

**Public**  
**Key Decision - No**

## **HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** HR Policy Update

**Meeting/Date:** Employment Committee – 20 September 2023

**Executive Portfolio:** Cllr Martin Hassall (MH)

**Report by:** Strategic HR Manager (NB)

**Ward(s) affected:** N/A

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### **Executive Summary:**

As noted in the November 2022 committee meeting HR are undertaking a programme of reviewing and refreshing our current policies to ensure that they are accurate, legally compliant and reflect current practice within HDC. We are therefore bringing the next set of policies we have reviewed to you.

The policies reviewed in this period are:

- The Job Evaluation Policy
- Working Time Regulations Guidelines

Summary of the changes:

Policy	Amendments
The Job Evaluation Policy	Changed name from 'Procedure' to 'Policy'. Changed typos. Taken out inaccuracies. Days permitted to complete evaluation increased. The evaluation form revised to enable all evaluation processes to be done on one form.  Appeals do not require management authorisation and tightened up criteria for appeal
Working Time Regulations Guidelines	Review/streamline, typos and making the guidelines clearer

Full copies of the policies are included in the appendices for your information.

### **Recommendation(s):**

The Committee is asked to consider and endorse the updated policies.

## **2.1 PURPOSE OF THE REPORT**

- 1.1 The report draws Committee attention to the revised policies and that we are seeking endorsement to use the new format.

## **2.2 WHY IS THIS REPORT NECESSARY/BACKGROUND**

- a. The main reason for these policies being updated is to ensure that we have legally compliant, up to date and in line with current processes policies that are accessible for all to use.
- b. It also ensures we have correct version control on the document to reflect any changes as we move forward.
- c. Finally, this will ensure that all policies going forward will reflect the correct employee representative groups.

## **2.3 KEY IMPACTS / RISKS**

- a. Having up to date policies that are regularly reviewed ensure that we are legally compliant and that our processes are robust by following them, reducing any risks of potential future claims.

## **2.4 WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**

- a. The updated policies will replace the current policies on our employment policy section of the intranet.

## **2.5 LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES**

[\*\(See Corporate Plan\)\*](#)

- a. To have an engaged and motivated workforce, as part of being a more efficient and effective council – through updated, clear employment policies.

## **2.6 CONSULTATION**

- a. Senior Leadership Team, the Employee Representative Group and UNISON have been briefed and given the opportunity to review the proposed policy changes and support them.

## **2.7 REASONS FOR THE RECOMMENDED DECISIONS**

- a. Adoption of the revised policies will ensure that HDC is legally compliant and has a clear trail of policy amendments.

## **2.8 LIST OF APPENDICES INCLUDED**

Appendix 1 - The Disability at Work Policy  
Appendix 2 - The Improving Performance Policy

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# Job Evaluation Policy

## 1:1

<u>Version Control</u>			
<u>Version</u>	<u>Author</u>	<u>Date</u>	<u>Changes</u>
1:1	Lisa Morris	August 2023	<p>Changed name from 'Procedure' to 'Policy'. Changed typos. Taken out inaccuracies.</p> <p>Days to complete evaluation increased.</p> <p>Evaluation form revised to enable all evaluation processes to be done on one form.</p> <p>Appeals do not require management authorisation and tightened up criteria for appeal</p>

Name of Policy	Job Evaluation Policy
Person/posts responsible	Strategic HR Manager
Date approved/adopted	20 September 2023
Approved by	Employment Committee
Review Date	September 2025

# Job Evaluation Policy

## 1. Background

- 1.1 Huntingdonshire District Council (HDC) is committed to delivering effective services with employees in roles who are adequately qualified and correctly remunerated.
- 1.2 The scheme used is the Inbucon scheme, adopted in 1987 and local conventions updated in 2012 and 2016.
- 1.3 The job evaluation scheme is a 'closed' scheme. The legal copyright and intellectual property are owned by Inbucon.
- 1.4 This Policy applies to all new and existing posts and where there has been a change in the role.

## 2. Employee groups covered by the policy

- 2.1 This procedure outlines good practice and promotes an equitable system for all employees to enable managers and employees to understand its application.

