



## **Working Hours Policy**

V1.0 November 2025

### **Introduction**

This policy sets out ELCAP's principles in relation to working hours.

We strive to provide a safe working environment and ensure the safety and wellbeing of all our workers. We are committed to ensuring that your health is not compromised by the workplace and that your working hours provide for a satisfactory work-life balance.

Your line manager has a responsibility to ensure that working hours are kept within reasonable limits and will monitor your working hours for this purpose. You also have a duty to ensure that you are not working excessive hours and to inform your manager directly if you consider that you may be doing so.

This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

### **Scope**

This policy applies to workers only. It does not apply to contractors, consultants or any self-employed individuals working for the organisation.

### **Normal working hours**

Full-time workers are contractually obliged to work 39 hours per week. Your normal hours of work are set out in your contract of employment.

You may be required to work additional hours over and above your normal hours of work to meet the needs of the organisation. However, we cannot require you to work longer than an average of 48 hours per week.

You can choose to work more than the maximum 48-hour week by signing an opt-out agreement. In some circumstances, we may ask you sign an opt-out agreement. However, it is entirely your decision and you do not have to agree to opt out of the legal limit. If you do opt out, you are entitled to change your mind at a later date by giving us 4 weeks written notice to end the agreement.

Your contract of employment will specify whether you are entitled to any overtime pay for hours worked in excess of your normal hours of work.

Unless your contract provides otherwise, you are not entitled to payment of overtime for hours worked in excess of your normal hours of work.

## **Flexibility**

We recognise the benefits of being flexible. If you think that you would benefit from flexibility in your contractual hours, or any other form of flexible working, you can make a formal request under our [Flexible working requests policy \(reflects current law\)](#).

If you are not eligible to make a formal request for flexible working under the statutory procedure, you may submit an informal request to your line manager, and we will consider this on an informal basis.

## **Rest break**

For office based or non-direct care roles, you have the right to an interrupted rest break of 20 minutes during any working day that exceeds six hours. This should be taken away from your workstation and not at the beginning or end of the working day. As your lunch break is [over] 20 minutes, this will count as your daily rest break. It is important that you take regular rest breaks for your health and mental wellbeing.

For direct care employees who support individuals who access our services, this will be discussed and agreed with your line manager.

## **Rest periods**

You also have the right to the following uninterrupted rest periods:

- at least 11 consecutive hours in each 24-hour period that you work for us; and
- at least 24 hours in each seven-day period that you work for us; or
- at least 48 hours (or two uninterrupted rest periods each of at least 24 hours) in each 14-day period that you work for us.

These rights do not apply to shift workers who do not have enough time to take their rest period between the end of one shift and the start of the next, or to workers who work split shifts. In such circumstances, we will allow you to take an equivalent period of compensatory rest at a time agreed with your manager.

## **Night workers**

If you are a night worker (i.e. work at least three hours between midnight and 5am) you should not work more than an average of eight hours in every 24-hour period. If you are or may be at risk of working in excess of these hours, you should let your manager know as soon as possible.

## **Young workers**

A young worker is someone under the age of 18 but over the compulsory school leaving age.

If you are a young worker, you have the right to a rest break of 30 minutes during any working day that exceeds four and a half hours. You also have the right to the following uninterrupted rest periods:

- at least 12 consecutive hours in each 24-hour period that you work for us; and
- at least 48 hours in each seven-day period that you work for us.

If there are exceptional circumstances resulting in you not being able to take your breaks or rest periods, we will allow you to take an equivalent period of compensatory rest at a time agreed with your manager.

We cannot employ a young worker to work more than 40 hours in any week or for more than eight hours on any day. If you are a young worker that has a second job, you must let your manager know.

We may require a young worker to work longer hours, but only where this is necessary to maintain continuity of production or service or to respond to a surge in demand. This is provided that there is no adult worker available to carry out the work and any training or educational needs of the young worker are not negatively affected.

We do not permit young workers to work between the hours of **10pm** and **6am**.

## **Working time**

Working time means any period that you are working and carrying out activities and duties on behalf of the organisation. Working time includes job-related training, business travel, working lunches, and on-call time.

We define on-call time as time when you are required to be on standby and available for work, whether or not you are physically present at your place of work.

Working time does not include rest breaks, travel time outside your normal working hours, periods during which you receive non-job-related training or travel from your home to your place of work. However, if you do not have a fixed place of work, time spent travelling from home to your first appointment of the day and from your last appointment of the day to your home does count as working time.

For the avoidance of doubt, working time does not include time when you (despite being at the workplace) are not available to work or you are pursuing outside interests during that time.

## **Complaints**

If you feel that you have been unfairly treated regarding your working hours (for example being required to work excessive hours or not being permitted to take sufficient rest breaks), you should raise this informally with your manager. If your complaint relates to your manager, you can raise this with a more senior manager. If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you should make a formal complaint using our grievance procedure.