



Policy Reference No: PM12

Working Time Policy Statement

St Helens Borough Council

Effective from: 01/01/2026



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Policy Information

Policy Reference Number	PM12
Document Status	Final
Reason for Review	Policy Consolidation Review
Approved Date	01/06/2022
Effective from	01/06/2022
Policy Author	Jane Carter and Vicky Yates-McCowan
Responsible Directorate	People Management – Corporate Services
Date of Next Review	01/01/2028

Version Control

Date	Author	Version	Reason for Change
01/06/2022	Jane Carter and Vicky Yates-McCowan	1	Policy Consolidation Review
01/01/2026	Phil Ingham	2	Review

Our Vision and Values

The Council has co-designed a clear vision for workplace culture and worked together with employees to identify values and behaviours for everyone. These will be at the core of how we work together to deliver our services. Employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment.

Our vision, values and behaviours are underpinned by our Bonds for Working Together at St Helens which outline what employees can expect from working at the Council and what is expected of them.

Our Culture, vision, values, behaviours and Bonds for Working Together at St Helens



Statement of Intent

This policy statement has been produced to provide details of St Helens Borough Council's position in relation to working hours and to confirm the arrangements to be adopted in order to safeguard the safe delivery of its operations, to protect the wellbeing of staff and to ensure the principles of the Working Time Regulations 1998 are applied.

Introduction

The Working Time Regulations 1998 specify the rights of employees and the obligation of employers concerning Working Time.

There is a general responsibility for employers and employees under health and safety law to protect as far as practicable the health and safety of all employees at work. The Council therefore considers that control over the working hours of its employees is an integral element of managing health and safety at work, reducing the risk of ill health, fatigue, errors and omissions and incidents / accidents within the workplace.

Equality, Diversity and Inclusion

The Public Sector Equality Duty of the Equality Act 2010 applies to both employment at the Council and in the delivery of Council Services. The Council's Comprehensive Equality Policy sets out the duties and requirements of the Equality Act 2010, and other relevant legislation.

The Equality Act 2010 protects all people from discrimination, harassment and victimisation. The Council is committed to promoting equal opportunities in employment and all employees will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility.

The Council has a zero tolerance towards discrimination, harassment and victimisation. All employees must show due regard to acknowledge and value people's differences, and, as far as possible, where permissible in Council policy and practice, meet an individual's needs in accordance with their choices and preferences.

The minimum standard of behaviour and attitude expected of council staff is to ensure all people who employees come into contact with are given equal opportunities and treated fairly and respectfully.

Scope of the Policy Statement

This policy statement provides the structure for ensuring that employees receive sufficient rest periods away from work. It applies equally to all employees from the first day of engagement. The definition of employees applies to agency and casual workers and to trainees who are engaged on work experience or training.

St Helens Borough Council takes its obligations under the Working Time Regulations seriously and ensures that employees are able to take regular breaks and do not work excessive hours. This policy statement sets out the Council's stance on hours of work.

Working Time Definition

The working time regulations state that working time is when someone is 'working at the employer's disposal and carrying out their duties'. This includes:

- Any period during which the worker is receiving training in connection with the job
- Travelling time during the working day (eg. the journey between two clients)
- Business/working lunches
- Time spent waiting at the place of work for work to be allocated
- Time spent working away from home
- Time spent on call at the workplace

A working week does not include:

- Breaks when no work is being done, eg. lunch breaks
- The journey to or from the workplace and home
- Time spent on call away from the workplace and when not carrying out duties
- Time resting at the end of the working day, even if the worker is required to stay away from home, e.g. sleep-ins at residential establishments

Young Workers

The Working Time Regulations lay down special provisions for young workers. A young worker is defined as a worker who has attained the age of 15 but not the age of 18 and who is over compulsory school age. Entitlements can differ for young workers and this policy highlights those differences where necessary.

Weekly Working Time

The purpose of the Regulations is to limit compulsory working time to an average of 48 hours per week. A worker's average working time must not exceed 48 hours for each seven-day period, unless the worker has agreed with the Council, [in writing](#), that this limit should not apply. The average will be calculated over a 17-week reference period.

The Council is required to take all [reasonable steps](#) to ensure that workers do not exceed the 48-hour limit. Such measures may include bringing to the attention of an employee the average hours worked during the period and/or reducing overtime opportunities. When considering such measures professional advice and guidance must be sought from People Management.

No worker will be subject to any detriment because he/she is not willing to give his/her agreement.

A Young Worker's working time must be restricted to eight hours per day or 40 hours per week.

Night Work

A "Night Worker" is defined as a worker who regularly works for at least three hours during the night-time period which under the regulations is defined as 11.00pm to 6.00am, but for the purposes of this policy statement will be defined as being between 10.00pm and 6.00am, as this is the period that the Council's night working covers.

A night worker's average hours shall not exceed 8 hours in each 24-hour period. How long the worker works at night will be based on average working time, which will be calculated over a 17-week period. This will include any regular but not occasional overtime. The average is calculated based on the 6 days that can legally be worked.

Keeping Records of Night Worker's hours

By law, employers must keep records of night workers' hours to show they do not work more than an average of 8 hours in any 24-hour period.

