

Meal Breaks Management

1. Introduction

- 1.1 The standard hours for all full-time NHS staff covered by the Agenda For Change (A4C) agreement will be 37.5 hours working week on average excluding meal breaks therefore working time will be calculated exclusive of meal breaks for this group of staff.
- 1.2 To improve the working lives of staff the Trust has introduced a meal break system where Operational Ambulance staff on A4C contracts will be stood down from duty for thirty minutes during their shift to take an unpaid meal break.
- 1.3 This Standard Operational Procedure also covers the meal break arrangements for those staff that remain on Trust terms and conditions whose working week is longer but whose meal breaks are paid.

2. Purpose

- 2.1 The purpose of this Standard Operational Procedure is to provide clarity and guidance on how Operational Ambulance staff meal breaks will be managed.

3. Process

- 3.1 Under the modernisation arrangements associated with the implications of introducing A4C all rostered shifts on all vehicle types at all ambulance stations in Cornwall will be of ten hours in duration. Each ten hour shift will include one meal break of thirty minutes in duration therefore a ten hour shift will comprise 9 hours and 30 minutes paid time and a 30 minutes unpaid break.
- 3.2 Operational Ambulance staff who work in Cornwall and Control staff who will commence the new shift patterns and who are on A4C terms and conditions, or is a Technician who is currently on Whitley but will subsequently have to transfer to A4C, or has joined the Trust since 01.04.04, will not be paid for the thirty minute meal break and will therefore be free to do as they wish during this period.
- 3.3 Operational Ambulance staff **not** on A4C terms and conditions will be paid for the thirty minute meal break. Staff on paid meal breaks (those on Trust contracts who have declined to transfer to A4C contracts) will be required to remain available to Central Ambulance Control throughout the meal break and will be required to respond as a single person response on an ambulance if necessary when tasked to do so.
- 3.4 Central Control Staff on A4C contractual arrangements will receive a thirty minute unpaid meal break. Central Control Staff on paid meal breaks (those on Trust contracts who have declined to transfer to A4C contracts or who have not

yet been offered) will be required to remain available to Central Ambulance Control throughout the meal break and will be required to respond to requests to return to the Control room.

WHEN?

- 3.5 Each ten hour shift will contain a meal break window which will extend from the end of the third hour until the end of the fifth hour (4 hours into the shift until 6 hours into the shift).
- 3.6 Each shift will have an optimum time identified when it will be anticipated it will commence its break. This will not necessarily be at the end of the third hour but the meal break must start by five and a half hours into the shift wherever possible.
- 3.7 Where it has not been possible to take the break during the nominated period staff will take their break at the earliest possible opportunity after this time.
- 3.8 Employees are required to request to take their break at the earliest opportunity and should do so in the normal way using mobile data. Control staff will either accept the request or instruct the crew to wait and indicate a time to request again. If a crew is on station and do not request their break at the earliest opportunity Control staff will assume that they have commenced the break and book them off accordingly. The onus is on the crew to request the break.

WHERE – HOW MUCH?

- 3.9 Breaks will, on occasions, need to be taken at locations other than at the employees base station. On such occasions the breaks for staff employed on A4C terms and conditions will still be unpaid and they will be 'booked off' duty. However in appropriate circumstances as described below a meal allowance might be applicable.
- 3.10 Under A4C a day meal allowance is payable when an employee is necessarily absent from, and more than five miles from their base by the shortest practical route on official business and is expected to be away from their base station for more than 5 hours which must include the period from 12:00 hours to 14:00 hours.
- 3.11 A day meal allowance is payable only when an employee necessarily spends more on a meal than would have been spent at their place of work. Employees therefore should certify accordingly on each occasion for which a day meal allowance is claimed although a receipt is not required.
- 3.12 Each claim must be made on the appropriate Trust form and include:
Date; Time absent from and to; reason for claim; amount claimed; vehicle registration and call sign; base station.