## 3. Associated Policies

- 3.1 Please read this policy in conjunction with the following:
  - Pay Policy
  - Recruitment and Selection Policy

## 4. Objectives

- 4.1 Evaluation is a systematic process by which the grading of each role within HDC is established.
- 4.2 This policy aims to clarify the processes for evaluation and offer a framework for equitable application.
- 4.3 HDC will achieve this by:
  - Ensuring all organisational job descriptions are regularly updated where it is established there is a change to any role.
  - Promoting good practice encouraging an equitable and clear process for job evaluation.
  - Making certain all roles receive due consideration when organisational, service or activity changes require amendment to duties.

## 5. Guiding Principles

- 5.1 This policy applies to all HDC posts.
- 5.2 The guiding principles for HDC's job evaluation are:
- The role is being evaluated not the individual within the role (post not post holder).
  - The factors which form the basis of evaluation (Job Evaluation Descriptors - **Appendix 1**) are based on elements or characteristics that are present to some degree in every role.
  - The job evaluation guidance note will be followed for all job evaluation processes (**Appendix 2**).
  - The application of evaluation is a key way in which HDC ensures the removal of any potential bias from the job evaluation process.
  - Those forming the evaluation panel are responsible for ensuring they are trained in the Inbucon framework and have also received equality training. This is to ensure the ongoing integrity of the scheme.
  - A job will not be eligible for re-evaluation within 6 months of the most recent evaluation, except in the circumstances of a restructure.
- 5.3 The job evaluation scores are updated on to a listing that shows all scores and this is made available on the Intranet to all employees 6 monthly. The notes of the Panel remain confidential.

## 6. Areas of Specific Responsibility

### 6.1 Human Resources (HR)

- Will have overall responsibility for the administration of the Job Evaluation Scheme.
- HR will schedule Job Evaluation panels when the necessary documentation has been submitted to HR.
- A job evaluation panel must evaluate a post within 14 calendar days of all documentation being submitted to HR.
- The Job Evaluation Panel outcome will be communicated by HR to the relevant manager.

### 6.2 Relevant Managers

- Will ensure the job description within their responsibility are maintained as current and updated in line with organisational changes.
- Will undertake to draw changes in role requirements to the attention of their Head of Service/Service Lead and provide support in taking roles within their responsibility forward for evaluation.
- Will submit to HR the necessary documentation including the Job Evaluation Request Form.
- For Re-evaluation ensure that the outcome from the job evaluation process is communicated to the employee(s) and their manager. Where this results in a change of grade the manager will complete the Job Evaluation Request Form for a change in terms and conditions to be applied.

### 6.3 Senior Management Team

Must be in agreement to the role being evaluated and in addition to the above will:

- Support the evaluation of roles within their service, in a timely fashion, where a change to the role has been identified.

#### 6.4 Job Evaluation Panel

- Will evaluate roles in accordance with the scheme and where necessary, challenge the content of the job description with the appropriate manager.
- Ensure the correct application of the framework and consistency of factor scores within the service and across the organisation.

### 7. Job Evaluation

- 7.1 A job evaluation panel will consist of two officers from HR both of whom will be trained in the Inbucon framework.
- 7.2 Where an evaluation is required a copy of the form in **Appendix 3** is to be submitted with the updated job description and person specification. Where re-evaluation is requested the job description is to include tracked changes and for posts where there is more than one post holder 51% of post holders must sign the 'Regrade Request section'.
- 7.3 If required by the job evaluation panel, the manager (team manager or Head of Service/Service Lead) of the post being evaluated must be available to answer questions or clarify any points the panel may have. The clarification will be documented by the HR Representative, in **Appendix 4** in 'Job Evaluation Panel Notes'.
- 7.4 Employee(s) whose role is being evaluated are not permitted to attend the job evaluation.
- 7.5 Decisions made by the job evaluation panel will be recorded by HR using the template form provided (**Appendix 4**). However detailed, discussions will remain confidential.
- 7.6 If at the job evaluation panel, it is agreed that the job description does not correctly reflect the post being evaluated this will be referred back to the manager for amendment, by the HR representative and resubmitted for evaluation.

### 8. Job Evaluation Implementation

- 8.1 The outcome of the job evaluation process (including Appeals process if applicable) will be applied with effect from the date the Job description was submitted to HR. There may be circumstances where roles within a service are evaluated in order to inform a business case prior to a consultation or restructuring exercise. In these cases, results of evaluation will remain confidential until the consultation process begins and posts will become effective from the date of the new structure.

