

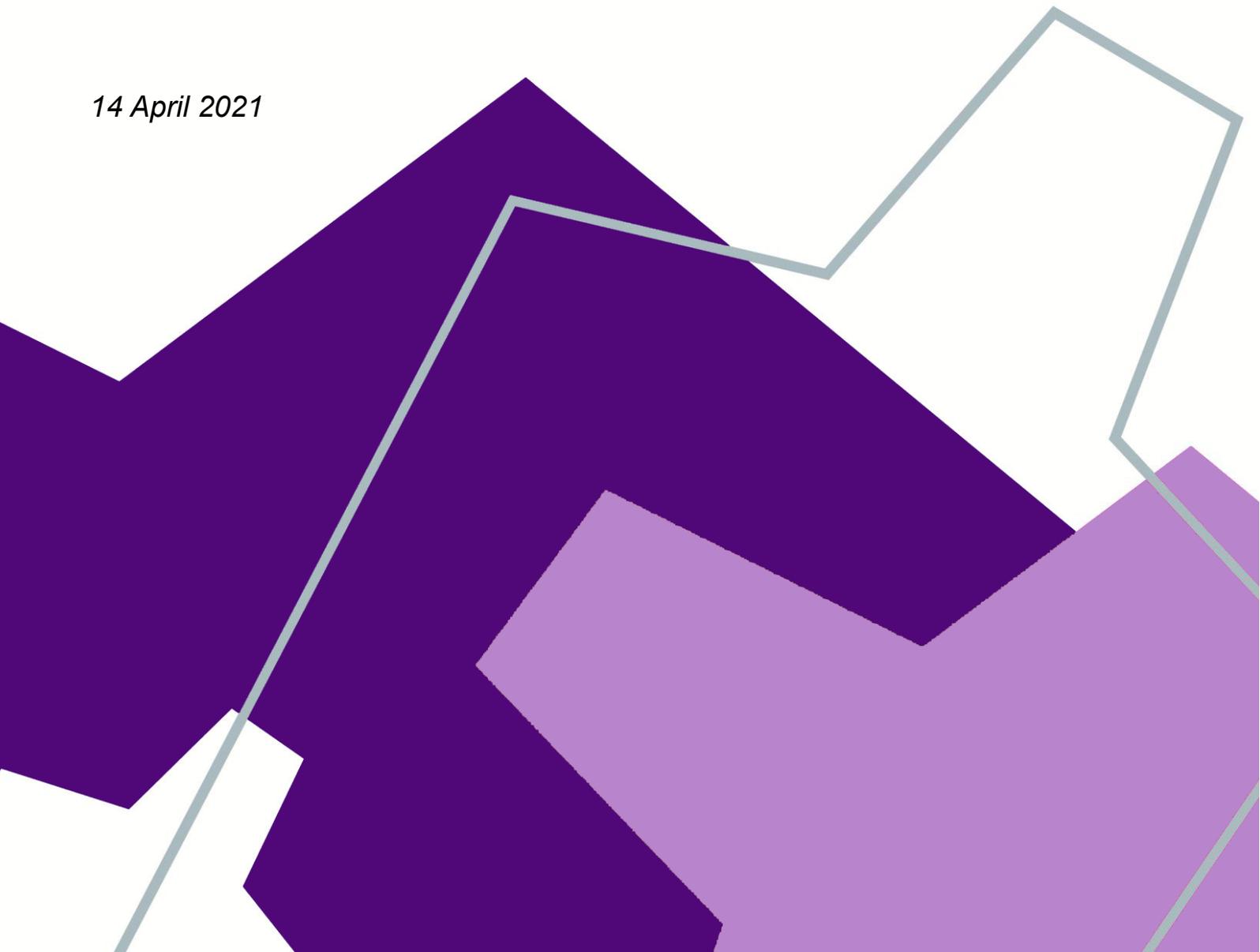


The Scottish Parliament  
Pàrlamaid na h-Alba

# Breaks Policy

## Poileasaidh nam Fois

*14 April 2021*



# Breaks Policy

The successful and equitable application of the breaks policy depends on individual integrity and mutual trust and reasonableness between individuals and their managers. These principles lie at the heart of much that we do and achieve in our organisation and constitute a much prized part of our culture and way of working.

The policy and guidance applies to all staff who operate within our Flexible Working Hours arrangements (separate arrangements apply to operational security staff) and the terms were agreed with the Parliamentary Staff Trades Union Side.

## Q&A

### 1. What is a break?

Any period of time during which you are not working (for example, going to the bank, shopping, having lunch (other than a working lunch), having food or drink away from your desk whilst not working, going for a cigarette, accessing the internet or e-mail for personal use as described in paragraph 2 of the SPCB's Acceptable Use of IT Policy) constitutes a break and should not be included in calculating the length of your working day. Local arrangements in terms of breaks have been agreed in business areas which do not operate the flexible working hours system.

