



## **Rest Break Arrangements**

### **Operational staff (revised April 2013)**

#### **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 Agreement for operational staff. However, the agreement that has been in place has not delivered the volume of rest breaks that was intended due in no small part to the need to return staff to station for the break whilst at the same time being available for emergency calls whilst in transit. In addition the compensatory arrangements have created or exacerbated clinical risk by impacting on resource availability. Consequently it is necessary to introduce alternative arrangements.
- 1.2. These arrangements have been designed to comply with the requirements of the Working Time Directive and have been subject to an Equality Analysis in line with the Equality Act 2010. A copy of the Equality Analysis can be found on the LAS Trust website.
- 1.3. In keeping with the Trust's Health and Wellbeing strategy the aim and intention of these arrangements is to ensure that all operational staff benefit from a formal rest break when working shifts of more than six hours. It is recognised that due to the demands placed upon our service this will be a significant challenge, however, the intention is that the allocation of rest breaks will be maximised by the robust application of these arrangements.

#### **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.
- 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.
- 2.3. Contracted shifts of 6 hours or less in duration or where a half shift is worked (6 hours of a 12 hour shift) are not eligible for a rest break.
- 2.4. The unpaid element of the rest break period will be uninterrupted. The paid element of the rest break will be interruptible for the most serious life threatening calls which have a RED1 determinant. For a small number of emergency calls where further information is received within EOC that indicates that the patient now has a life threatening condition the most senior manager, OCM or AOM within EOC may upgrade the call to a RED1 status regardless of the original categorisation of the call and authorise the interruption of a rest break. In this unlikely event the authorising EOC manager's name must be placed in the remarks section in CAD.
- 2.5. In the event of staff being approached by a member of the public requesting assistance during the unpaid element of the rest break it is expected that staff will respond as required by the terms of professional registration or as covered under Samaritan duties. In such circumstances staff must inform EOC immediately, EOC

will allocate a CAD number for the incident and the rest break will be suspended. In all cases staff must complete a Patient Report Form and report when green and available in the normal way when the patient incident is complete. EOC will as soon as possible reinstate an uninterrupted rest break for a further period of 20 minutes where practicably possible.

If staff are approached by a member of the public in the paid element of the rest break they should follow the same procedure as above. No further rest break will be allocated for the interruption of paid rest time.

### **3. Rest Break Allocation**

- 3.1. All A&E operational staff will be stood down for their rest break at the location they become green and available within their rest break window. Once the break is allocated, staff are free to use the time as they wish and will not be interrupted during the unpaid element of the break. They need not remain at the place where the break has been allocated, provided they are immediately contactable during the paid element of the break and are ready and available for work within the LAS operational area at the end of the break period.

(With future developments of technology within EOC it is intended to automate requests for, and the allocation of breaks. All staff will be notified as and when these changes are introduced.)

- 3.2. Staff are reminded of service policy, in regard to dress code, alcohol and care and security of service vehicles which will apply whilst on break.
- 3.3. 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 fully secured if left unattended during the rest break.
- 3.4. Patient Transport Service staff will be allocated their rest break at one of their contracted hospitals or other location as agreed as per their existing policy and practice.
- 3.5. The decision to authorise a stand down for staff to take 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 the break is allocated will be electronically recorded for audit purposes.
- 3.6. Where staff are within the rest break window but have no vehicle available to use for whatever reason, the expectation is that staff will request their rest break or that EOC will allocate a rest break. In any event where sufficient time has elapsed during the period of VOR for the crew to have completed their rest break, the break will be deemed to have been taken. The only exception will be for a vehicle breakdown at the roadside where the crew are actively awaiting assistance.
- 3.7. At pre planned events and at stadia events the manager in overall charge will allocate staff rest breaks as appropriate. It is envisaged that all staff at these events or venues will benefit from a break however if for operational reasons no break can be allocated the normal compensatory arrangements (See 4.1 below) will be applied.

3.8. 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 at the earliest and be completed no later than 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.

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

3.10. 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.

3.11. Where staff are attending a protracted incident or a major incident during their rest break window the normal compensatory arrangements will apply. (See 4.1 below)

#### **4. Compensatory arrangements**

4.1. In the event that no rest break is allocated within the rest break period, staff will be entitled to compensatory time for the unpaid element of their shift (i.e. 20 or 30 minutes). This compensatory time will be accrued and taken at a mutually agreed time. This should be within 13 weeks of that time being accrued, in line with national terms and conditions governing time taken in lieu of additional hours worked (overtime). In practical terms this will mean that any compensatory time that has been accrued will be allocated when annual leave is next taken. In such circumstances the annual leave account will only be deducted the balance of time over and above that accrued.

e.g. (1) where 1 hour of compensatory time has been accrued by a member of staff who then applies for and is granted 7.5 hours annual leave the accrued time will be allocated and 6.5 hours of annual leave will be deducted.

e.g. (2) where 2.5 hours of compensatory time has been accrued by a member of staff who then applies for 11.5 hours annual leave the accrued time will be allocated and 9 hours of annual leave will be deducted.

Staff should, in line with the annual leave arrangements, ensure that annual leave is spread across the leave year. Consequently, these provisions are based upon the expectation that at least one period of annual leave will be requested within the thirteen week accrual period. However, in the event that no annual leave has been requested by a member of staff within the 13 week period, the Trust will, where ever possible allocate time off to the member of staff subject to exigencies of the service.

## **5. Recording of rest breaks**

- 5.1. All allocated breaks are automatically recorded in the CAD log. This information will be related to a specific call sign. Vehicle crew staff who do not benefit from a rest break will complete the appropriate section on the attendance sheet stating that no break was given and their call sign. Cross checks will be made against the CAD log, LA 1 and attendance record to ensure that there is an auditable process for this compensatory mechanism.

## **6. Exceptions**

- 6.1. In extremis the Rest Break Arrangements may be temporarily suspended. In such an eventuality during the period in question no rest breaks will be allocated and the compensatory time mechanism will not apply for any staff affected by the suspension of rest breaks. Staff so affected will receive payment at normal overtime rate in lieu of the break.

Any formal decision to suspend the rest break arrangements 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 these arrangements, it will be for a short period with reinstatement as soon as possible.

- 6.2. Specific examples of when such action is likely or could be expected are declared major incidents including internal major incidents as identified within the service REAP levels, New Year's Eve and in situations where significant business continuity risks arise. Severe or adverse weather conditions impacting on travel and staff availability would be an example of such risks. However this list is not exhaustive.

## **7. Monitoring and review**

- 7.1. An ongoing joint monitoring process within the operational partnership forum will be put in place with a report generated detailing the number of rest breaks not allocated to ensure that there has been compliance to these arrangements.  
A formal review of this policy is due in 1 year from the date of implementation.

## **8. Implementation**

These revised arrangements will be effective from -----