SOCIAL WORK EMERGENCY OUT OF HOURS SERVICE – POLICY, PROCEDURES AND GUIDANCE

Joint Report by Director of Education and Children’s Services and Director of Social and Community Services

PURPOSE OF REPORT

To seek the approval of the Comhairle for the policy, procedures and guidance for the Comhairle Nan Eilean Siar Social Work Emergency Out of Hours Service.

COMPETENCE

1.1 There are no legal or other constraints to the recommendations being implemented. The financial implications are detailed in the Report.

SUMMARY

2.1 This attached document (Appendix A) sets out the policy framework, objectives, service specification and operational working arrangements of the Comhairle Nan Eilean Siar Emergency ‘Out of Hours’ Social Work Service.

2.2 The Emergency Social Work Service offers an out of hours, emergency Social Work Service across the whole of the Comhairle Nan Eilean Siar local authority area.

2.3 The Emergency ‘Out of Hours’ Social Work Service has been established to meet the following objectives:
   • Provision of an effective emergency out of hours Social Work Service that fulfils statutory requirements.
   • Provision of effective assessment and crisis intervention to vulnerable children and adults.
   • Protection of vulnerable children, young people and adults out with normal working hours.

2.4 The review of the service has taken place over 2009/10, and has involved consultation with relevant staff, managers, representatives of the Human Resources Section, Chief Executive’s Department and the relevant Trade Unions. Much of this work has been taken forward through the Out of Hours Monitoring and Review Group which has met on a regular basis throughout the year.

2.5 The policy and procedures apply to all qualified social workers employed by Comhairle Nan Eilean Siar, unless by exception. Specifically this refers to all qualified Social Workers employed within Children’s Services, Criminal Justice, and Community Care.

2.6 Frontline staff and managers have played an active role in ensuring that the delivery of the service is maintained to a high level, and have taken increased responsibility across the different service areas for making sure rotas are planned well in advance.

2.7 This an example of positive joint working across not only across the different service areas and Departments which together provide the emergency Social Work services in the Western Isles, but the review process was also supported by Faire Call Centre staff and Trade Union representatives.
2.8 It is the intention to gather and report on the level of demand for the Emergency Out of Hours Social Work Service and any issues arising from the delivery of the service on an annual basis. This Report will inform future reviews of the service.

RECOMMENDATION

3.1 It is recommended that the Comhairle:
   a) approve the Social Work Emergency Out of Hours Service Policy, Procedures and Guidance, on the basis that it be delegated to the Chief Social Work Officer, in consultation with the Director of Education and Children’s Services, to amend the above-mentioned documentation in response to changing circumstances; and
   b) note that a Report on the Social Work Emergency Out of Hours Service will be provided annually.

APPENDIX

A Social Work Emergency Out of Hours Service Policy and Procedures

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BACKGROUND PAPERS: Social Work Emergency Out of Hours Service Supporting Guidance

AG/DS
15/11/10
SOCIAL WORK EMERGENCY
‘OUT OF HOURS’ SERVICE
POLICY AND PROCEDURES

Implementation Date:  1/1/11

Review Date:  31/12/11
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1. INTRODUCTION

1.1 This document sets out the objectives, service specification and operational working arrangements of the Comhairle Nan Eilean Siar Emergency ‘Out of Hours’ Social Work Service.

1.2 The Social Work Emergency Service offers an out of hours, emergency Social Work Service across the whole of the Comhairle Nan Eilean Siar local authority area.

1.3 This policy applies to all qualified social workers employed by Comhairle Nan Eilean Siar, unless by exception. Specifically this refers to all qualified Social Workers employed within Children’s Services, Criminal Justice, and Community Care.

2. SERVICE OBJECTIVES

2.1 The Social Work Emergency ‘Out of Hours’ Service has been established to meet the following objectives:

- Provision of an effective emergency out of hours Social Work Service that fulfils statutory requirements.
- Provision of effective assessment and crisis intervention to vulnerable children and adults.
- Protection of vulnerable children, young people and adults out with normal working hours.

3. DEFINITIONS

3.1 The Comhairle Nan Eilean Siar ‘Out of Hours’ Social Work Service is an emergency service with the following constituting emergencies within the scope of this policy.

