

MEAL BREAK POLICY – ADDITIONAL GUIDANCE

It would appear from comments received from Staff members and questions posed on various web sites, that there is still some confusion as to when compensatory payments for meal breaks taken outside of the meal break window, or for disturbed meal breaks, can be claimed.

Following a meeting with Staff Side representatives, this document is intended to clarify the situation and provide clear interpretations, so that when the need arises, staff can make legitimate claims, in the full knowledge that their claim is justified and in accordance with the agreed policy. However, it should be noted that the principle objective of the meal break policy remains unchanged, in that it is to ensure all staff receive an uninterrupted unpaid meal break within a specified time.

The following meal break windows apply to all Operational Road Staff.

12 hour shift

Break to start between the 4th. and 8th. hour.

E.g. 0700-1900 shift – break to start between 1100 and 1500.

10 hour shift

Break to start between the 4th. and 7th. hour.

E.g. 1000-2000 shift – break to start between 1400 and 1700.

8 hour shift

Break to start between the 3rd. and 5th. hour.

E.g. 0600-1400 shift – break to start between 0900 and 1100.

More than one interruption to the break should be a very infrequent event. Every effort will be made to minimize these interruptions by as far as possible not interrupting for a second time. When any meal break is interrupted, staff will be entitled to claim the £20 compensatory payment. The crew will then be allocated the remainder of their meal break following completion of the incident. However, EOC may ask the crew to assist with a Category 'A' case, if they are the nearest response.

In the event that a crew has had a spoilt meal break, on completion of the incident, when 'booking clear' it would assist the process if the crew were to inform the EOC that they were disturbed and would now like to return for the remainder of their break.

When the meal break window expires, any crew who has been unable to take their meal break within 60 minutes of the agreed window, will be allocated a meal break as a matter of priority. This should be interpreted as meaning that the meal break window has expired and a further 60 minutes has elapsed; in this circumstance the EOC should offer the facility of a meal break as soon as the crew is clear.

There will shortly be new monitoring arrangements implemented within the EOC that will identify by individual, breaks taken, breaks not taken and spoilt breaks. This will allow managers to verify and authorise all claims for compensatory payments with confidence.

Frequently asked questions

Q: Can I claim more than one “20?

A: Yes, £20 will be payable for each time the meal break is interrupted. This should however, be a very infrequent occurrence.

Q: If my break starts at the end of my meal break window, can I claim £20?

A: No, in the example given above, for a 12 hour shift, this should be interpreted as the staff members have until 1600 hours to **COMPLETE** their meal break. Should they be unable or prevented from doing so, then they are eligible for the compensatory payment.

Q: If my break starts after my meal break window has expired, can I claim £20?

A: No, in the example given above, for a 12 hour shift, this should be interpreted as the staff members have until 1600 hours to **COMPLETE** their meal break. Should they be unable or prevented from doing so, then they are eligible for the compensatory payment.

Q: If my break window has expired and a further 60 minutes have elapsed, what can I claim?

A: In this circumstance you are automatically entitled to claim a £20 compensatory payment.

Q: If I have not had a break at all, what can I claim?

A: On rare occasions when it has not been possible to provide a break, personnel are entitled to claim the compensatory payment of £20 plus the overtime payment for the period of the meal break not taken.

Q: What can I claim if my meal break is taken away from my Base Station?

A: When a break is taken 'off base' as £5 reimbursement payment to cover the cost of purchasing food will be payable. Should that break be disturbed, then the £20 compensatory payment may also be claimed.

HQ/OI/07/04/08

West Midlands Ambulance Service NHS Trust

'A' 'B' 'C' & 'D' Divisions

Meal Break Claims

There has been considerable confusion and misunderstanding in regard to what is meant by the meal break window and therefore when a payment is due and claimable. This has been an unsatisfactory situation for both staff and the organisation for some time now.