- 8.2 Where a post is evaluated on to the same grade employees will stay on the same point within that grade.
- 8.3 Where a post is evaluated at a lower grade employees should be moved to the top of the new grade and are entitled to salary protection on the difference in the salaries for a period of 6 months at full pay followed by a further 6 months at half pay.
- 8.4 Where a post is evaluated to a higher grade employees should be moved to the bottom of the new grade.

<b>9. Appeals process</b>
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- 9.1 Please read and understand the Appeals process (**Appendix 5**) before deciding whether to appeal, as following appeal the post grade can decrease as well as increase and there will be no further right of appeal.

## Appendix 1

### Job Evaluation Factor Descriptors

The standard factors used within HDC's evaluation system are:

#### 1A Level of Knowledge, Skills & Experience

- What qualifications (education/technical/professional) are needed to fulfil the criteria?
- What are the typical levels of experience required to fulfil the criteria of the post?
- What other knowledge and skills are needed to fulfil the essential criteria of the post?

#### 1B Extent and Range of Application of Knowledge, Skills & Experience

We are seeking to take everything noted in 1/A and find out how frequently and in what context it is used (i.e., is it used or required only for the postholder themselves or does it affect their section, service, services or the whole of the Council?)

#### 2A Analytical Complexity

Measuring the complexity of the tasks within the post, you must remember to:

- Pay equal attention to tasks/problems that others may present to the postholder and with what frequency; as well as the problems which are implicit within the post holders' tasks and the frequency with which these are presented.
- Recognise technical, intellectual and abstract tasks.

#### 2B Initiative & Creativity

How the postholder is required to deal with problems described in 2/A. Consider:

- What information or advice is provided by the postholder to help solve problem(s)?
- The frequency information and / or advice given.

#### 3A Level of Advice & Discretion

The extent to which the post requires decision making and advice giving and what discretion the postholder has in providing those decisions and advice to others, with or without agreement from the Line Manager and with what frequency.

#### 3B Impact

How the decisions and advice given by the postholder impacts on others within the context of the section, service and the organisation as a whole. Impact is a major consideration and reflects the position of the final arbiter e.g., if B checks or reviews A's decision then it is B that has the impact.

**4A Size of Responsibility**

This is a measure of the postholder's responsibility for all resources, including staff. In assessing the worth of the resource, consider its importance and value to the organisation.

**4B Role Type**

This factor is concerned with the nature of the responsibility noted in 4/A, including supportive, operational and strategic. 4/B measures the degree of influence involved.

**5A Communication - significance**

What type of communication, who is the communication to (internal and external) and why is the communication needed.

**5B External Demands**

Examines the extent to which the post requires external communication and how frequently it is made, including percentages for communication.

**6A Physical & Mental Effort**

Examines the physical and mental demands under which a postholder has to work.

**6B Environmental Conditions**

Focuses on the physical environment the postholder has to work within and the frequency of that work and the most frequent level of risk this environment poses including movement between sites.

## Appendix 2

### JOB EVALUATION GUIDANCE NOTE

#### **STEP 1**

Review and update as necessary the Job description and Person Specification for the post (Template available on the HR intranet page). There is no need to list every responsibility - concentrate on the most fundamental and important.

#### **STEP 2**

Ensure the necessary form is completed, where appropriate an organisational chart may also need to be submitted with the Job description, i.e., where a change to the structure may occur.

In a restructure situation, employees will not see the paperwork prior to an evaluation but will have the opportunity to comment during the consultation period.

#### **STEP 3**

Forward the Job description, Organisation Chart and Evaluation form to [HumanResources@huntingdonshire.gov.uk](mailto:HumanResources@huntingdonshire.gov.uk) indicating an indicative grade.

#### **STEP 6**

The Service Lead, or in some cases the line manager, will need to be available if required to answer any queries the panel may have relating to the Job description.

#### **STEP 7**

The Evaluation Panel will score the various factors for the post and communicate this to the manager.