### 2. What is not counted as a break?

Short periods of time spent away from your desk or duties, for example, going to the toilet, doing DSE exercises (to provide your body with a change in sitting position and giving your eyes a rest), going within the building to get a drink or snack to be taken at your desk, going to the cash machine within the building or visiting the on-site nurse/GP are not counted as breaks.

It is part of our organisational culture to encourage networking, team building, coaching and mentoring and to recognise that many matters are best dealt with in face to face meetings in informal settings. These are all part of the working day and time spent in these and similar activities are not considered to be "breaks" from work. In the same way, if you leave your desk to read work related material over coffee or to have some "thinking time", that is not a break - although in all these situations it may be prudent to tell your line manager what you are doing to avoid your absence from your desk being misconstrued.

For the avoidance of doubt, going for a cigarette should always be counted as a break in all circumstances and should be recorded as such.

### 3. When am I allowed to take breaks?

Your Head of Office/Group is responsible for setting the parameters around which breaks may be taken within their own business area. Your line manager is responsible for deciding how this will work at a local level. Your line manager is also responsible for ensuring that abuses do not occur and that action is taken to stop or investigate any abuse of this policy that they observe or which is reported to them.

### 4. What does being flexible and reasonable mean?

Both staff and management need to take a reasonable and flexible approach to the question of

when breaks can be taken. This would, for example include

- considering the overall impact on your team before taking a break-particularly, for example, taking a long lunch break on a busy day;
- managers should try to accommodate reasonable requests from staff and recognise that not all personal business can be accommodated during the traditional "lunch hour" ; and
- managers should where appropriate recognise work done by a member of staff in his or her own time and not otherwise recorded and reflect this in deciding whether it is necessary to treat "personal time" as a break

## **5. What if my health dictates that I need to take breaks in work time?**

If that is the case a schedule that takes into account business requirements and your needs will be agreed between you, your line manager and the People and Culture Office in consultation with our Occupational Health Service.

## **6. How do I record my breaks?**

Since our flexible working arrangements are based on trust, it is your responsibility to record accurately on [TRS \(Time Recording System\)](#) your lunch breaks and the time taken for other breaks during each day. Staff should record breaks by entering them into [TRS \(Time Recording System\)](#) each time they take a break during the working day. There is no limit to the number of breaks that can be entered into the system on a daily basis.

## **7. What happens for staff on a rota?**

Your managers will be responsible for ensuring that rotas are devised in such a way that they accommodate time for breaks.

## **8. Is there any limit to the length of my break?**

Yes. Under the terms of the Working Time Regulations you are entitled to a minimum of one uninterrupted 20 minute break for each period of 6 hours worked. This is generally provided for under our contractual terms which require that you must take at least one uninterrupted break of at least 30 minutes per day. An incentive is provided to ensure that you take this break in that you are required to debit your time by 30 minutes whether or not you actually take the break.

If you want to take a break longer than two hours, then you should agree this in advance with your line manager.

## **9. What if I work through my break?**

It is not good practice nor is it good for you to work through your break and managers are asked to ensure that all full-time members of staff (there is some flexibility in the case of part-time staff who work part days) take at least one uninterrupted break of at least 30 minutes per day. If you choose to work through your break you will still be required to debit your time by 30 minutes. As mentioned in the question above, this requirement is in place to provide an incentive so that you take the required break. Working through your break should only happen on an exceptional basis when there are compelling business reasons for so doing. Where it happens that, for business reasons, you are unable to take your 30 minute break, then your line manager can authorise an appropriate time credit. Line managers who wish to credit a staff member with a working lunch can refer to 'How To' of the Line Manager Guides on the [TRS \(Time Recording System\) Time and Attendance SharePoint site](#).

## **10. Are there any Health & Safety considerations?**

If you are going to be away from your desk for any length of time and for any reason, you should let



one of your colleagues know. This will avoid confusion in the event of an evacuation from the building.

## Breaks Policy

What is the Policy on breaks?

- Breaks do not count as working time for the purposes of contracted hours;
- Under the terms of our flexible working hours arrangements, staff must take an uninterrupted break of at least thirty minutes if they work 6 or more hours per day;
- The actual length of breaks and when they may be taken are not prescribed for non-shift workers;
- When breaks may be taken is at line managers' discretion and these may have to be rostered to suit the business needs of the work area. Generally, however, staff may take breaks when they wish so long as they can be accommodated without undue impact on the business operation;
- Managers are encouraged to take a flexible approach to breaks. So long as breaks are not counted as working time, and these can be accommodated in terms of delivering the business, managers should feel able to agree to any requests; and
- Breaks in excess of 2 hours should normally be authorised by the immediate line manager in advance;
- Staff must ensure that all breaks are accurately recorded within [TRS \(Time recording System\)](#). Please refer to [Your Pay, Hours and Holidays in the Employee Handbook](#) for more detail on recording breaks.
- Managers will actively check the hours clocked/leave requested in [TRS \(Time Recording System\)](#) on a weekly basis to ensure this procedure is correctly followed.

# **Breaks Policy (English only)**

***For further information contact:***

*HumanResources@parliament.scot*

*0131 348 6500*

