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| New Logo 2 | | | | | Barnardo’s  Policy | |
| **Working Time Regulations Policy Statement** | | | | | | |
| **Risk Owner:** | | Director of People & Culture | | | | |
| **Supported by:** | | Employee Relations & Policy Manager | | | | |
| **Date Approved:** | | 1 August 2022 | | | | |
| **Date for Review:** | | August 2025 | | | | |
| **Distribution** | | Not confidential - for internal or external use as required. | | | | |
| 1. **Purpose** | | | | | | |
| Barnardo’s is committed to providing a healthy working environment for all staff and facilitating a healthy work/life balance via our [Hybrid Workplace Offer](https://inside.barnardos.org.uk/employee-and-volunteer-support/hybrid-workplace-offer).  The Working Time Regulations 1998, as amended, sometimes called the ’working time directive’, came into effect on 1 October 1998 and contain a number of provisions covering maximum weekly hours, daily/weekly rest periods and rest breaks, night work and paid annual leave. Information on some of the key provisions affecting Barnardo’s are summarised below.  Further information on the Regulations can be obtained from your People Team. | | | | | | |
| 1. **Policy** | | | | | | |
| * Working time limits – “the 48-hour week”   Maximum weekly hours for the majority of workers should not exceed, on average, 48 hours calculated over a 17-week reference period.  In the case of young workers (16 & 17 years) this is restricted to 40 hours a week and 8 hours a day. These totals also include hours worked for other employers. Young workers cannot opt out of the 40-hour limit.  There are a number of exceptions to what counts as working time, including unauthorised overtime and on-call time when not working and flexibilities around how the hours are averaged in some cases. Individual letters of appointment give details of working hours and these are compliant with the Regulations.  There are a number of restrictions in relation to young workers and advice should be sought from line managers or from your People Team.  Although it is possible for individual workers to agree to “opt out” of the maximum average weekly hours, Barnardo’s senior management decided that, as an organisation, we would not wish individuals to exceed the maximum and should not initiate any opt outs. However, if a worker chooses to have more than one job (either with Barnardo’s or with another employer) and believes this may cause them to exceed the maximum, they should be asked to complete the Opt Out Form [Working times regulations policy | Inside Barnardos](https://inside.barnardos.org.uk/employee-and-volunteer-support/wellbeing/working-times-regulations-policy). A worker who has opted out can give notice to opt in again.   * Rest breaks during the working day   All workers who work more than 6 hours per day are entitled to an unpaid rest break of 20 minutes. In the case of young workers, (16 & 17 years) – this is increased to a 30-minute unpaid rest break when daily working time is more than 4.5 hours plus 12 hours’ daily rest in any 24-hour period in which they work and a rest period of at least 48 hours in each 7-day period.  In many cases Barnardo’s provides for a longer unpaid lunch break and individual letters of appointment give details where applicable. Barnardo’s believes it is essential to the wellbeing of staff that an appropriate rest break is taken. Members of staff who believe they are unable to take a rest break should refer the matter to their line manager.   * Health Assessments for Night Workers   All workers classified as “night workers” under the Regulations will be offered a free health assessment, before they become a night worker, to establish their suitability for night work. This will be made available to relevant workers at yearly intervals, or more frequently if deemed appropriate. The People Team will make all the necessary arrangements and can provide further information if necessary.  There are particular rules and extra restrictions on night working for young workers. Please speak with your People Team if you need further information.   * Paid Annual Leave   Annual leave may not be replaced by pay, or a “payment in lieu”, except where the employment relationship is terminated in which case any unused annual leave entitlement will be paid up to the date of termination.  All annual leave entitlements, including As & When workers, are fully explained in our Annual Leave & Bank holidays Policy [Annual leave and bank holiday entitlements | Inside Barnardos](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/annual-leave-and-bank-holiday-entitlements) | | | | | | |
