



OT Stewards' Briefings

Seven day working and extended hours working: a guide for Occupational Therapy stewards

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Introduction

Seven day working and extended hours working is becoming more commonplace within Occupational Therapy Departments in order to meet the needs of service users and their carers. In part, this recognises the importance of therapy services and the subsequent benefit to service users of a continuity of services outside of the standard work week. However, clear proposals need to be produced to support any shift in working pattern and staff resources should be increased to deliver these extended hours of services - not simply spread out further and more thinly.

This short briefing is intended to give BAOT/UNISON stewards a better understanding of the process of handling local moves toward seven day working or extended hours and some tips on how you can ensure you are involved in the decision-making process in your workplace.

If your employer is proposing changes to your working patterns then you should immediately involve your OT steward for advice and support. If you do not have a local OT staff steward then contact your UNISON Branch. Contact details for your Branch can be obtained by phoning UNISON Direct on 0800 0 857 857.

Consultation and negotiation

Any proposals by an employer to change working hours should be robust and involve thorough consultation with staff.

Before embarking on a change of working hours your employer should produce a robust analysis of the viability of the proposals and display clearly why this change is necessary. This should obviously include issues such as quality of patient care but also the inevitable increase in costs and issues around availability and welfare of staff.

Your employer should issue guidance on how staff and unions can respond to proposals – as well as a timetable for the consultation and negotiation process. Make sure you get access to the detail of the proposals – i.e. exactly how it is going to be piloted/trialled (you may want to undertake your own monitoring/review as well), how will it work in terms of staffing levels, supervision, rotas, back fill, skill mix, etc? You should be able to see this clearly outlined on paper - and present your feedback - before anything can be agreed.



Remember to send a copy of any correspondence to your UNISON branch so that they are kept informed.

In most cases the move to seven day working can be handled well – with minimal impact. It's not an easy process, but many OT stewards have been successful in ensuring the implementation of sensible procedures. If staff feel that the level of consultation is poor and there are serious concerns about the impact of the change of working patterns, then staff may want to consider raising a grievance with the support of their local UNISON branch.

Making changes to your working pattern

The main employment agreements which cover occupational therapy staff (including the Green Book in local government and the Agenda for Change NHS Terms and Conditions handbook) set out a standard working week; however they do *not* specify *when* these hours of work should be undertaken. This is subject to the needs of the service and also by negotiation/consultation with unions.

Although your working hours may not be specified in your contract, staff working a five day week cannot simply be forced to change to seven day working. Your working pattern can be considered a contractual term which is implied by custom and practice, i.e. it is an arrangement that has never been specified but over time it has become part of your contract. Any changes to your working pattern will need to be made by mutual agreement and negotiation with unions.

If, following a robust consultation and negotiation process, changes to the contracted hours of work are agreed, then employees will be provided with a new contract. If an employee refuses to move onto the new conditions, then the employer can terminate the individual's current contract and offer them the new one, although this happens very rarely.

Pay enhancements

Staff should be well-informed about any pay enhancements they may be entitled to if their working hours change.

In both the Green Book and the Agenda for Change NHS Terms and Conditions handbooks work undertaken on nights, weekends and public holidays is subject to enhancements. This must be paid in line with national (or local) agreements. These rates should be paid for sick leave, maternity leave and annual leave and apply to part time and full time staff.

For staff employed in the NHS, the rates for work undertaken during unsocial hours are set out in Part 2, Section 2 of the NHS terms and conditions of service handbook. The arrangements are as follows:

Pay band	All time on Saturday (midnight to midnight) and any week day after 8 pm and before 6 am	All time on Sundays and Public Holidays (midnight to midnight)
1	Time plus 50%	Double Time
2	Time plus 44%	Time plus 88%
3	Time plus 37%	Time plus 74%
4 – 9	Time plus 30%	Time plus 60%



Agreeing fair procedures – some points to consider

Any new procedures to enable seven day working or extended hours working should be equitable and transparent and applied fairly for all staff.

