

On-Call Policy

CONTROLLED DOCUMENT

CATEGORY:	Policy
CLASSIFICATION:	Human Resources
PURPOSE	This policy covers all staff undertaking on-call with the exception of Doctors and Dentists
Controlled Document Number:	957
Version Number:	1
Controlled Document Sponsor:	Executive Director of Delivery
Controlled Document Lead:	Head of Inclusion, Engagement and Wellbeing, Organisation Develop
Approved By:	Board of Directors
On:	<u>24th March 2016</u>
Review Date:	24 th March 2019
Distribution:	
<ul style="list-style-type: none"> • Essential Reading for: 	For all staff undertaking Agenda for Change on call and their managers
<ul style="list-style-type: none"> • Information for: 	For all staff undertaking Agenda for Change on call and their managers

Contents

Paragraph		Page
1	Policy Statement	3
2	Scope	3
3	Framework	3
3.10	Availability Payment	5
3.11	Payment for call-outs	6
3.12	Recording and authorising availability and working time	7
3.13	Time Off In Lieu	7
3.14	Compensatory Rest	8
3.15	Travel time	8
3.16	Travelling Expenses	9
3.17	Accommodation	10
3.18	Pensionable pay	10
3.19	Contact arrangements and associated reimbursement	10
3.20	Training Needs	10
4	Duties	10
5	Implementation and Monitoring	12
6	References	12
7	Associated Policy and Procedural Documentation	12
Appendices		
Appendix A	Monitoring Matrix	13
Appendix B	Rates for Availability Payments	14

1. Policy Statement

- 1.1. This policy sets out the Trust's local arrangements for the payment of on-call work under the national framework of Agenda for Change. The requirement for on-call arrangements within a particular department is determined by the departmental manager and agreed and signed off by the Director of Operations or Corporate equivalent, in line with our need to provide patient services.
- 1.2. The Trust is committed to the operation of contractual on-call arrangements and payment systems that are fair, consistent and equitable.

2 Scope

- 2.1 This policy applies to the posts of all full time and part time employees covered by the Agenda for Change Terms and Conditions of Service, regardless of pay band.
- 2.2 It does not cover on-call payment arrangements for Directors, medical and dental posts, bank staff or the posts of workers not employed by the Trust.

3 Framework

- 3.1 This policy applies as an overarching framework to all departmental on-call arrangements. However, the skills and abilities required to carry out on-call work and the work to be done during on-call are to be determined by each department/service with reference to service need.
- 3.2 Where an on-call arrangement is required by a department/service, it is a contractual requirement that all employees are automatically included in those arrangements unless they have a written variation of contract excluding them from the on-call element of their role because of an agreed flexible working agreement, for specific health reasons or reasons linked to the Equality Act 2010. Any such agreement will be reviewed by the Manager responsible for the on call rota at least three times per annum to assess if the arrangement to exclude an employee from an on call rota still stands.
- 3.3 In certain circumstances (e.g. where an employee is pregnant or has a health condition) it will be necessary to carry out a risk assessment of their on-call duties to ensure that their health and safety needs are considered.
- 3.4 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Policy HR01 'Equality and Diversity'. Special attention must be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, or by staff who may have an essential skills need in literacy or those whose first language is not English or for persons with little experience of working life.

3.5 Definitions:

Compensatory Rest	Rest taken later (ideally during the same or following day) to compensate for an interrupted statutory rest break. Please see section 10.
Daily Rest	The break between working days in accordance with the Working Time Regulations. Daily rest is not required to be uninterrupted. Please see paragraph 10.2.
Frequency periods	<p>The unsocial hours period is split into 9 frequency periods per week. These would typically be of between 10 – 15 hours in length as appropriate for the needs of the service.</p> <p>For example, the on-call periods may be 5 frequency periods of weekday evening/night, 4 frequency periods over a weekend covering the day and night or 2 frequency periods within a Public Holiday covering the day and night. (please see the definition of a Public Holiday below).</p> <p>Each service's on call arrangement must specify the length, start and finish times for its frequency periods.</p> <p>Each frequency period is seen as being 12 hours in length. Any period of more or less will be divided into 12ths for purposes of payment, for example, 08:00-20:00 is 12 hours and considered a full frequency period; 08:00-18:00 would be 10 hours and the frequency period paid at 10/12 of the full period payment.</p>
On-call arrangement	A contractual arrangement between the Trust and the employee for the employee to be available for on-call work outside core departmental working hours - either at the workplace, at home or elsewhere - and to work as and when required.
On-call Availability	An obligation to be available and ready to undertake work of an urgent or emergency nature as part of an organised way of working.
On-call work	Work of an urgent or emergency nature which arises during the on call period.
Standard individual working hours	Hours which are regularly worked by an