### Appendix 3

#### Job Evaluation Request Form

For any changes to existing job descriptions please ensure changes are tracked on the job description and person specification

#### Section A

<b>New post</b>	<input type="checkbox"/>	<b>Existing post</b>	<input type="checkbox"/>
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<b>Post Title</b>	
<b>Post Number (if applicable)</b>	
<b>Describe the reason for Evaluation?</b>	
<b>Preferred Grade</b>	
<b>Previous post title if changed</b>	
<b>Any comparator posts to be considered</b>	
<b>Is this post being evaluated for a restructure (please note results are published every 6 months)</b>	

#### For Re-Evaluation

By completing the below, you confirm that this Job Description and Person Specification are a true and accurate reflection of all the responsibilities relating to the post. Please note where the evaluation applies to more than one employee, 51% of employees are required to sign the section below.

<b>If this is a vacancy for a post with current post holders are all post holders signing up to the new job description?</b>	<i>Yes (if yes include details below for post holders)</i>	<i>No (please give details)</i>
<b>Where this is a re-evaluation requested for a current occupied post - please include names of all post holders.</b>		
<b>Post holder name(s)</b>		
<b>Signature of Post holder(s)</b>		

Section B – New pay information

For changes to existing posts holders please complete this section after the job evaluation has taken place and the new job description is complete and accepted by the manager & employee

<b>I can confirm that I am the budget holder / have confirmation from the budget holder that there is budget available for this increase to pay</b>	
<b>Print Name / Signature</b>	

<b>Effective date of new pay</b> (date job re-evaluation was submitted)	
<b>New grade</b>	
<b>New spinal point</b>	

## Section C – Appeal

Please select from the options below the grounds for the appeal:

- It is believed that an internal equivalent job is more highly graded and paid.
- In the original evaluation, the job evaluation policy was not adhered to.

<b>Details of grounds for appeal</b>
<b>Employee Name or Nominated Representatives to present for group appeals.</b>
<b>For group appeals I confirm that 51% of the group wish to proceed to appeal</b>

- For group appeals I confirm that 51% of the group wish to proceed to appeal

<b>Employee Name/s:</b>	
<b>Signature/s</b>	

## Appendix 4

### Job Evaluation Panel Notes

<b>Job Title</b>	
<b>Job Ref. Number</b>	
<b>Job Post Number</b>	
<b>Evaluation Date</b>	
<b>Evaluation Panel members</b>	
<b>Manager responsible for JD</b>	
<b>Preferred Grade</b>	
<b>Panel Notes. (include any points of clarification provided by manager)</b>	

### Evaluation Score

Factor 1		Factor 2		Factor 3		Factor 4		Factor 5		Factor 6		Total Score Grade
A	B	A	B	A	B	A	B	A	B	A	B	

Factor	Notes
<b>Knowledge Skills &amp; Experience / Extent &amp; range of application &amp; knowledge</b>	
1A	
1B	
<b>Problem Solving / Initiative &amp; Creativity</b>	
2A	
2B	
<b>Decision Making / Impact</b>	
3A	
3B	
<b>Operational Responsibility / Role Type</b>	

<b>4A</b>	
<b>4B</b>	
<b>Communication / External Demands</b>	
<b>5A</b>	
<b>5B</b>	
<b>Working Conditions / Environmental Conditions</b>	
<b>6A</b>	
<b>6B</b>	

## Job Evaluation Appeals Process

### 1 Objectives

- 1.1 It is good job evaluation practice to allow appeals against an initial evaluation exercise in order to allow an employee to state that their job was incorrectly evaluated or 'an equivalent job is more highly graded and paid'.

### 2 Grounds for Appeal

- 2.1 This process applies to all HDC posts.
- 2.2 Appeals will only be accepted by the panel if submitted by the employee. Employees are not allowed to appeal a new or vacant post.
- 2.3 An appeal can **only** be submitted in line with the following criteria:
- It is believed that an internal equivalent job is more highly graded and paid.
  - In the original evaluation, the job evaluation policy was not adhered to.

Where the submission does not meet the criteria above the appeal will not be accepted. Please note changes to job descriptions will not be heard at appeal as this is to be agreed prior to submission for re-evaluation.

