CONTROLLED POLICY

D04 – WORKING TIME, REST BREAKS AND FATIGUE MANAGEMENT POLICY

Policy Reference	D04	**Version**	1.0
Policy Owner	PHSSL Staffing Limited	**Approved By**	Lade Awosika, Director
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Applies To	PHSSL staff, temporary/agency workers and relevant booking and payroll personnel	**Supersedes**	New policy

1. Purpose

This policy explains how PHSSL Staffing Limited manages working time, rest and fatigue for employees and temporary or agency workers. The purpose is to support legal compliance, worker wellbeing and safe staffing while recognising that agency workers may work for more than one organisation.

2. Scope

This policy applies to PHSSL staff and temporary or agency workers supplied to clients, together with personnel responsible for bookings, compliance, payroll and worker management. Additional sector-specific rules or client requirements may apply to particular roles.

3. Legal Framework

PHSSL will apply the Working Time Regulations 1998 and other applicable working-time, health and safety and employment requirements as amended. Where a specific exception, derogation, compensatory-rest arrangement or sector rule applies, it will be considered on the facts rather than assumed.

4. Average Weekly Working Time

Unless a lawful exception or valid opt-out applies, adult workers are generally subject to an average 48-hour working week calculated over the applicable reference period. PHSSL will take reasonable steps to manage working time based on information available to it.

5. Working for More Than One Employer

Workers must tell PHSSL about other work where it is relevant to working-time compliance or fatigue. Hours worked for different employers may be relevant to the overall 48-hour average and to safe allocation decisions.

6. Opt-Out Agreements

Where permitted by law, an adult worker may voluntarily agree in writing to opt out of the 48-hour average weekly limit. A worker must not be subjected to improper pressure to sign an opt-out. An opt-out does not remove PHSSL's responsibility to manage health and safety or fatigue.

7. Ending an Opt-Out

A worker who has opted out may withdraw that agreement by giving the notice required by the applicable agreement and law. PHSSL will not treat a lawful withdrawal as misconduct.

8. Daily Rest

Adult workers are generally entitled to 11 consecutive hours' rest in each 24-hour period, subject to lawful exceptions and compensatory-rest provisions. Booking decisions should support adequate recovery between assignments.

9. Weekly Rest

Adult workers are generally entitled to weekly rest in accordance with the Working Time Regulations, subject to lawful exceptions and compensatory arrangements. PHSSL will consider patterns of work rather than viewing each booking in isolation.

10. Rest Breaks During Work

Where an adult worker's working day exceeds six hours, the statutory minimum is generally an uninterrupted 20-minute rest break, subject to applicable exceptions. Client arrangements may provide longer or additional breaks.

11. Young Workers

Workers under 18 are subject to more protective working-time and rest rules. PHSSL will identify applicable restrictions before allocation and will not apply adult opt-out arrangements to young workers where the law prohibits this.

12. Night Work

Night workers are subject to specific working-time protections. PHSSL will identify night-work patterns where relevant and will cooperate with clients to manage applicable limits, health considerations and safety risks.

13. Night Work Involving Special Hazards

Where night work involves special hazards or heavy physical or mental strain, stricter limits may apply. PHSSL will seek appropriate information from the client and will not knowingly allocate work contrary to applicable restrictions.

14. Night-Worker Health Assessment

Where PHSSL has the relevant legal responsibility, night workers will be offered an appropriate health assessment before undertaking night work and at appropriate intervals thereafter. Information will be handled confidentially.

15. Fatigue as a Safety Risk

Legal maximum hours do not automatically make a working pattern safe. Fatigue may arise from long shifts, consecutive shifts, night work, travel, inadequate sleep, demanding duties, second jobs or personal circumstances. PHSSL may decline or withdraw a booking where fatigue creates an unacceptable risk.

16. Worker Duty to Manage Fatigue

Workers must take reasonable responsibility for arriving fit for work, using rest opportunities appropriately and giving PHSSL accurate information about relevant hours. A worker should not accept a shift when they know they are too fatigued to work safely.

17. Consecutive Shifts and Long Hours

Booking staff should consider the length and sequence of assignments, turnaround time, travel and the nature of the work. Back-to-back shifts should not be allocated merely because they fit technically within a booking system.