- When a child or young person is at immediate risk of significant harm as defined within the Children (Scotland) Act 1995

- Attending as a responsible adult for children or young people where there is no family member available and after all reasonable attempts have been made to contact a family member.

- Attending as an appropriate adult for mentally disordered adults.

- Vulnerable adults who are at risk as defined within Adult Support and Protection (Scotland) Act 2007

- Civil emergencies as detailed within The Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.

1 See Greens annotated acts – Children Scotland Act 1995 section 57
4. GENERAL ISSUES

4.1 In the eventuality that Police or Health or an agency representative from other professional bodies, i.e. ‘Action for Children’, are unable to attend jointly with the ‘Out of Hours’ duty Social Worker, the Senior on call will be available to accompany the duty Social Worker.

When the Barra member of staff is on the rota, a formal arrangement will be put in place whereby a Uist member of Staff will be rostered to take any necessary Uist home visits.

4.2 If a backlog of other referrals begins to build up, the senior on call should be notified with the knowledge that the senior will screen referral, assess the situation/circumstances and take action if necessary.

4.3 In the event of there being a potential risk to a child or adult, the ‘On Call’ member of staff is required to discuss this with the senior on call.

4.4 Uist and Barra staff will contact the Lewis and Harris senior on call as appropriate.

4.5 Following completion of an out of hours duty social worker period, if that worker has had to work for periods of time which would exceed the European directive in relation to normal start time, it is permissible to take time off in lieu the next day following consultation with their line manager.

4.6 In an emergency situation a Child, Young Person or Vulnerable Adult should not normally be a passenger in your car, without another member of staff or partner agency representative being present.

4.7 The ‘Out of Hours’ is an emergency social work service therefore home visits should only be made if a referral meets the criteria of an emergency matter that cannot be left until the next working day.

5. SERVICE PROFILE

5.1 As stated, the Comhairle Nan Eilean Siar Social Work Emergency ‘Out of Hours’ Service is a resource that deals with Social Work Referrals that are too urgent to await the involvement of the local Social Work Area Services the next working day.

5.2 All referrals received during office hours that require an urgent response should be dealt with by the local Social Work Team. It remains important that individual Staff/Area Teams alert the ‘Out of Hours’ Social Worker (i.e. via the function in ‘Care First’ relating to Out of Hours information) of any situation which has come to their attention during the day/working week and which could potentially become an emergency during Out of Hours.
5.3 The Emergency Out of Hours Social Worker will assess each referral he/she receives and prioritise this work as well as determining the required response for each one.

5.4 Child protection, mental health and vulnerable frail older people who meet the above criteria will be given priority.

5.5 Access to the Emergency ‘Out of Hours’ Social Worker is available during the relevant period via the Faire Community Alarm Service Call Centre on:

Telephone - 01851 701702
Fax: - 01851 705580
Email - faire@cne-siar.gov.uk

5.6 The Emergency ‘Out of Hours’ Social Worker is available outwith office hours, and on all public holidays (See official list of Comhairle nan Eilean Siar holidays in Appendix section)

5.7 Emergency ‘Out of Hours’ Social Work staff commence their rota out-with office hours (9:00 am – 5:00 pm)

5.8 All Emergency ‘Out of Hours’ Social Work staff require to have been in post for six months and require to have undergone at least basic child protection training and level one vulnerable adult training. It is ‘desirable’ that relevant staff should also have undergone level two child protection training.

5.9 Staff will not be removed from the Rota if they have not yet undergone the required training. They will be given appropriate support from the Senior on duty until they have accessed the relevant training.

5.10 Child Protection Investigations – There are two types of CP Investigation, single agency and joint social work and police investigations. The Senior on Call Manager and the Police Designated Officer will discuss the referral and decide and agree on the following:

- The Senior on Call Manager should establish whether the referral is actually a ‘Child Protection’ matter or ‘Child Care Concern’? This can sometimes be obvious from the start or can evolve over the duration of the investigation.