- 3.13 Day meals subsistence payment will be £5.
- 3.14 Unless an employee necessarily spends more on a meal having returned to the base no payment will be made regardless of the duration of their absence.
- 3.15 To claim an evening meal allowance an employee would normally be expected to be away from base for over ten hours and unable to return to base for more than ten hours and unable to return to base before 19:00 hours and be more than five miles away. Employees can claim for both day and evening meal allowances in some circumstances.
- 3.16 Evening meal subsistence payment will be £15.
- 3.17 A day or evening meal allowance is only payable when an employee necessarily spends more on a meal than would have been spent at their place of work. Employees will certify accordingly on each occasion for which a meals allowance is claimed although a receipt is not required.
- 3.18 On all occasions when a crew/vehicle is within five miles of their base station then Central Control will allow the crew to return to their base station to take their break.
- 3.19 Meal break allowances are not applicable to staff on Trust terms and conditions of employment.
- 3.20 On occasions where it is necessary for employees to take their meal break away from their base station Central Control will allow them to utilise the nearest social dispatch point or suitable alternative facility i.e. a district general hospital, another ambulance station or social dispatch point.

HOW?

- 3.21 Operational staff will book one of three types of meal break with Control through their vehicle Mobile Data Terminal (MDT).
- 3.22 Rest Period 1;
- Double staffed ambulance - Both staff on an unpaid meal break and therefore no resource available.
 - Single staffed resource - Staff member on an unpaid meal break and unavailable.
- 3.23 Rest Period 2;
- Double staffed ambulance - One member of staff on a paid meal break and available to respond as a single person response.
 - Single staffed resource - One member of staff on a paid meal break and available to respond.

3.24 Rest Period 3;

- Double staffed ambulance - Both members of staff on a paid meal break and available to respond.
- Single staffed resource - One member of staff on a paid meal break and available to respond.

3.25 For an interim period staff in Devon and Somerset will continue to request 'rest period 3' through their MDT. Staff requesting the wrong type of rest period will have their request rejected by Control and will be asked to request the rest period again.

OVER RUN OF SHIFTS

3.26 When an employee over runs at the end of their shift time they may in certain circumstance be entitled to take a second meal break.

3.27 An employee on A4C terms and conditions who works a ten hour shift (or a shift of shorter duration) where a single meal break is provided and subsequently over runs their shift end to such an extent that **the first break concluded more than six hours** previously may be entitled to a second break if it is required to be taken off station. If the employee satisfies the criterion for a second break and is required to take it at a location more than five miles away from their base they will be entitled to a fifteen minutes **paid** break.

3.28 If the employee arrives back on station following an overrun and has not taken a second break under the circumstances described they will book off duty and leave work and no overtime in lieu of a missed second break or meal allowance will be payable.

MISSED BREAKS

3.29 Where in 'exceptional' circumstances an employee on A4C terms and conditions completes their whole shift without being able to take their meal break overtime of thirty minutes will be payable at the appropriate rate.

3.30 It is not acceptable or appropriate for crews to remain booked on duty and claim overtime as an alternative to taking the normal half hour unpaid break. Such claims will not be authorised and no payment will be made.

CONTACTING STAFF DURING MEAL BREAKS

3.31 Ambulance Control will not normally contact staff employed on A4C terms and conditions during their meal break period as the norm will be to assume they are unavailable.

- 3.32 Some staff on A4C terms and conditions may wish to indicate their intention to remain on the base station during their unpaid meal break although this is not required of them.
- 3.33 Staff on Trust terms and conditions who will have indicated to Central Control that they are available during their meal break window can be contacted and deployed as a single response in any type of vehicle.

INTERRUPTED BREAKS

- 3.34 Staff on Trust terms and conditions who will have indicated to Central Control that they are available during their meal break window and are subsequently deployed on a call of any type will be classified as having been interrupted.
- 3.35 While no payment will be made for an interrupted meal break, if the interruption occurs in the first 15 minutes of the break it can be restarted and retaken in its entirety. If an interruption occurs in the second half of the break then only the time remaining at the point of the interruption can be retaken.

RELIEF STAFF

- 3.36 Relief Staff working planned detached shifts at stations other than their base station will not be entitled to claim meal break allowances as the station at which the shift is undertaken will be deemed to be their base for that day.

OVERTIME

- 3.37 Staff working planned detached overtime shifts at stations other than their base station will not be entitled to claim meal break allowances as the station at which the shift is undertaken will be deemed to be their base for that day.