18. Sleep-In, On-Call and Standby Arrangements

Where assignments include sleep-in, on-call or standby elements, PHSSL will seek sufficient information to understand how the time is treated for working-time and pay purposes. The legal treatment depends on the actual arrangement and must not be assumed from the label used by the client.

19. Travel Time

Travel that forms part of the worker's duties may count differently from ordinary commuting. PHSSL will consider the nature of the travel and applicable law when assessing working time and fatigue.

20. Breaks on Client Premises

Clients should provide workers with applicable rest breaks and suitable arrangements to take them. Workers should raise repeated inability to take required breaks with the client and PHSSL.

21. Missed or Interrupted Rest

Where statutory rest cannot be provided because a lawful exception applies, any requirement for equivalent compensatory rest or appropriate protection will be considered. Exceptions must not become a routine justification for unsafe scheduling.

22. Emergency and Exceptional Circumstances

Genuine emergencies may affect normal working patterns. PHSSL will respond proportionately, but client urgency or staffing shortage alone does not remove legal working-time or health and safety obligations.

23. Record Keeping

PHSSL will keep records sufficient to demonstrate compliance with working-time requirements for which it is responsible. Workers and clients must provide accurate information needed for this purpose.

24. Timesheets and Working-Time Monitoring

Timesheet and booking data may be used to monitor hours, rest patterns and possible fatigue. Discrepancies should be investigated and corrected. Recorded hours must reflect work actually undertaken.

25. Working Time Across Multiple Assignments

PHSSL may review a worker's bookings across different PHSSL clients to identify excessive hours or insufficient rest. Where other employment is disclosed, PHSSL will take that information into account where reasonably necessary.

26. Refusing or Restricting a Booking

PHSSL may refuse, cancel or restrict an assignment where available information indicates a significant fatigue, working-time, competence or safety risk. This is a safety control and should not automatically be treated as disciplinary action.

27. Health, Disability and Pregnancy

Where working patterns interact with health, disability, pregnancy or maternity, PHSSL will consider applicable risk-assessment duties, reasonable adjustments and equality requirements. Workers should be encouraged to raise relevant safety needs.

28. Driving and Travel After Shifts

Workers who drive should consider fatigue before travelling. PHSSL will not encourage a worker to drive when they are clearly unfit through fatigue. Assignment planning should consider significant travel, particularly after long or night shifts.

29. Client Responsibilities

Clients should provide accurate shift information, safe working arrangements, applicable breaks and notice of unusual working-time requirements. They should notify PHSSL of significant changes to shift length or patterns.

30. Worker Responsibilities

- Provide accurate information about PHSSL hours and relevant other work.
- Use rest periods responsibly and attend work fit to perform duties safely.
- Do not accept assignments that create an unsafe fatigue risk.
- Report missed breaks, excessive hours or unsafe scheduling.
- Notify PHSSL of material changes affecting working-time compliance.
- Submit accurate timesheets.

31. PHSSL Responsibilities

- Maintain appropriate booking and working-time controls.
- Consider cumulative hours and fatigue when allocating shifts.
- Keep required working-time records.
- Manage opt-outs lawfully where used.
- Respond to reported fatigue and rest concerns.
- Cooperate with clients regarding breaks, night work and safe scheduling.
- Do not bypass safety controls simply to fill urgent shifts.

32. Concerns and Escalation

Workers should report concerns about excessive hours, denied breaks, unsafe fatigue or working-time practices. PHSSL will review concerns and may liaise with the client, change bookings or take other appropriate action. Genuine safety concerns must not be discouraged.

33. Related PHSSL Staffing Policies

- A01 Governance and Quality Assurance Policy.
- C03 Induction, Training, Supervision and Competency Policy.
- C06 Lone Working and Worker Safety Policy.
- D01 Temporary Worker / Agency Worker Management Policy.
- D03 Placement, Booking, Allocation and Cancellation Policy.
- D05 Timesheets, Pay, Holiday Pay and Payroll Policy.

34. Monitoring and Review

PHSSL will monitor working-time and fatigue risks through booking data, timesheets, incidents, near misses, worker reports, client feedback and governance review. This policy will be reviewed at least annually, or sooner following significant legal or regulatory change, serious incidents, audit findings or identified learning.

Approved by	Lade Awosika
Position	Director
Approval method	Approved electronically
Approval date / next review	September 2026 / September 2027