

Working Time Regulations Guidance

The Working Time Regulations 1998, provide rights for workers to ensure that they do not have to work excessive hours. The aim of the regulations is to impose minimum requirements on employers, while at the same time allowing flexibility for workers and employers to make arrangements which suit them. One of the basic rights is a limit of an average of 48 hours a week which a worker can be required to work.

The regulations allow for an opt-out agreement between worker and organisation where the worker is willing to increase or exclude the limit on working hours. In order for employee to continue to work above 48 hours per week an opt-out agreement is required.

To accomplish this, the following process needs to be followed:

1. At the earliest opportunity the Head Teacher or Line Manager should meet with the employee to discuss their total working hours. The discussion should include:
 - health and safety implications for the employee;
 - conflict of interests (in the case of employment elsewhere);
 - implications for the Health and Safety of clients or pupils; and
 - implications for the Council's* (**delete if not appropriate*) and the School's duty of care to its employees.
2. If health and safety implications have been identified the Head Teacher or Line Manager should seek the advice of your occupational health provider.
3. Ensure the employee understands the implications of both opting out and not opting out.
 - The implications of opting out are stated on the attached document Working Time Regulations opt-out agreement.
 - The implication of not opting out is the employer's obligation to comply with the regulations and possibly a reduction in working hours.
4. Decide a deadline by which date the employee should sign and return the Working Time Regulations opt-out agreement.
 - The employee should be given the opportunity to consider formally opting out. However if they wish to continue to working above the 48 hour a week limit they are required by law to formally opt-out.
5. On completion of the Working Time Regulations opt-out agreement the employee should be provided with a copy and the original retained on the school file.
 - If they refuse or decide not to opt-out we are obliged to comply with the 48 hour a week limit which may mean reducing the employee's hours of work.

For ease, a meeting script has been devised and is below together with the Working Time Regulations opt-out agreement.

It is imperative that the limit of 48 working hours is not exceeded without an opt-out agreement and therefore the meeting is held at the earliest opportunity.

For further information please contact your Employee Relations service provider.

Working Time Regulations
Meeting Form

Employee's Details	
Employees Name:	
Position(s):	
School:	
Payroll Number(s):	

To be read to employee:	
<p>The Working Time Regulations 1998 oblige the Local Authority* (<i>*delete if not appropriate</i>) and the School to ensure that you do not work more than 48 hours a week (on average) unless you have signed an agreement opting out of this limit.</p>	
Tick to confirm employee understands:	

Working arrangements to be discussed (provide details as appropriate):	
The employee's total weekly working hours:	
Health and safety implications for the employee:	
Conflict of interests (in the case of employment elsewhere):	
Implications for the Health and Safety of clients and pupils:	
Implications for the Council's* (<i>*delete if not appropriate</i>) and the School's duty of care to its employees:	

Provide employee with the Working Time Regulations Opt Out Agreement below

Working Time Regulations Opt Out Agreement

1 Formal agreement is made between:

<name of employee> and <School Name>

to waive my entitlement to restrict my working hours to a maximum 48 in each 7 day period, under **Regulation 5(1) of the Working Time Regulations**, and as referred to in **Section 3 of the Birmingham City Council Working Time Regulations-Framework**.

1. This agreement is made following discussion with my employer and where appropriate my Trade Union Representative; and after careful consideration of any health and safety implications for myself of working in excess of 48 hours per week.
2. I confirm that I am not involved in any night work.
3. I understand my responsibility under this agreement to inform my manager if, as a result of working more than 48 hours per week, I believe my capability, health or judgement to be impaired such that it affects my ability to work safely.
4. I understand that this agreement will form part of my current terms and conditions of employment and can be terminated by myself by giving one month's notice in writing to my manager.
5. I understand that nothing in this agreement either directly implies, or infers that the school will be obliged to provide regular overtime opportunities for me.
6. I understand that in agreeing not to be bound by the weekly working time limit, I will co-operate fully with my manager in ensuring that in each 7 day period I:
 - Keep an accurate record of the hours I have work to be sent to my manager
 - Take rest breaks when required to do so
7. In signing this agreement, I confirm that I have not been coerced, or persuaded against my judgement, by my employer to agree to work more than 48 hours per week in each 7 day period.

Signed: _____ (Employee) Date: _____

Signed: _____ (Employer) Date: _____

- Copy to be given to employee
- Original to be retained on employee's personal file in school