### 3 Group Appeals

- 3.1 Where there is more than one job holder in a particular job covered by a single Job description, the other job holders must be asked if they also want to appeal against the job evaluation. Where there is more than one job holder in a role the appeal will have to be submitted as a group appeal with at least 51% of job holders agreeing to the appeal. If less than 51% job holders agree to the appeal, the appeal will not proceed. In these circumstances, there is no further right of challenge.
- 3.2 Members of that group will need to nominate representatives (normally up to two) to complete the appeal documentation on their behalf. The representatives will need to ensure that all members of the group are given the opportunity to comment on the completed Job Evaluation request form, Grading Appeal section (**Appendix 3**).
- 3.3 In submitting a group appeal the outcome of the appeal binds all members of the group. Furthermore, individual employees in that group do not have a separate individual right of appeal.
- 3.4 Within this process, arrangements for appeals hearing may need to be flexible to meet different circumstances for example, where there is an appeal that affects a large number of employees, timescales may need to be adjusted.

## 4. Areas of Specific Responsibility

### 4.1 Service Lead

To advise the employee, informally, on the scope for appeal, this may assist the employee in deciding whether it is worthwhile going through the formal appeal process.

### 4.2 Employee

From 7 calendar days of receiving the outcome of the job evaluation, complete and return to HR the Job Evaluation Request Form (**Appendix 3**) including any supporting additional information.

### 4.3 Human Resources

Will have overall responsibility for the administration of the job evaluation appeals process including:

- Acknowledge receipt of the Job Evaluation Request Form, (**Appendix 3**).
- Review the form to ensure that it has been fully completed (forms that have not been fully completed or not meet the grounds for appeal will be rejected).
- Forward a copy of the form to the relevant manager.
- Where appropriate, make arrangements for the appeal to be heard within 14 calendar days.
- In preparation for an appeal HR will schedule Job Evaluation Appeals Panels and send out invites to panel members.
- Inform the employee or a group of employees of the appeal outcome (grade).
- Complete **Appendix 6** Job Evaluation Appeal Panel notes.

## 5. Appeals Panel Process

5.1 Appeals panel; will consist of a Senior independent manager, 1 HR representative and 1 Officer from the Employee Representative Group. All of whom will have been trained/briefed in the Inbucon framework and have undertaken equalities training.

5.2 The employee is entitled to bring to the appeals panel meeting a work colleague or Employee Representative Group member or union representative but not a person who does not work for Huntingdonshire District Council.

5.3 The employee (or employee's representative) will be expected to outline the reason for the appeal and answer any questions the panel may have.

5.4 The manager (team manager or Service Lead) of the post being appealed must be available to answer questions or clarify any points the panel may have.

5.5 If the panel consider that a factor score would increase or decrease based on all the evidence provided, they will, using the Inbucon job evaluation framework reassess that factor and determine the correct evaluation score and subsequent grade.

5.6 Decisions made by the appeals panel will be recorded and communicated by the designated chair of the panel. However detailed, discussions will remain confidential.

- 5.7 If at the appeals panel it is agreed that the job description does not correctly reflect the post being appealed, this will be referred back to the manager for amendment by the Chair and a revised job description will be submitted by the manager to HR for re-evaluation and moderation.
- 5.8 Following the appeal, HR will update the employee E-File and job evaluation spreadsheet with revised factor scores as required.
- 5.9 The decision of the appeals panel is final. There will be no further right to appeal.

<b>6. Appeal Implementation</b>
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- 6.1 The result of the appeal will be applied with effect from the date that the Job description was originally submitted by the Service Lead pre appeal.
- 6.2 Where a post is evaluated at a lower grade, employees should be moved to the top of the new grade and are entitled to salary protection on the difference in the salaries for a period of 6 months at full pay followed by a further 6 months at half pay.
- 6.3 Where a post is evaluated to a higher grade, employees should be moved to the bottom of the new grade.

**Appendix 6**

**JOB EVALUATION APPEAL PANEL NOTES**

Job Title	
Job JE Number	
Job Post Number	
Grade	
Appeal Date	
Appeal Panel members	
Panel Notes	

**Evaluation Score**

<b>Factor</b>	<b>Notes</b>
<b>Knowledge Skills &amp; Experience / Extent &amp; range of application &amp; knowledge</b>	
1A	
1B	
<b>Problem Solving / Initiative &amp; Creativity</b>	
2A	
2B	
<b>Decision Making / Impact</b>	
3A	
3B	
<b>Operational Responsibility / Role Type</b>	
4A	
4B	
<b>Communication / External Demands</b>	
5A	
5B	
<b>Working Conditions / Environmental Conditions</b>	

