

# **Rest Break Policy**

## **- Operational staff (Revised April 2007)**

### **1. Introduction**

- 1.1 The London Ambulance Service NHS Trust in partnership with the Trade Unions has recognised the need to introduce a formal Rest Break Policy for operational staff. The joint approach taken in producing this Policy is in keeping with the national partnership approach applied to Agenda for Change. This Policy has been designed to comply with the requirements of the Working Time Directive.
- 1.2 The aim and intention of this Policy is to ensure that all operational staff benefit from a formal rest break when working shifts of six hours or greater. It is recognised that due to the demands placed upon our service this will be a significant challenge, however, the intention is that interruption of the paid element of rest breaks or non-allocation of breaks will be by exception.
- 1.3 The new arrangements were initially introduced with effect from 11 December 2006, subject to formal joint review. This revised policy statement has been issued following the first meeting of the review group.

### **2. Rest Break Entitlement**

- 2.1 For shifts greater than 6 hours but less than 10 hours in duration, a single rest break of 30 minutes will be allocated. The first 20 minutes of the break will be unpaid and uninterrupted, with the last 10 minutes paid and thus interruptible.
- 2.2 For shifts of 10 hours or more in duration, the rest break allocated will be a single rest break of 45 minutes. The first 30 minutes will be unpaid and uninterrupted, with the last 15 minutes being paid and interruptible.
- 2.3 The paid element of the rest break will only be interruptible for the most serious and life threatening calls, which have a Red 1 determinant, and when there is no other suitably qualified LAS resource available to respond. The decision to interrupt a rest break will only be taken with the authority of a manager within EOC or UOC.

### **3. Compensatory arrangements**

- 3.1 Any interruption to the paid period of a rest break as a result of an emergency call (red 1) will be compensated with a payment of £10.00; this replaces all previous arrangements for subsistence payments for interrupted breaks and will be subject to a joint annual review.
- 3.2 In the event of no rest break being allocated within the rest break period (detailed at 6.2), staff will be entitled to compensatory time at the end period of their shift. In these circumstances, the paid element of the rest break will be at the start of

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the compensatory rest period followed by the unpaid element. This will mean that staff working a shift of less than 10 hours will finish their duty and may go home, 20 minutes prior to the end of the rostered shift. Similarly, staff working shifts of 10 hours or greater will finish 30 minutes prior to the end of the rostered shift.

3.3 In exceptional cases, should the paid element of the compensatory time period be interrupted in the circumstances previously described or staff have not been able to return to station, the compensatory payment of £10.00 will be made. Staff will then be designated as X-Ray from the commencement of the unpaid period of the compensatory time, normal overtime arrangements and rates will apply. These arrangements will replace the previous subsistence allowance for no break given and will also replace the compensatory time arrangement described in 3.2 above, that is no further compensatory time will be given.

3.4 Other than in the previously described circumstances, compensatory time must be taken at shift end and cannot be converted into pay.

#### **4. Location at which rest breaks can be taken**

4.1 A&E operational staff will be stood down at their base station or other location by request of staff (all rest breaks allocated and completed will not be eligible for any additional payments or subsistence claims regardless of where the break is taken). For the purposes of this policy the vehicle call sign will designate the base station for operational staff in regard to rest breaks. When pre-planned and prior notice is given, training facilities and the location of secondments will be considered to be the base station.

4.2 Staff requesting to take their break away from station must formally advise EOC of this ahead of the rest break window or when they become green and available at a hospital during the rest break window. Any request made only when staff have been returned to station with the intention of taking their break will be refused.

4.3 If rest breaks are taken at other locations, staff are reminded of service policy, for example in regard to dress code and alcohol.

4.4 Should the base station facilities be temporarily out of commission e.g for reasons such as redecoration or maintenance, another location for rest breaks will be agreed locally by the complex management team and the staff side representative. In such cases no additional payments or subsistence claims will be payable. If however, no prior notice can be given, the complex management team will consider all options and may authorise any subsistence claims that may legitimately arise.

4.5 Patient Transport Service staff will be allocated their rest break at one of their contracted hospitals or other location as agreed.

4.6 Urgent Care staff will normally be returned to station for their rest break or other location by request. PTS central services staff, due to the nature of the journeys undertaken, may not be able to return to their station, the rest break in these circumstances will be taken at another location.

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## **5. Staff required to move to a different station**

5.1 If a member of staff is required to move from their base station to another station e.g. single staff or relief staff, the alternate station will be considered to be the base station for that shift. Where no notice is given, the complex management team may authorise any subsistence claim that may legitimately arise.

## **6. Rest Break Allocation**

6.1 Staff will be stood down at their base station or at another location, if requested. Staff will have their break allocated by EOC / UOC control by telephone when on station, or by radio at other locations where appropriate (this will also include the digital radios as they are introduced). The time will be electronically recorded for audit purposes. To ensure that all staff benefit from rest breaks, more than one crew may be allocated a rest break on station at any one time.

6.2 Rest Breaks will be allocated and completed in the following time periods:

- For shifts of over ten hours - rest breaks will commence after 4 hours of the shift start time and be completed two hours before the end of the shift.
- For shifts of 9 hours and up to 9 hours 59 minutes' duration - the rest break will be allocated and completed within the middle 5 hours of the shift.
- For shifts of 8 hours and up to 8 hours 59 minutes' duration - the rest break will be allocated and completed within the middle 4 hours.
- For shifts of 7 hours and up to 7 hours 59 minutes' duration - the rest break will not be allocated within the first 2 hours and will be completed before the last 30 minutes of the shift.
- For shifts of more than 6 and up to 6 hours 59 minutes' duration the rest break will not be allocated within the first 60 minutes and will be completed before the last 30 minutes of the shift.

6.3 Staff will not be allocated a rest break outside of these times; however staff may request to take their rest break after the completion of the rest break period.

6.4 When staff are required to attend training or education and development courses, a rest break will be allocated by a trainer or facilitator. The duration of the break will be determined by the length of the working day whilst at the training facility. This rest break will not be interrupted.

## **7. Recording of rest breaks**

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7.1 EOC / UOC staff will record all allocated breaks and notify complex management via the station administrators if a break has been interrupted. This information will be for a specific call sign. This will generate a payment of £10.00 for the staff member/s allocated to that call sign. Cross checks will be made against the LA 1 and attendance record to ensure that there is an auditable process for this compensatory mechanism. Each day an electronic form will be produced and will record by vehicle call sign authorisation for compensatory payments. This form will be available in a read-only format on the X drive on the common server the next working day.

## **8. Vehicle security**

8.1 If rest breaks are allocated and taken away from the base station, it is the responsibility of staff to park their vehicles safely, lawfully and where the vehicle will not cause any obstruction. All vehicles must be secured if left unattended during the rest break.

## **9. Exceptions**

9.1 The Rest Break Policy may be temporarily suspended on the authority of the on-call Gold Manager. (It is anticipated that if this decision is taken a nominated senior staff side representative will be consulted). If there is any temporary suspension of this policy, it will be for a short period with reinstatement as soon as possible.

9.2 Specific examples of when such action is likely or could be expected are declared major incidents and New Year's Eve.

## **10. Monitoring and review**

10.1 An ongoing joint monitoring process will be put in place with a report generated detailing the number of rest breaks interrupted or not allocated to ensure that there has been compliance to this policy.

10.2 These arrangements will be subject to formal on-going review.

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