- The Senior on Call Manager also needs to establish if the matter can wait until normal office hours. You would need to consider if there is an immediate risk to the child; would the alleged perpetrator agree to be removed from the house until matters are resolved; is there a need for forensic evidence.

- Where there is a need for a joint investigation, then either the police officer or the social worker must be Joint Investigative Interview Training (JIIT) trained. Whoever is the JIIT trained investigator will take the lead in the interview. There is no need for both the police officer and the social worker to JIIT trained. (If the Senior Social
Worker believes that the case is particularly serious / complex then having both officers JIIT trained may be deemed necessary).

- Where the police have no JIIT trained officer available, the OOH Social Worker is not JIIT trained and the investigation cannot wait until normal office hours, then Faire will contact someone from the JIIT trained list and get someone to come in to undertake this investigation. Faire should endeavour to share this responsibility throughout the list of those trained in JIIT.

5.11 Ideally all OOH staff will have completed the Level 2 CP Training before going on the OOH rota.

### 6. ROLES AND RESPONSIBILITIES

6.1 All case referrals received by daytime services during normal working hours (Monday 9am till Friday 5pm) remain the responsibility of those daytime services until the task associated with such referrals are complete.

**ALERTS AND INFORMATION SHARING**

6.2 Information to the Emergency ‘Out of Hours’ service should be delivered using the standard referral pro forma.

6.3 The pro forma should be fully completed and should state whether the alert is for the basis of information (in anticipation of potential Emergency ‘Out of Hours’ involvement) and must include: Family Details

- Relevant carers
- Current supports
- Risk to the service user
- Alternative/suggested action to be taken in the event of an emergency

6.4 When a police check has been obtained in respect of alternative carers this information should be clearly identified within the information provided to the Emergency ‘Out of Hours’ Social Worker.

6.5 The Emergency ‘Out of Hours’ Social Worker will ensure recording of relevant information in respect of intervention taken, information received and outcomes on the appropriate referral form by the next working day.

**CALL HANDLING**

6.6 Contact with Emergency ‘Out of Hours’ Social Worker is via Faire who upon being contacted for emergency social work services will attempt to establish from the caller the nature of the emergency. (Please refer to section 8)
### 7. SERVICE SPECIFICATION

#### CHILD PROTECTION

7.1 Investigations of allegations of child abuse will be undertaken in accordance with current Child Protection procedures.

7.2 The Emergency ‘Out of Hours’ Social Worker should operate a flexible service which makes best use of available resources to target the most serious cases and avoids bringing children into the child protection system inappropriately. It may become apparent during the course of an investigation that child protection measures are not required. (Or could in fact be dealt with within normal office hours) The on call senior will make decisions about how the case will be progressed. The welfare of the child will be the paramount consideration in decision making.

7.3 When it is deemed necessary to formally investigate an allegation of child abuse, the aim will be to conduct investigations which are sensitive, thorough, and have the protection of the child at their core. The imperative is to gather as much information as possible from which to inform necessary action.

7.4 ‘Out of Hours’ Social Workers undertaking interviews of children who may have been abused should ideally have completed the joint investigative interviewing training, however as long as they or the accompanying Police Officer are trained then this is sufficient.

7.5 The Investigating Social Worker will complete form CP1 and CP 2 at the end of the investigation. This will be checked by the appropriate ‘Out of Hours’ Senior and sent to the Service Manager or equivalent within timescales agreed within Comhairle Nan Eilean Siar Child Protection Procedures.

7.6 In allegations made against Foster Carers or residential workers, the Social Work Senior should work with police in planning the investigation as this may involve the interviewing of children. (Reference: Western Isles Inter-Agency Child Protection Procedures)

7.7 Allegations made in respect of Foster Carers or residential workers out of hours will be passed to police in line with Comhairle Nan Eilean Siar child protection procedures (As above).

#### THE CHILD PROTECTION REGISTER

7.8 The Chief Social Work Officer will ensure that there are effective systems in place to maintain an accurate up to date Child Protection Register which can be accessed to check information by authorised agencies on a 24 hour basis.

