

'Rest/Refreshment Break Management'

1. Introduction

The standard hours of all full-time NHS staff covered by the Agenda for Change (A4C) Terms and Conditions will be 37.5 hours exclusive of Rest/Refreshment breaks.

2. Rest/Refreshment Break (as determined by A4C terms & conditions of service) where the working day is longer than 6 hours, all staff are entitled to take a break of at least 20 minutes (SWAS agreement 30mins). Rest/Refreshment Breaks must be taken during the period of work and not at the start or end of a period of work.

3. Purpose

The purpose of this Standard Operational Procedure is to provide clarity and guidance on how Rest/Refreshment Breaks will be managed.

4. Procedure

Trust duty rosters contain shift durations up to a maximum of 11 planned hours (4, 6, 7.5, 8.5, 9.5 etc) exclusive of Rest/Refreshment breaks.

Rest/Refreshment breaks are not applicable for shifts less than 6 hours.

Shifts less than 11 hours but more than 6 hours in duration will include one unpaid Rest/Refreshment break commencing between the third and fifth hour of duty, or by pre-arranged roster agreement between the fourth and sixth hour of duty.

Shifts of 11 hours duration will include two unpaid Rest/Refreshment breaks the first break commencing between the third and fifth hour of duty, and the second break commencing between the third and fifth hour following the end of the first break.

e.g. On a 0700-1900 shift the first break window falls between 1000-1200 and the second break window 1330-1530.

Should the first break commence at 1150-1220 the second break window will commence at 1520-1720.

5. Requesting a Rest/Refreshment Break

Operational staff are required to request authority to take a Rest/Refreshment Break with the relevant Communications Centre, via the vehicle Mobile Data Terminal (MDT).

In the absence of mobile data (MDT) Rest/Refreshment Break requests will be made via landline, mobile phone or vehicle radio.

Rest/Refreshment Breaks will be requested by staff at the earliest opportunity following the start of the break window.

Staff who fail to book a break when on station at the commencement of the rest/refreshment break window will be assumed as having taken their breaks.

Staff on stations who are unable for operational reasons to request a break will contact the hub and agree a break start time.

Crews will not automatically allocated breaks without prior consultation.

Communications Centre staff will not reasonably withhold Rest/Refreshment Breaks, however **must** balance these demands against the demands of managing each Status Plan's compliance and coverage targets.

On receipt on confirmation to proceed with a Rest/Refreshment Break staff will book Rest/Refreshment break via MDT

In the absence of mobile data (MDT) booking off duty must be made via landline, mobile phone or vehicle radio, and times agreed.

Where for operational reasons usually short notice absence, there are split or composite crews, this is where individual crew members have different shift start times, agreement of the Rest/Refreshment Break window is to be arranged with the Communication Centre.

If the difference in shift start times does not provide a common Rest/Refreshment Break window staff are entitled to their breaks based on individual start times, in these circumstances the individual staff member not on a Rest/Refreshment Break will remain available for all calls and dispatch. (Lone ECAs will be expected to provide a first response to provide immediate care and will be simultaneously back up)

6. Rest/Refreshment Break Location

Due to the unpredictable nature of the services we provide to patients, Rest/Refreshment Breaks will need to be taken at a variety of locations which will include any Trust site, or acute Trust, and may not necessarily be taken on base stations, therefore staff need to be prepared and make suitable arrangements.

Crews who find themselves at Acute hospitals during their break window will usually be expected to commence Rest/Refreshment Breaks at the hospital, (social dispatch points).

7. Subsistence Allowances

A meal allowance is usually payable when an employee is necessarily absent from base on official business and more than 5 miles from base by the shortest practical route.

Normally an employee claiming lunch meal subsistence would be expected to be away from base for a period of more than five hours and covering the normal lunch time period of 1200 to 1400 hours.

To claim an evening meal allowance an employee would be expected to be away from base for more than ten hours and unable to return to base or home by 1900 hours and as a result of the late return requires an evening meal.

(Allowance details Annex N A4C handbook)

8. Relief Staff

Relief Staff working detached shifts at stations other than their base station will not automatically be entitled to claim Rest/Refreshment break allowances as the station at which the shift is undertaken will be deemed to be their base for that day.

Where the nature of the work on the day meet the normal conditions for a subsistence claim then claims will be permissible.

9. Overtime

Staff working overtime shifts at stations other than their base station will not automatically be entitled to claim Rest/Refreshment break allowances as the station at which the shift is undertaken will be deemed to be their base for that day.

Where the nature of the work on the day meet the normal conditions for a subsistence claim then claims will be permissible.

Key Points

- ✓ **Rest/Refreshment Break** (as determined by A4C terms & conditions of service) – where the working day is longer than 6 hours, all staff are entitled to take a break of at least 20 minutes (SWAS agreement 30mins). Rest/Refreshment Breaks must be taken during the period of work and not at the start or end of a period of work.
- ✓ Shifts less than 11 hours but more than 6 hours in duration will include one unpaid Rest/Refreshment break commencing between the third and fifth hour of duty, or by pre-arranged roster agreement between the fourth and sixth hour of duty .
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- ✓ Rest/Refreshment Breaks will be requested at the earliest opportunity following the start of the break window. Crews will not automatically allocated breaks without prior consultation.
- ✓ Staff who fail to book a break when on station at the commencement of the rest/refreshment break window will be assumed as having taken their breaks.
- ✓ Staff on stations who are unable for operational reasons are not in a position to request a break will contact the hub and agree a break start time.
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Review

Management in partnership with staff side Unison representatives will continue to monitor & review this procedure over the next 8 weeks and reflect any changes that will result in an improvement.