The 8-hour average cannot be used, and night workers must never work for more than 8 hours in any 24-hour period if the work involves:

- special hazards
- heavy physical or mental strain

Health Assessments

Night Workers must have the opportunity of free health assessments before taking up night work and, thereafter, at regular intervals.

All night workers will be offered health assessment via the Council's Occupational Health Services. The health assessment will be carried out before the worker is assigned to night work as part of the pre-employment medical assessment. The risk assessment completed on the questionnaire will indicate that the post involves night working as defined above.

Health assessments will be undertaken annually or more frequently where appropriate.

Where it is recognised, by the Council's Occupational Health Adviser, that a worker has a health condition which is connected with night work, whenever possible, a transfer to suitable day work will be considered in accordance with the Council's policies. These provisions are in addition to those provided under the Council's Attendance Management Procedures.

Pattern of Work

Where the pattern of work involves uninterrupted or monotonous activities, which puts the health and safety of the employee at risk, employees should be provided with regular rest breaks to reduce these risks. Such patterns will be identified under the appropriate risk assessment and adequate controls put in place.

Daily Rest

Adult workers will be entitled to a rest period of not less than eleven consecutive hours in each 24-hour period. Young workers will be entitled to a daily rest period of not less than twelve consecutive hours.

Weekly Rest

An adult employee is also entitled to one of these:

- in a 7-day period, 24 hours of rest
- in a 14-day period, 48 hours of rest (this is often taken as one block of time, but can be 2 separate 24-hour breaks if the employer decides)

A Young Worker is entitled to a rest period of not less than 48 hours each seven-day period. The rest period for a young worker may be interrupted if the activities involve periods of work that are split up over the day or are of short duration or reduced where this is justified by technical or organisational reasons, but not less than 36 consecutive hours rest must be provided.

Rest breaks during the working day

An adult worker is entitled to a rest break where the working day is more than six hours. The Council's Policy is that this will be for an uninterrupted period of not less than 30 minutes, which the worker is entitled to spend away from the workstation.

A Young Worker is entitled to a rest break of at least 30 minutes where their daily time is more than four and a half hours. If possible, this should be spent away from the workstation. Such breaks will be unpaid. The break should be taken during the working day or night and not at the beginning or end of the period of work.

Shift Workers

Shift workers might not be entitled to the full legal rest breaks for the working day or week if both of these points apply:

- they change shift patterns, for example they move from a night to a day shift
- there is not enough time to take the full rest break, for example there's less than 11 hours between one day's shift and the next

The same applies to employees whose work is split up over the day ('split shifts'). For example, a cleaner who works from 6am to 9am, and again from 3pm to 7pm. Employers should still do their best so that shift workers get their full legal rest breaks.

If an employee works more hours than they feel they should

If an employee thinks they're working more hours than is legal and they have not opted out of the weekly limit, they should raise the issue with their line manager.

Annual Leave

The working time regulations lay down the minimum provisions which employers must provide to employees in respect of annual leave. The minimum amount of annual leave which an employer must provide to a full-time worker is 28 days per annum (or 5.6 weeks). Given that Bank and Public Holidays are included in this entitlement, the Council's leave entitlements exceed this entitlement. For further information in respect of annual leave entitlement please [click this link](#).

Dual Employment

Under the Council's Code of Conduct certain employees must not engage in other employment or engage in any other business without the expressed permission of the Council. However, to comply with the Working Time Regulations all individual employees will be expected to inform the Council, via their manager, when they have dual employment contracts.

The Council is keen that employees who have other jobs, either at the Council or elsewhere, declare their hours of employment. This is to enable the Council to meet its health and safety obligations under the Working Time Regulations and other legislation.

The 48-hour weekly average is the limit, even if the employee has more than one job either at the Council or elsewhere. Managers will be required to ensure that employees are aware of their obligation to declare dual employment and that, where identified, appropriate action is taken to ensure that the Council meets its health and safety obligations under the Working Time Regulations and other legislation. The employer must make sure their employee is not working more than an average 48 hours a week in total across both jobs.

Hybrid / Agile Workers

Employees can regularly work away from Council workspaces (including home or other locations), alongside required office-based working. The balance between remote and office-based working is determined at service level based on operational need, however, there has been a minimum specification that staff will work at least 2 days from an office-based location.

Key characteristics:

- Flexibility in work location.
- Regular office-based presence.
- Manager/service-led decision making as to how the hybrid pattern is implemented
- Emphasis on service delivery over organisation-wide prescribed patterns.

Records

All managers need to keep 'adequate' records to show compliance with the:

- weekly working time limits
- night working time limits
- night worker health assessment requirements
- if an employee has opted out of the 48-hour limit

These records must be kept for 2 years from the date on which they were made.

Exceptions

The application of certain regulations may be excluded or modified by a collective agreement. In addition, certain categories of workers are excluded from all or particular regulations. The details of any exemptions agreed as part of this policy statement are accessible [via this link](#).

Complaints

Where any disagreement arises over issues covered by this policy the employee should raise this using the Council's grievance procedures. Employees not granted entitlements under the regulations or who suffer certain detriments (for example, for refusing to exceed the weekly working limit) may also make a complaint to an Employment Tribunal.