Working Time Regulations

The following guidelines are intended to help educational supervisors manage OOH so that there is no breach of Working Time Regulations. Advice has been taken from Mr Daniel MacDonald (Daniel.MacDonald@scotland.gsi.gov.uk) at Scottish Government who has been involved in advising hospital boards in rota management.

The principles are straightforward:

* 48 hour working week averaged over a 26 week period (removing leave/sickness from the calculation)
* 11 hours off in every 24 hour period which simply translates to a maximum shift of 13 hours with 11 hours off between shifts
* 24 hours continuous rest every 7 days (or 48 hours in 14 days)
* A minimum 20 minute break for work periods greater than 6 hours

So if the trainee has an OOH shift from **18.00 – 23.30**, then the working day that includes that shift should start no sooner than 10.30am and the working day following that shift should not start until after 10.30am

Example 1

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Monday | Tuesday | Wednesday | Thursday | Friday |
| 8.30 – 12.30 | 8.30 – 12.30 | 10.30 – 18.00 | 10.30 – 18.30 | 8.30 – 12.30 |
| 14.30 – 18.30 | 14.30 – 18.30 | Allowing time to get to OOH |  | 14.30 – 18.30 |
|  |  | **18.00 – 23.30** |  |  |

This results in a maximum shift of 13 hours (10.30 – 23.30) and more than 11 hours rest time before (18.30 Tuesday –10.30 Wednesday) and 11 hours after the shift (23.30 Wednesday – 10.30 Thursday).

**Breaches to WTR can result in prosecution and a hefty fine so it is prudent to allow some lee-way on the 13 hour shift. Because of the nature of OOH work, it might not be possible to complete the shift at exactly 23.30 so it would be prudent to allow some lee-way (e.g. starting at 11am on both Wednesday and Thursday)**

Example 2

If the OOH shift is from 12 midnight until 8am then applying these rules results in:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Monday | Tuesday | Wednesday | Thursday | Friday |
| 8.30 – 12.30 | 8.30 – 12.30 | 8.30 – 12.30 | **Midnight – 8.00am** | 8.30 – 12.30 |
| 14.30 – 18.30 | 14.30 – 18.30 |  |  | 14.30 – 18.30 |
|  |  |  |  |  |

This allows at least 11 hours rest period both before (12.30 Wednesday – 0.00am Thursday) and after (8.00am Thursday – 8.30am Friday) and an OOH shift that is less than 13 hours long (8 hours)

Example 3

However it is common practice in hospital that the trainee should not work at all on the day before, in this example, Wednesday.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Monday | Tuesday | Wednesday | Thursday | Friday |
| 8.30 – 12.30 | 8.30 – 12.30 |  | **Midnight – 8.00am** | 8.30 – 12.30 |
| 14.30 – 18.30 | 14.30 – 18.30 |  |  | 14.30 – 18.30 |
|  |  |  |  |  |

* Days off could be minimised by doing both overnight shifts, together.
* With weekend shifts, the principle of – shift no longer than 13 hours and 11 hours rest period before and after shifts – will ensure complying with WTR.
* OOH shifts vary in terms of length and starting time and the above are examples of a possible OOH shift. Using the principles outlined above, the start of GP sessions before and after an OOH shift need to be calculated.
* The hours lost can be added elsewhere – bearing in mind that the 48 hour working week is averaged out across 26 weeks.
* Split shifts do not work very well as the “shift” is calculated from the start of the first period of work.

August 2011