When agreeing procedures in your workplace here are some points you may want to seek clarity on from your managers and employer:

- i. have assurances been made that there will be additional funding and staffing provided to support extended hours working, not merely the same amount of staff and resources spread more thinly?
- ii. is the employer committed to undertaking a piloting process and will staff have input into the review of the results?
- iii. can the proposals be rolled out on a voluntary basis, i.e. enabling staff to volunteer to work on weekends, if they wish to?
- iv. has careful attention been paid to the impact on staffing levels, skill mix and supervision?
- v. are there clear policies on backfill?
- vi. is there adequate time set aside for CPD and training opportunities?
- vii. has the employer provided easy-to-understand, written information which outlines in detail the proposed working patterns for staff, for example: expected start and finish times, maximum and minimum requirements for working extended hours (i.e. how many shifts over a set period?), rest days (which should be taken consecutively, where possible), sample rotas, etc?
- viii. are staff able to opt-out of seven day or extended hours working? If so, what is the criteria for exemption?
- ix. If staff are rostered on to work a particular weekend and they want to defer, what is the process for this and what criteria will be used?
- x. Are the procedures fair for both part time and full time workers?
- xi. Is there clarity on how the procedures will be applied on bank holidays?

Work-life balance

Employers are encouraged to implement policies which enable employees to achieve a healthy work-life balance. For example, by introducing procedures which promote staff welfare and help staff to balance work and family responsibilities.

These policies make it clear that staff have to be involved in discussions around hours of work. With the support of your UNISON branch you may wish to use these as tools to make sure staff are adequately consulted and involved in decision-making.



Some useful resources include:

- *Changing Times – the TUC guide to work life balance* www.tuc.org.uk/workplace-issues/work-life-balance
- *Health and Safety Executive – Consulting Employees on health and safety* www.hse.gov.uk/pubns/indg232.pdf
- *Health Working Lives (Scotland)* www.healthyworkinglives.com -
- *Supporting the Work-Life Balance (NHS, Scotland -* www.staffgovernance.scot.nhs.uk/partnership/partnership-information-network)
- *ACAS Advisory Booklet – Employee communications and consultation* www.acas.org.uk/index.aspx?articleid=663

Health and safety

It is essential that any changes to working patterns do not negatively impact on the health and safety of staff. The basis of UK health and safety law is the Health and Safety at Work Act 1974. The Act (and the various regulations and approved codes of practice made under it) put a duty on employers to ensure the safety, health and welfare at work of their employees and to ensure their activities do not endanger others.

Changes in working hours should not occur before a risk assessment is undertaken to ensure the safety of staff. This includes issues such as supervision levels, lone working, safety at night in the workplace and surrounding areas, (e.g. car parks), access to public transport, canteen facilities and local amenities.

Ask to see the risk assessment your employer has undertaken. Do you think it has taken everything into account to ensure the health and safety of patients and staff? One of your local UNISON health and safety reps may be able to help you to analyse the potential risks.

UNISON Health and Safety guidance briefings are available at: www.unison.org.uk/safety.

Equality

Public authorities are legally bound to carry out equality impact assessments on all new and existing policies, including proposals for changing the working patterns of staff or the hours a service is delivered. It is their legal responsibility to ensure that no staff groups or groups in the community are disadvantaged as a result of an organisation's policies and procedures. Equality Impact Assessments should be used to assess the relative impact of proposals on the terms and conditions of the relevant target groups with respect to: gender, race, disability, sexual orientation, religion or belief and age. You have the right to challenge your organisation/employer if you feel that they are not undertaking a thorough and systematic analysis of a policy to ensure it is not discriminating against any particular group.

UNISON equality guidance is available at www.unison.org.uk/equality. This includes guidance on how to ensure employers are fulfilling their obligation to undertake a full equality impact assessment on a proposed course of action.

If you don't have an OT steward already, then elect one.

Every workplace should have a BAOT/UNISON Steward to represent the views and needs of occupational therapists. If you don't have a steward in your workplace then maybe you could raise this issue at one of your team meetings. All OT Stewards are given accredited training and time off to carry out their duties. Please contact baotstewards@unison.co.uk for more information.