	individual and fixed by contract of employment, to a maximum of 37.5 hours per week.
Core departmental working hours	Hours within which the department/service provides its usual services.
Overtime	Defined by Agenda for Change Terms and Conditions of Service Section 3. This on-call policy does not incorporate any agreement for guaranteed overtime.
Public Holiday	Defined as 00:00 – 23:59 (midnight to midnight) on the relevant date.
Unsocial hours	Defined by Agenda for Change Terms and Conditions of Service Section 2. On weekdays the period 20.00 – 06.00 is classified as unsocial hours. Saturdays, Sundays and Public Holidays are all classified as unsocial hours and are defined as the periods midnight to midnight.
Week	Seven calendar days as set out in the department/service on-call arrangement (usually Sunday - Saturday inclusive).
Working Time	Where an on-call arrangement is from home , working time is time spent working. Time spent sleeping whilst being available for work as part of one of these on-call arrangements is not working time. Time spent travelling in relation to on-call work is also working time.

- 3.6 The work carried out when an individual is on-call is considered to be within (or part of) their full role, including whether the task was carried out within another departmental role. It is not expected to be their full, daytime role.
- 3.7 The normal individual and departmental working hours of a department/service must be determined locally with reference to service need.
- 3.8 Within the nine frequency periods set out in this policy, each department/service must determine the times of their specific on-call service in accordance with service need. Where a manager considers it to be beneficial for service need that a frequency period is split between several members of staff (e.g. over the Christmas period), they may take the decision to do this.
- 3.9 Whether or not an on-call arrangement is required is determined by the workload of the relevant department/service.

3.10 Availability Payment

3.10.1 Each employee participating in an on-call arrangement will be paid a flat rate per frequency period in recognition of being available to work. This applies whether they are:

- **At home ready to be called out to undertake work (On-Call);**
- **Physically present at work ready to be called out to undertake work (Resident On-Call).**

3.10.2 The payment is the same regardless of the pay band of the employee, the full time or part time status of the employee or the work done if called-out.

3.10.3 Where tiered on-call systems are required, the availability payment will remain the same, regardless of the tier of on-call.

3.10.4 Where a single frequency period is split into shorter periods of availability for service reasons, the availability payment will be pro rated into 12ths.

3.10.5 The Availability Payment rates are included at Appendix B. These rates will be uplifted at the same % as recommended by the annual pay review body.

3.10.6 The availability payment is claimed via the Time and Attendance System via SMART 2 weeks in arrears and 2 weeks current. The availability payment will mirror the current payments as in Appendix B.

3.10.7 During periods of sickness absence (and in line with Section 14a of the NHS Terms and Conditions of Employment (England and Wales) the employee is unavailable for work and therefore is not entitled to receive the availability payment.

3.10.8 On occasion an individual's normal working day may be unexpectedly extended slightly into their on-call frequency period due to the needs of the service (e.g. Theatre overruns). In this case, the individual's core hours would cease at normal time and they would be paid the payment for work done when called-out for the period from the start of the on-call availability period to the end of the extended normal working day. Additionally they would also receive the availability payment for that availability period. The department/service must resolve any operational implications that arise in order to cover emergencies that may arise during the period the on-call individual is unavailable.

3.11 Payments for call-outs

3.11.1 Payment for full time and part time employees will be made at time and a half, with the exception of public holidays which will be paid at double time.