| 1. **Scope** | | | | | | |
| This policy statement applies to all workers. For the purpose of this policy only the term ‘worker’ will be deemed to cover employees, as and when workers and whilst they are working at Barnardo’s, temporary agency workers and contractors supplied by intermediaries e.g., umbrella companies. | | | | | | |
| 1. **Definitions and Key Concepts** | | | | | | |
| * [Hybrid Workplace Offer](https://inside.barnardos.org.uk/employee-and-volunteer-support/hybrid-workplace-offer) Our workplace Offer is the charity's hybrid working initiative relevant to Barnardo's colleagues and is built around three areas:  1. People - it is based on trust, flexibility, transparency and empowerment. 2. Technology - investment in modern and appropriate hardware and software that enables interaction and collaboration in a virtual environment. 3. Space - ensuring you have safe and effective places that enable you to do your role.  * 'Working Time' - The Working Time Regulations define working time “as any period during which an individual is working at the employer’s disposal and is carrying out their activities or duties.” | | | | | | |
| 1. **Responsibilities and Roles** | | | | | | |
| **Line Managers**  **People Teams**    **People Strategy & Projects Team**  **Workers** | | | Responsible for upholding the commitments and requirements as set out in this Policy Statement, ensuring that workers are working in accordance with the policy, particularly ensuring appropriate consideration is given to any young workers (aged 16 & 17 years). Line managers are responsible for ensuring they approach their People Team in a timely manner should any further guidance or support be required or if any queries arise.  Responsible for advising line managers and workers on the application of the policy and should any queries arise, or further support and guidance is required around the Regulations. Assisting with health assessments, if and when appropriate.  To conduct policy reviews at three yearly intervals. Proposed changes will be subject to consultation with UNISON.  Statutory changes will be incorporated automatically, and any legal or organisational developments may prompt more frequent reviews.   Ensuring they are familiar with the policy and the Regulations and adhere to these. | | | |
| 1. **Associated Legislation, Guidance, References and Documents** | | | | | | |
| * [The Working Time Regulations 1998 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/1998/1833/contents/made) * [The Working Time (Amendment) Regulations 2003 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2003/1684/made) * [The Working Time (Amendment) Regulations 2007 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2007/2079/made) * [The Working Time Regulations (Northern Ireland) 2016 (legislation.gov.uk)](https://www.legislation.gov.uk/nisr/2016/49/contents/made) * [The Working Time (Coronavirus) (Amendment) Regulations 2020 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2020/365/made) * Working Time Regulations opt out Form [Working times regulations policy | Inside Barnardos](https://inside.barnardos.org.uk/employee-and-volunteer-support/wellbeing/working-times-regulations-policy). * Annual Leave & Bank holidays Policy [Annual leave and bank holiday entitlements | Inside Barnardos](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/annual-leave-and-bank-holiday-entitlements) * Barnardo’s Hybrid Workplace Offer associated documents [Hybrid Workplace Offer](https://inside.barnardos.org.uk/employee-and-volunteer-support/hybrid-workplace-offer). | | | | | | |
| 1. **Compliance and Oversight** | | | | | | |
| In addition to the compliance and oversight arrangements set out under Roles and Responsibilities, the following applies:   * The Risk Owner will ensure that management information demonstrating adherence to and compliance with this Policy is produced and provided to relevant parties as required and on request complete a business self-assessment. * The Audit and Assurance Team will periodically and independently review adherence to and compliance with this Policy and associated procedures and processes across the Charity in line with their approved audit and inspection plans. | | | | | | |
| 1. **Document History** | | | | | | |
| **Version** | **Date** | **Author** | | **Comments** | | **Approval** |
| 1 | 01.08.2022 | People Strategy & Projects Team | | Minor updating in line with current legislation, working practices and implemented review date | | Agreed |
| 1.2 | 16.08.2022 | People Strategy & Projects Team | | Update to New Policy Statement Template | | Agreed |