On the 11th April at the BBC&S Locality Partnership Forum meeting, this issue was discussed in depth and an agreement was reached. Staff Side and Management have agreed and signed an amendment document which now brings complete clarity to this issue. Staff are now in a position to fully understand what is the trigger for payment of a meal break which is allocated outside of the window.

The agreement is as follows:

If a meal break has not been commenced 15 minutes before the end of the break window, then a compensatory payment of £20 will be payable to each crew member.

I hope this will now allow EOC staff, Managers and all Operational staff to operate the meal break policy effectively and in harmony.

The organisation remains committed to ensure the maximum number of staff are allocated an undisturbed meal break within the allotted window for their relevant shift.

Enclosed documents for staff information:

Meal Break Policy for BBC&S Locality
Signed agreement outlining the amendment to the Meal Break Policy
BBC&S Locality Meal Break guidance document
BBC&S Meal Break Matrix



Craig Cooke
Locality Director BBC&S

BBC&S Locality Meal Break Policy

Additional Guidance Document for Staff

Following the Locality Partnership Forum meeting with staff side representatives on Wednesday 11th April 2007, an amendment to the existing Rest/Meal Break Policy was agreed and jointly signed by Management and Staff side, to be implemented with effect from 00:01 hours Monday 16th April 2007.

This document is intended to clarify the situation and provide clear interpretations, so that when the need arises staff can make legitimate claims in the full knowledge that their claim is justified and in accordance with the agreed policy. However, it should be noted that the principle objective of the meal break policy remains unchanged, in that it is to ensure all staff receive an uninterrupted unpaid meal break within a specified time.

The following meal break windows apply to all Operational staff:

12-Hour Shift

Break, to start between the 4th and 8th hour.

E.g. 0700-1900 shift – break to start between 1100 and 1500.

10-Hour Shift

Break, to start between the 4th and 7th hour.

E.g. 1000-2000 shift – Break to start between 1400 and 1700.

8-Hour Shift

Break to start between the 3rd and 5th hour

E.g. 0600-1400 shift – Break to start between 0900 and 1100.

More than one interruption to the break should be a very infrequent event. Every effort will be made to minimize these interruptions, by as far as possible not interrupting for a second time. When any meal break is interrupted, staff will be entitled to claim the £20 compensatory payment. The crew will then be allocated the remainder of their meal break following completion of the incident. However, EOC may ask the crew to assist with a Category 'A' case if they are the nearest response.

In the event that a crew has had a spoilt meal break, on completion of the incident, when 'booking clear' it would assist the process if the crew were to inform the EOC that *they were disturbed and would now like to return for the remainder of their break.*

Please note the amendment to the policy now allows for *any crew who are allocated their break with 15 minutes or less of their break window remaining will now be entitled to claim the £20 compensatory payment.* For information a matrix of shift times, break windows and times at which claims become justified is attached for reference.

Any crew who has been unable to take their meal break within 60 minutes of the agreed window will be allocated a meal break as a matter of priority.

A new monitoring system has now been implemented within the EOC that identifies by individual when breaks are taken, breaks are not taken or spoilt breaks. This now allows managers to verify and authorise all claims for compensatory payments with complete clarity.



