

# Rest Break Policy

## - Operational staff (revised August 2011)

### 1. Introduction

1.1 The London Ambulance Service NHS Trust in partnership with the Trade Unions has previously recognised the need to introduce a formal Rest Break Policy for operational staff. Although the detail of the revised arrangements has not been jointly agreed, the approach taken in producing this revised Policy with extensive discussion and formal consultation with the Trade Unions 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.

### 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.

2.4 For a small number of emergency calls not categorised as Red 1 but where further information is received that suggests that the patient is now in a life threatened condition the emergency call will be treated as if it were Red 1. This type of call will only be upgraded by the most senior EOC manager on duty. An example of this type of call would be where a sole responder is already on scene and requests an ambulance as a matter of urgency due to the serious condition of the patient.

### 3. Compensatory arrangements

Date of issue: August 2011	Review date: August 2014
Approved by: Director of HR & OD	Reviewer: Head Operational Workforce Modernisation
Index No: HR/06/10	Page 1 of 5

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 review.

3.2 In the event of no rest break being allocated within the rest break period (detailed at 5.2), 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 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 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 All A&E operational staff (including Urgent Care, A&E step down and A&E support) will be stood down at their base station, or any other Trust premises, NHS Hospital or alternatively another, closer 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). Once the break is allocated, staff are free to use the uninterrupted time as they wish. They need not remain at the place where the break has been allocated, provided they are ready and available for work at the end of that period.

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

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

Date of issue: August 2011	Review date: August 2014
Approved by: Director of HR & OD	Reviewer: Head Operational Workforce Modernisation
Index No: HR/06/10	Page 2 of 5

## Rest Break Allocation

5.1 Once the Rest Break window for the shift has opened staff are required to request their break on each occasion that they are green and available during the break window. This request should be made by pressing the Green request break function button on the vehicle's MDT. Where staff are on station they can request their break by contacting EOC by landline or by pressing the MDT request break function button..

5.2 The decision to stand staff down for their break remains with EOC. Staff will be stood down by EOC by telephone when on station, or by MDT message or by radio transmission at other locations where appropriate . 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 at the same location at any one time.

5.3 Where staff are within the rest break window but their vehicle is unavailable, in workshops for example the expectation is that staff will request their rest break or that EOC will allocate a rest break

5.4 At pre planned events and at stadia events it is envisaged that the manager in charge will allocate staff rest breaks as appropriate.

5.5 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 10 hour 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 9 hours duration - the rest break will be allocated and completed within the middle 4 hours.
- For shifts of 6 hours and up to 8 hours in 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.

5.6 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.

5.7 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, as such no compensatory payment or time is claimable

Date of issue: August 2011	Review date: August 2014
Approved by: Director of HR & OD	Reviewer: Head Operational Workforce Modernisation
Index No: HR/06/10	Page 3 of 5

## **6 Recording of rest breaks**

6.1 EOC 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.

## **7 Vehicle security**

7.1 Where rest breaks are taken away from Trust premises 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.

## **8 Exceptions**

8.1 The Rest Break Policy may be temporarily suspended. During this period no rest breaks will be allocated and the compensatory time mechanism will not apply. Any formal decision to suspend the rest break policy will only be taken by the on-call Gold Manager. (It is anticipated that if this decision is taken a nominated senior staff side representative will be advised). If there is any temporary suspension of this policy, it will be for a short period with reinstatement as soon as possible.

8.2 Specific examples of when such action is likely or could be expected are declared major incidents (including internal major incidents), New Year's Eve and in situations where business continuity risks arise.

## **Monitoring and review**

9.1 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.

A review of application of the policy will take place after 3 months of its implementation..

## **10. Implementation**

These revised arrangements will be effective from 1 September 2011.----- .

Date of issue: August 2011	Review date: August 2014
Approved by: Director of HR & OD	Reviewer: Head Operational Workforce Modernisation
Index No: HR/06/10	Page 4 of 5

Date of issue: August 2011	Review date: August 2014
Approved by: Director of HR & OD	Reviewer: Head Operational Workforce Modernisation
Index No: HR/06/10	Page 5 of 5