<b>6A</b>	
<b>6B</b>	

# Working Time Regulations Guidelines

Version 1.1

<b>Version Control</b>			
<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Changes</b>
1.1		June 2023	Review/streamline, typos and making the guidelines clearer

Name of Policy:	Working Time Regulations Guidelines
Person/posts responsible:	Strategic HR Manager
Date approved/adopted:	September 2023
Approved by:	Employee Committee
Review Date:	January 2025

### 1. Introduction

- 1.1 Huntingdonshire District Council (HDC) is aware of its legal, contractual and moral obligations as an employer and aims to provide a safe and healthy place of work for each worker. The Working Time Regulations 1998 (as amended) lay down minimum conditions relating to weekly working time, rest entitlements, annual leave and makes special provision for working hours and health assessments in relation to night workers.
- 1.2 The Regulations impose responsibilities on both managers and employees to ensure working time conditions and safe working arrangements are observed. The Regulations are complex and these guidelines are only an overview of some of the main subjects to help managers and employees with the implementation of the Regulations.
- 1.3 These guidelines set out HDC's general approach towards compliance and describe how it will interpret those aspects of the Regulations where local decisions and agreements are necessary. The Regulations also implement provisions from the Young Workers Directive, which relate to the working time of workers under the age of 18. The Regulations apply to all employment sectors.
- 1.4 A summary of the rights given to employees are shown below for workers aged 18 and over:
- Maximum weekly working time - average 48 hours in each 7-day period (reference period 17 weeks).
  - Rest breaks - after every 6 hours.
  - Daily rest - 11 hours consecutive rest in every 24-hour period.
  - Weekly rest period – 24 hours in every 7 days (reference period 14 days) in addition to their daily rest (see section 6.2.3)
  - Night work - average 8 hours rest in any 24-hour period (reference period 17 weeks)
  - Health assessments for night workers (working between the hours of 11pm – 8am).
- 1.5 A summary of the rights given to employees are shown below for young workers (those aged 16 and 17):
- Maximum weekly working time – average 40 hours a week or 8 hours a day
  - Rest breaks – after every 4.5 hours
  - Daily rest – 12 hours consecutive rest in every 24 hour period
  - Weekly rest period – two days off per week, normally two consecutive days
  - No night work.
- 1.6 Managers will not discriminate in the application of the regulations in respect of age, disability, race, sex, gender reassignment, religion & beliefs, sexual orientation, pregnancy/maternity, marriage/civil partnership, domestic circumstances, social and employment status, political affiliation or trade union membership.

## 2. Aims

2.1 There is a general responsibility for HDC under health and safety law to protect, as far as is practicable, the health and safety at work of all our employees. Specific responsibilities of HDC in relation to the Working Time Regulations are:

- working time in general – monitor the hours of work of employees to identify and address any practices or patterns of work, which may be a risk to employees.
- opt out of the 48 hour limit – ensure that no employees who have agreed to disapply the 48 hour limit work excessively long hours where this may be a risk to the health and safety of themselves, their colleagues or the public.

## 3. Coverage

3.1 A “worker” is defined as an individual who works under a contract of employment, or any other contract where s/he is providing services to HDC. This includes those working part time, agency workers and freelance staff.

All “workers” are covered by the Working Time Regulations. These include:

- HDC Employees
- Variable workers
- Agency and temporary workers
- Work experience trainees

An adolescent worker (or young worker) is a worker of 16 or 17 years old.

The Human Resources Department can provide further advice on individual entitlements.

## 4. Workers’ Rights under the Regulations

4.1 Working Time is defined as ‘*when a worker is working at their employer’s disposal and carrying out their activities or duties*’. The standard HDC full time working week is 37 hours. However, the Regulations set a working limit of an average of 48 hours per week. The standard averaging period is 17 weeks.

4.2 What counts as work

A working week includes:

- job-related training
- time spent travelling if you travel as part of your job, e.g., environmental health officers (this does not include commuting to and from your contracted place of work)
- working lunches, e.g., business lunches
- paid overtime
- unpaid overtime you’re asked to do
- time spent on call at the workplace

- any time that is treated as 'working time' under a contract
- travel between home and work at the start and end of the working day (if you don't have a fixed place of work)

#### 4.3 What doesn't count as work

A working week doesn't include:

- time you spend on call away from the workplace
- breaks when no work is done, e.g., lunch breaks
- travelling outside of normal working hours
- unpaid overtime you've volunteered for, e.g., staying late to finish something off
- paid or unpaid holiday
- travel to and from work (if you have a fixed place of work)

4.4 For reasons of health, safety and welfare of employees and our clients, and to promote healthy work-life balance, the position of HDC is that we will discourage any individual from working above the maximum weekly working limit. HDC is required to take all reasonable steps to ensure that employees do not work more than an average of 48 hours per week over a 17 week period. It is necessary to note that this should also take into account time worked in additional posts or for another employer. It is the responsibility of the employee to advise HDC if this may be the case.

