under the Equality Act.

5.3.2. The procedural document will be reviewed every three years, and in accordance with the following on an as and when required basis:

- Legislatives changes
- Good practice guidelines
- Case Law
- Significant incidents reported
- New vulnerabilities identified
- Changes to organisational infrastructure
- Changes in practice

5.3.3. Procedural document management will be performance monitored to ensure that procedural documents are in-date and relevant to the core business of the CCG. The results will be published in the regular Governance Reports.

## **PART 2 – PROCEDURE**

### **1. Hours of Work**

- 1.1. The standard full time hours of work for all CCG employees is 37.5 hours per week for all employees on Agenda for Change NHS terms and conditions of service. This is exclusive of meal breaks.
- 1.2. The standard hours may be worked over any reference period to cover flexible working contracts, ensuring compliance with the Working Time Regulations. The annual amount of hours of work for a full time employee is 1955 hours, anything less than this is classified as part time.
- 1.3. Very senior managers are required to work such hours as are necessary for the full performance of their duties, including cover as may be necessary to sustain the management of the CCG in the absence of colleagues. The notional figure for reckoning pay for full time posts is 37.5 hours per week.
- 1.4. Employees who hold more than one employment contract with the CCG or another employer must declare this on their time sheet.

### **2. Time Sheets**

- 2.1. All employees in Bands 1 to 7 must complete a monthly time sheet and submit this to their line manager. For employees in Bands 8a and above it is to be agreed with the relevant member of the Senior Management Team whether a time sheet should be completed. Any employees, irrespective of Band, who work on flexible arrangements are required to complete a time sheet on a monthly basis.
- 2.2. Time sheets should be, as far as possible, be completed on a daily basis.
- 2.3. It is the responsibility of the manager to check the time sheet for accuracy prior to authorisation.
- 2.4. Falsification of time sheets is considered gross misconduct and in accordance with the Disciplinary Policy is a dismissible offence. This includes falsification of colleague's time sheets.

### **3. Overtime**

- 3.1. Overtime must be agreed and approved by the Chief Finance Officer in advance of working the overtime hours. Overtime should not be confused with flexi time where employees can work additional hours to take as time in lieu at a later date.

- 3.2. Employees in pay bands 1 to 7 will be eligible for overtime payments where appropriate. The overtime hours will be paid at a rate of time and a half with the exception of work on general public holidays which will be paid at double time.
- 3.3. Overtime payments will be based on the hourly rate provided by basic pay plus any long term recruitment and retention premia.
- 3.4. Part time employees will receive payments for the additional hours at plain time rates until their hours exceed 37.5 hours per week.
- 3.5. Employees may agree with their manager to take time in lieu rather than receive an overtime payment. Time in lieu is paid at plain time rates.
- 3.6. Employees in pay bands 8a and above will not be entitled to overtime payments but may request to take the time off in lieu.

#### **4. On-Call**

- 4.1. Employees who are required to participate in an on-call rota will receive a £200 per 7 days of on call.

#### **5. Flexible Working**

- 5.1. It is recognised that in addition to the duties and responsibilities employees have at work, many will also have responsibilities and commitments outside of work. The CCG operates a Flexible Working Policy and the flexible working options and the procedure for applying for flexible working are contained therein.

#### **7. Non Attendance for Duty due to Severe Weather Conditions/Major Incidents/Exceptional Circumstances**

- 7.1. Where employees are unable to attend work due to severe weather conditions/major incident or due to exceptional circumstances, for example national petrol shortage, managers have the discretion to authorise the time as paid authorised absence.
- 7.2. All reasonable attempts should be made by the employee to attend their normal place of work prior to requesting authorised absence. Prior to reaching a decision regarding the request the manager should consider the following:
  - Whether a suitable alternative place of work could be identified for the duration of the period of duty
  - Whether the employee has sufficient annual leave/flexi time to take the period of absence as leave
  - Whether the duties and responsibilities enable the employee to work from home

- Whether the duties and responsibilities can be reassigned across the team, thereby enabling all employees to provide a service but different to that usually provided.
- 7.3. Where employees request to leave duty early due to severe weather conditions managers may follow the principles outlined above.