#### CHILDREN WHO MAY REQUIRE TO BE LOOKED AFTER AND ACCOMMODATED

7.9 The Emergency Out of Hours Social Work Service will only accommodate a child from home into the care of the local authority resource after a home visit and assessment have been completed and after having fully explored all available
alternatives. The on call senior should be present for this assessment and home visit. (Separate senior arrangement for Uist and Barra area. Confirm with senior on call)

7.10 The Social Work Emergency ‘Out of Hours’ Service will only accommodate children seeking refuge following a home visit, and assessment and after having fully explored all available alternatives (such as family and friends).

7.11 The Emergency ‘Out of Hours’ Social Worker should have direct access to an up to date list of Justice of the Peaces out with normal office hours for the purpose of obtaining Child Protection Orders. A copy of warrants and relevant documentation will be passed to local social work area office by 9.30am on the next working day.

7.12 The authority reporter will be notified by 9.30 am the next working day for the purpose of convening a First Lawful Day Hearing in the event that a child or young person has been accommodated by the Social Work Emergency ‘Out of Hours’ Service, subject to a Child Protection Order.

7.13 In the event of any concern about a child or young person, not accommodated, the Social Work Emergency ‘Out of Hours’ Service will also pass these concerns to the area team who will decide whether or not to inform the Reporter if needed.

CHILDREN ABSENT FROM PLACEMENT

7.14 All young persons who absent themselves from care must be considered vulnerable. The level of risk they pose, either to themselves or the community at large varies and an assessment of risk should take account of all known facts concerning the missing person. Most children in this category, who will be referred to the Emergency ‘Out of Hours’ Social Worker, are children who have either absconded, or who have failed to return to their placement.

7.15 The Emergency ‘Out of Hours’ Service (or where possible, a Residential Worker or Foster Carer) will return children from police stations to their appropriate placements. Where appropriate, carers and staff from the children’s placement may be requested to assist with the escort, if this is thought to be in the best interests of the child, and where it would help to establish the child/young person in their placement. In some instances, the direct assistance and intervention of the police may be required if the child or young person is displaying violent or threatening behaviour which could place social work staff or the child/young person at risk of harm.

COMMUNITY CARE - ADULTS

7.16 The Emergency Out Of Hours Service will not make a placement in a care home directly without the specific approval of (1) the Emergency ‘Out of Hours’ Senior or (2) the direction from an authorised up to date alert from the local area service in relation to specific case.

MENTAL HEALTH

7.17 The local Authority has a duty under Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003, to employ Mental Health Officers to carry out statutory duties within the following legislation:
• Adults with Incapacity (Scotland) Act 2000: Mental Health (Care and Treatment) (Scotland) Act 2003: Criminal Procedure (Scotland) Act 1995 as amended by the Mental Health (Care and Treatment) (Scotland) Act 2003: Adult Support and Protection (Scotland) Act 2007.

7.18 Mental Health Officers are contacted via FAIRE Community Alarm Service. If there is no MHO available, the FAIRE operator will contact the on call Senior Manager to inform them. Admission to hospital under Emergency Detention Certificate (S.36(6)MH(C&T) (S) Act 2003, would be an option for General Practitioners to consider as they, like the Police, have powers within the Act.

7.19 The Mental Welfare Commission for Scotland is aware of the potential lack of 24hr availability of MHO's within the Western Isles.

7.20 Those MHO’s on call offer an ‘Out of Hours’ service on a first contactable basis, in instances when they are not on the rota as a Social Worker they are not contracted to be on call so are not obliged to be available.

8. FAIRE COMMUNITY ALARM CALL CENTRE

8.1 Faire is the initial point of contact for all referrals.

8.2 In determining whether the contact is a Social Work emergency, Faire will:

• Request family/individuals details
• Conduct a search of OLM system - Ongoing
• Consult child protection register
• Consult adult protection register

8.3 All referrals alleging that a child or vulnerable adult has been abused or is at risk of abuse must be regarded as serious and enquiries made with the minimum of delay. All referrals should be treated in the same way, whether the alleged abuse has taken place inside or outside the family.

8.4 The person taking the referral should try to gather as much information as possible and by asking the caller, Faire will attempt to establish whether they have an emergency or whether the matter can wait to be dealt with during office hours.