Meal Break Matrix

Shift Time	Duration	Meal Break Window	Claim justified if break starts on/or later than
0600-1400	8 hours	0900-1100	10.46
0700-1500	8 hours	1000-1200	11.46
0800-1600	8 hours	1100-1300	12.46
0900-1700	8 hours	1200-1400	13.46
1000-1800	8 hours	1300-1500	14.46
1100-1900	8 hours	1400-1600	15.46
1200-2000	8 hours	1500-1700	16.46
1400-2200	8 hours	1700-1900	18.46
1500-2300	8 hours	1800-2000	19.46
1600-0001	8 hours	1900-2100	20.46
1700-0100	8 hours	2000-2200	21.46
1800-0200	8 hours	2100-2300	22.46
2200-0600	8 hours	0100-0300	02.46
2300-0700	8 hours	0200-0400	03.46
0001-0800	8 hours	0300-0500	04.46
0600-1600	10 hours	1000-1300	12.46
0700-1700	10 hours	1100-1400	13.46
0800-1800	10 hours	1200-1500	14.46
0900-1900	10 hours	1300-1600	15.46
1000-2000	10 hours	1400-1700	16.46
1100-2100	10 hours	1500-1800	17.46
1300-2300	10 hours	1700-2000	19.46
1400-0001	10 hours	1800-2100	20.46
1600-0200	10 hours	2000-2300	22.46
0600-1800	12 hours	1000-1400	13.46
0630-1830	12 hours	1030-1430	14.16
0700-1900	12 hours	1100-1500	14.46
0730-1930	12 hours	1130-1530	15.16
0800-2000	12 hours	1200-1600	15.46
0900-2100	12 hours	1300-1700	16.46
1000-2200	12 hours	1400-1800	17.46
1100-2300	12 hours	1500-1900	18.46
1200-0001	12 hours	1600-2000	19.46
1800-0600	12 hours	2200-0200	01.46
1830-0630	12 hours	2230-0230	02.16
1900-0700	12 hours	2300-0300	02.46
1930-0730	12 hours	2330-0330	03.16
2000-0800	12 hours	0001-0400	03.46

UNISON National Ambulance Sector Committee position on meal break recommendations made by the National Ambulance Partnership Forum.

On 9 October 2007 the UNISON National Ambulance Sector Committee considered the following recommendations made by the National Ambulance Partnership Forum (NAPF).

The term meal break in this document is used to describe the main rest break in a shift during which a meal is taken.

The National Ambulance Partnership Forum is recommending the following core principles be applied to all meal break arrangements in English Ambulance Trusts:

1. The meal break should be exclusive of working time.
2. A minimum of 30 minutes should be allocated for the meal break in shifts of 8 hours or more duration, 37.5 minutes for 10 hour shifts and 45 minutes for 12 hour shifts
3. Meal breaks should commence within the following windows:
 - For 8 hour shifts – between the 3rd and 5th hour
 - For 10 hour shifts – between the 3rd and 6th hour
 - For 12 hour shifts – between the 3rd and 6th hour

Consideration can be given to splitting a 45 minute allocation by agreement providing this does not contravene relevant legislation.

If the meal break has not commenced by the by the 5th / 6th hour staff will be taken out of the system immediately after completion of their task and stood down.

4. Meal break location should be determined locally, jointly and in partnership with the principle of maintaining existing arrangements where these have been jointly agreed.
5. Section 18 of the AfC terms and conditions should apply where meal breaks are taken away from base.
6. Staff availability to be interrupted during their meal break should be on a voluntary basis only.
7. Compensatory arrangements for any meal break time interrupted should include compensatory time within the shift to ensure the requirements of the working time regulations are met, namely that as soon as possible in the shift affected staff are stood down and an uninterrupted rest period of not less than 20 minutes is taken.
8. Compensatory payments for any time interrupted should be those prescribed by Agenda for Change, Section 10.1, namely any payment should be equivalent to the rate for normal working time.
9. Each Trust should, working in partnership and to a standard format, monitor meal breaks allocated and taken, disturbance rates and window compliance.

Notwithstanding that the National Sector Committee's 6 regional representatives to the NAPF had agreed to the above at the NAPF meeting on 2 October 2007, the Committee felt that the principles were incompatible with existing arrangements and UNISON Ambulance Sector policy. In the circumstances the Sector Committee is recommending the following as an alternative proposal:

- Ambulance trust meal break arrangements should be compatible with the provisions of Agenda for Change (AfC) and existing regulations including those relating to working time.
- Elements of meal break arrangements that are not governed by AfC and / or legislation should be determined locally.

Ambulance branches are now asked to seek their members views on their preferred proposal out of the two detailed above and advise of the outcome through their regional representatives to the National Sector Committee no later than Friday 30 November 2007.