4.5 Individuals may *choose* to work more than the 48 hours average weekly limit, but up to a maximum of 60 hours. A decision to exercise this option is an individual, voluntary one and no pressure should be placed on the individual to take the option. If any of our employees are working above 48 hours voluntarily and wish to continue to do so, they will need to complete a written consent form (Appendix 1). The employee can withdraw this agreement by giving 7 days' notice in writing.

4.6 New starters will be informed about the need to sign a consent form if they wish to voluntarily agree to work in excess of an average of 48 hours per week. However, they will be discouraged from doing so during the first four weeks of employment. It is important that employees sign a consent form in case they think that they may wish to work in excess of an average of 48 hour limit. HDC must record all hours worked in excess of 48 hours when a worker signs an opt-out consent form. The worker must keep weekly records of their hours worked for HDC and any other employer.

## **5 Rest Entitlements**

### 5.1 Rest Breaks

Workers aged 18 and over must have a 20 minute unpaid rest break for each 6 hours they work. A young worker aged 16 and 17 must have a 30 minute unpaid rest break where the daily working time is more than 4 ½ hours.

The rest break should be taken during the course of the period of work and if possible, away from their workstation. Therefore, adding 20 minutes to the

beginning or end of the work period is not allowed. This could be accommodated by:

- existing lunch or other break arrangements for employees provided the break is at least 20 minutes
- where exceptionally a break after 6 hours is not possible, 20 minutes should be provided as soon as possible and should not be at the beginning or end of the working day
- in exceptional circumstances, where a break cannot be taken at any time in the day, with the individual's agreement, equivalent compensatory rest (see Section 9) must be given.

## 5.2 Daily Rest

Workers aged 18 and over are entitled to an 11 hour consecutive rest break in every 24 hour period. A young worker aged 16 and 17 is entitled to a break of 12 consecutive hours. Rotas should be structured to accommodate this. If this is not practicable due to the contingencies of the service e.g., the need to provide 24 hour continuous service, managers should ensure that a period of equivalent compensatory rest (see Section 7) is provided and records are kept. Daily rest cannot be part of the weekly rest or include rest breaks.

## 5.3 Weekly Rest

Workers aged 18 and over are entitled to an uninterrupted rest period of not less than 24 hours in each 7 day period, or 48 hours over a 14 day period. If due to rotas or service needs, this is not possible, the employee must be provided with equivalent compensatory rest (see Section 7).

Workers aged 16 and 17 are entitled to a rest period of not less than 48 hours in each 7 day period and normally this should be uninterrupted. This cannot be averaged over a 14 day period.

# 6. **Compensatory Rest**

6.1 Compensatory rest is an equivalent period of rest, to that which they were not able to take.

6.2 Where the application of any provision of these Regulations is excluded or modified e.g., an employee does not receive the minimum daily rest break after a late shift which is followed by an early shift, HDC shall provide compensatory rest.

6.3 Compensatory rest for a *daily rest break* should be given within two weeks wherever possible and compensatory rest for a *weekly rest break* should be given within two months wherever possible.

## 7 Annual Leave

- 7.1 This statute entitles workers to a minimum of 5.6 weeks paid annual leave including bank holidays. The annual leave year for HDC employees is from 1 April to the 31 March. Employees should not do extra work during their annual leave entitlement.

Annual leave cannot be replaced by payment in lieu unless the employment relationship is terminated.

## 8 Night Workers

- 8.1 Night is identified by HDC as the period between 11.00pm and 6.00am. In line with ACAS, a night worker is defined as someone who usually works at least 3 hours during the night

### 8.2 Working Time Limit

Night workers should not work more than 8 hours per 24 hours over a reference period of 26 weeks unless compensatory rest periods are provided (see Section 6).