8.5 If the caller states that it can’t wait, the operator will ask for the following Information:

• The name and address and contact phone number of the person reporting the information which is leading to the referral and whether they are an adult or a child.
• The relationship of the referrer to the child/vulnerable adult and/or the agency employing the referrer.
• Information on whether the parent or carer is aware of the referral being made; and brief details of circumstances/situation/concerns.

• The name, date of birth and address of the child or adult alleged to have been abused and of other children/adults in the household and their current location/address.

• Any other information which could be relevant, e.g. Do the individual or family have previous Social Work Involvement?

• Members of the public can, if they wish, remain anonymous. If that is the case then the Call-Handler is requested to try and gain as much information from the caller as possible, bearing in mind that this may be the only opportunity they will have to talk to them.

8.6 Faire will then contact the Social Worker on duty, with all information provided.

8.7 The core task for the ‘Out of Hours’ duty Social Worker is the assessment of presenting circumstances, taking into account any known history of the individual/family.

8.8 Where Faire are unable to determine whether the call is an emergency due to the complexity or otherwise of the call, Faire will consult with the on call senior who will determine whether the on call Social Worker is required.

8.9 The on call senior must be contacted by Faire when referral involves the following issues:

• all clear child protection situations;
• all emergency transfers/changes to home supervision orders;
• detention of children;
• all child care admissions to the looked after system;
• any health and safety concerns of staff;
• any unusual situation where local senior managers need to become involved.

8.10 At this stage, in conjunction with the senior on call, (if necessary) a decision needs to be taken as to whether the referral requires action to be taken during the out of hours period, or whether it is appropriate to refer to the relevant section of the Social and Community Services Department or Education and Children Services for response on the next working day.

8.11 The ‘Out of Hours’ Service is an emergency Social Work Service; therefore home visits will only be conducted when essential.

8.12 This and the next section should be read in conjunction with Comhairle Nan Eilean Siar lone working policy and guidance document.
9. HOME VISITS

9.1 Undertaking home visits – based on assessment of past history, professional knowledge known to the worker and/or from case file information/partner agency information, it may be necessary and appropriate to undertake a home visit. This judgement should be based on assessment of the situation - i.e time of day, location, type of referral – which determines that the degree of risk is acceptable for one worker to undertake this task.

9.2 The ‘Out of Hours’ social worker should discuss any contact which may warrant a home visit with the ‘Out Of Hours’ Senior On Call after checking the OLM system prior to agreeing to undertake a visit. Home visits should not be undertaken without prior discussion and agreement as appropriate with the senior on call.

9.3 The ‘Out of Hours’ Social Worker and Senior On Call should try to clarify any potential risks which may be encountered during the visit.

9.2.1 The Police should be asked to accompany the ‘Out of Hours’ Social Worker to any home where violence, drugs/alcohol misuse, large groups may be encountered.

9.5 Prior to any visit by the ‘Out of Hours’ Social Worker to any home where violence, drug/alcohol misuse, large groups may be encountered an assessment by police will be carried out and police should be available at all times during the visit.

9.6 In the event of the person being unknown to Social Work Services after checking the OLM system the ‘Out of Hours’ on call Senior should contact the police with a request to check any recent activity or hazards at the address.

9.7 If a police escort is not indicated where the person is unknown to Social Work Services, the ‘Out of Hours’ Senior On Call should accompany the Social Worker. (Separate senior arrangement for Uist and Barra area. Confirm with Senior On Call)

9.8 Prior to undertaking an unaccompanied home visit, the ‘Out of Hours’ Social Worker must notify ‘Faire’ with an estimated time of return.

9.9 The ‘Out of Hours’ Social Worker must not switch off their mobile phone or any other electronic device provided for their safety whilst on a home visit.

9.10 The ‘Out of Hours’ Social Worker must notify ‘Faire’ upon completion of the home visit.

9.11 In the event of no contact being made by the ‘Out of Hours’ Social Worker 30 minutes after the estimated time of return, ‘Faire’ will attempt to establish contact by telephone. Should the ‘Out of Hours’ Social Worker be uncontactable, the police and the ‘Out of Hours’ on call senior should be advised.
10. APPROPRIATE ADULT

10.1 An Appropriate Adult is required in all instances where the police have occasion to interview people who have mental disorder and/or mental ill health.

10.2 It is clearly desirable that the Appropriate Adult should be present for all interviews, for the full duration, and when any other investigative procedures are being carried out. Although by no means exhaustive, the following list covers many situations where the services of an Appropriate Adult would be utilised:

Voluntary attendance – where the person attends at a police office either as a witness or as a suspect but is under no legal compulsion to remain within the police office.

Detained as a suspect – under Section 14 of the Criminal Procedure (Scotland) Act 1985, a person can be detained for up to 6 hours at a police office for interview under caution if they are suspected of having committed an offence punishable by imprisonment.

Arrest – where a person has been arrested and is to be cautioned and charged with a crime or offence.

Interview outwith police office – where the person is to be interviewed at their home or some other place.

Medical examination – where the person is to be examined by a police surgeon, either as a witness or as a suspect, medical samples may have to be obtained.

Search - where the person and/or their premises/property is to be searched with or without warrant. When a person is to be searched, the appropriate adult should be of the same gender as that person.

Identification parade – where the person is to take part in an identification parade as a suspect or accused, or where they are to view the parade as a witness.

11. RESPONSIBLE ADULT

11.1 A Responsible Adult is required in all instances where the police have occasion to interview children. The role of the Responsible Adult (not Appropriate Adult) also applies to those young people aged 16 and 17 years who are still the subject of a Supervision Order.

12. HOMELESSNESS

12.1 The Emergency ‘Out of Hours’ service will signpost service users to the appropriate on call homeless housing officer services to access temporary accommodation.
13. EMERGENCY FINANCIAL ASSISTANCE

13.1 The Emergency ‘Out of Hours’ Service may purchase essential supplies from a supermarket where practicable and necessary. ‘Out of Hours’ on call Staff would have access to our own network of Care Homes in each area. A float of £50.00 will be available in the ‘Out of Hours’ box.

14. ASYLUM SEEKERS

14.1 Unaccompanied asylum seeking children (under 18 years old) should be treated as a looked after and accommodated young persons.
## Appendix 1

### List of Social Workers

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### List of JP’s

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Appendix 3

European Working Time Directive

Guidance

Background


Like all European Union directives, this is an instrument which requires member states to enact its provisions in national legislation. Although the directive applies to all member states, in the United Kingdom it is possible to "opt out" of the 48 hour working week in order to work longer hours.

The Directive was enacted into UK law as the Working Time Regulations from 1 October 1998.

Main Features

- an average of 48 hours working time each week, measured over a reference period of 17 weeks (unless an individual chooses to 'opt out' of this requirement)
- 11 hours continuous rest in 24 hours
- 24 hours continuous rest in 7 days (or 48 hrs in 14 days)
- 20 minute break in work periods of over 6 hours
- 5 - 6 weeks annual leave (pro-rata for part-time staff)
- for night workers an average of no more than 8 hours work in 24 over the reference period.

What counts as Work?

As well as carrying out normal duties, the 48 hour maximum working week includes:

- job-related training
- job-related travelling time e.g. sales reps
- working lunches, e.g. business lunches
• paid and some unpaid overtime
• time spent 'on-call' at the workplace

**What doesn’t count as Work?**

The 48 hour maximum working work (European working time directive) does not apply to:-

• breaks when no work is done, such as lunch breaks
• normal travel to and from work
• time when you are 'on call' away from the workplace
• travelling outside of normal working hours

**Night Work**

Night workers (who regularly work at least three hours during night time) should not exceed an average of eight hours in each 24-hour period, averaged over 17 weeks.

Night time is a period of at least seven hours which includes the hours from midnight to 5am. Unless otherwise agreed by the employer and workers, night time runs from 11pm to 6am. The averaging period can be extended by agreement or in specified circumstances.

Night workers whose work involves special hazards or physical or mental strain are limited to eight hours for every 24-hour period.

There are some exemptions in health and public services (e.g. nursing homes). Night workers in the transport industry are limited to ten hours in 24.

Night workers are entitled to a health assessment before being required to perform night work.