### 8.3 Young Workers

HDC shall not employ young workers (i.e., under 18 year olds) for night work.

### 8.4 Health Assessments

All night workers are entitled to a health assessment before they commence night work duties. This will be done through Occupational Health. This information is sent through to Occupational Health on the applicant's health assessment form.

Night workers will also have the opportunity to have regular assessments during their employment. These assessments will be done on an annual basis. This period could be more frequent depending on the circumstances of the worker.

## 9. Multiple Contracts / Other Employment

- 9.1 HDC has a responsibility to ensure that workers do not work on average more than 48 hours per week. HDC expects their managers to know which workers have more than one contract of employment with HDC and monitor the total hours being worked by those workers each week. Managers are also responsible for monitoring an individual's flexi time to ensure that they do not work on average more than 48 hours per week in the 17 week reference period. Any concerns regarding the hours worked should be discussed with the HR Team.
- 9.2 HDC also has a duty of care, in respect of working hours, to safeguard the health and safety of any of its workers who may have other work outside HDC. In order to meet its responsibilities, HDC will inform all workers of the limitation on working hours and their responsibility to inform their manager if they take up an additional job (paid or unpaid) within HDC or an outside organisation.

## **10. Record Keeping**

- 10.1 Both HDC and the worker have responsibilities under the Regulations to keep accurate records that are adequate to show that weekly working time limits have been complied with.
- 10.2 These records are open to inspection from the Health & Safety Executive.
- 10.3 HDC shall also keep a copy of:
- a written agreement to work in excess of the average 48 hour limit (if applicable)
  - health assessment details in cases of night workers
  - Managers will keep a copy of all compensatory rest accrued (if applicable)
- 10.4 The Regulations state that all the records detailed above must be kept for two years from the date on which they were made.

## **11. Advice and Support**

Advice, support and guidance from Human Resources is always available.

## APPENDIX 1 – WORKING TIME REGULATIONS CONSENT FORM

Further to the implementation of the Working Time Regulations on 1 October 1998, employees will not be expected to work more than an average of 48 hours per week, over a 17 week reference period. HDC discourages any employee from working above the maximum weekly working limit. By discouraging employees from working excessive hours, HDC is promoting the health, safety and welfare of its employees and are also promoting a healthy work-life balance. However, the Regulations allow an individual to agree to the option to work above the 48-hour limit, subject to service requirements, provided that a written agreement is made and only up to a maximum of 60 hours. This is not allowed during the first four weeks of employment unless exceptional circumstances apply.

This form provides for you to enter into an agreement with HDC to disapply the 48-hour limit in respect of the total weekly average hours required in your case. Your minimum weekly hours of work will continue to be specified in your contract of employment with HDC.

If you decide to disapply the 48 hour limit HDC will ensure that no employees work excessively long hours where this may be a risk to the health and safety of themselves, their colleagues, patients or the public.

**NAME:** \_\_\_\_\_

**DEPARTMENT:** \_\_\_\_\_

**POST:** \_\_\_\_\_ **GRADE:** \_\_\_\_\_

### FULL TIME/PART

**TIME:** \_\_\_\_\_

*If part time, please specify hours.*

- I agree that the 48-hour average weekly limit specified in the Working Time Regulations 1998 – Regulation 4(1) shall not apply in my case.
- Despite agreeing to disapply the limit, I am fully aware that I have a responsibility not to work hours so long that they may impair my efficiency or expose colleagues, the public or property to risk.
- I agree to keep accurate records of my working hours for HDC, plus any additional hours worked for another employer.
- I agree to give at least 7 days written notice to HDC if I wish to bring this agreement to an end.
- I understand that this agreement will apply from ..... until such time as I submit a request in writing to opt back in. I am aware that I am under no obligation to sign this agreement and this it is illegal for me to be subjected to any detriment if I decline to sign.
- I understand I have an obligation to inform HDC if I currently work for, or subsequently plan to work for a second employer.

- I understand that if I work for a second employer and wish to continue working over a total of 48 hours per week, I must sign a waiver for my second employer as well as for HDC.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Employee signature)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(By the Manager on behalf of Huntingdonshire District Council)

**This form should be returned to Human Resources**  
**[HumanResources@huntingdonshire.gov.uk](mailto:HumanResources@huntingdonshire.gov.uk)**