3.11.2 An automatic payment of 30 minutes will be paid for each call-out, whether this is physically on Trust premises, over the telephone or on the internet. After that payment will be made for the actual time worked.

3.12 Recording and authorising availability and working time

3.12.1 All time an employee is required to be available for work must be recorded on ETAD (time and attendance).

3.12.2 All time taken to complete a call-out must also be recorded on a timesheet. All timesheets/SMART must be authorised for payment by the relevant line manager.

3.12.3 Working time begins when the individual receives the call notifying them of the issue, and ends either at the end of the 30 minute minimum or when the individual ceases to work on that issue (whichever is the longer).

3.12.4 Courtesy calls (calls which notify the individual that they need to be aware that some emergency work may occur) are not classed as working time. Where a courtesy call system is used, working time does not begin until the individual leaves home.

3.12.5 Travelling time must be clearly recorded as such on the timesheet and is capped at a maximum of 30 minutes each way.

3.13 Time Off In Lieu (TOIL)

3.13.1 Participants in on-call arrangements have the right to make a request for TOIL at plain time rates instead of pay in respect of call-outs, in accordance with the Agenda for Change Terms and Conditions of Service Section 3, paragraph 3.5. If the TOIL can be accommodated by the service/department, it must be rostered and ideally be taken within 6 weeks of accrual and no more than 3 months. However where the TOIL cannot be taken for genuine operational reasons within 3 months of being worked, payment must be made at the rate applicable to when the work was done.

3.13.2 Employees who are required to be available as part of an on-call arrangement over a public holiday are entitled to one day's leave back in lieu of the lost public holiday. Where an employee is required to be available for several availability periods over a public holiday, they cannot claim more than one day's leave back. A day's leave is defined as 7.5 hours, pro rata for part timers (the individual's normal working day) in accordance with Section 13 of the Agenda for Change Terms and Conditions of Service. The employee's public holiday entitlement must be reduced by the appropriate amount, and the same amount of lieu time recorded and managed as TOIL.

3.13.3 Where an availability period is covered by several employees over a public holiday, the TOIL time they are entitled to is pro rata to the time they were available, to a maximum of 7.5 hours.

3.13.4 The maximum number of public holidays an individual is entitled to (as leave or TOIL) is capped annually at the number available in that leave year.

3.14 Compensatory Rest

3.14.1 The Trust requires that all staff adhere to the requirements of the Working Time Directive and Section 27 of the Agenda for Change Terms and Conditions of Service.

- Daily Rest - All adult workers are entitled to at least 11 consecutive hours daily rest in every 24-hour period.
- Weekly Rest - All workers are also entitled to at least 24 hours uninterrupted weekly rest in every seven day period. The weekly rest period can be averaged over a period of 14 days (e.g. 12 hours in one seven day period and 36 hours in the following seven day period).

3.14.2 Due to the need to maintain patient care, it may not be possible for an individual to achieve the necessary rest break whilst on-call. In these circumstances, the employee is entitled to compensatory rest **equal to the amount of rest that was lost** - not the entire rest period. This is to be taken within a reasonable period of the interrupted break, ideally during the same or following day.

3.14.3 Compensatory rest is a period of rest which is the same length as the statutory rest, or part of the statutory rest, which a worker has missed due to on-call work. If a worker has 11 uninterrupted hours rest (statutory rest) between on-call work and next attendance at work, compensatory rest is not applicable. Where possible, patterns of working must be used to negate the need for compensatory rest.

3.14.4 If an employee is required to be on-call but is not called to attend Trust premises, or is called in but still satisfies the minimum statutory rest requirements, they will not be eligible for compensatory rest.

3.14.5 Compensatory rest is paid only where in depth analysis of the on call rota has been carried out by the Director of Operations and the Divisional Management team and no reasonable alternative has been found. This will remain dynamic, with the Trusts aim to move towards rotas where compensatory rest is not required.

3.15 Travel Time

- 3.15.1 Travel time is only payable for physical attendance at work premises. Actual travel time may be claimed up to the maximum travel time of 30 minutes each way.
- 3.15.2 Travel time will be paid at the same rate as work done when on-call and must be recorded clearly on the timesheet/SMART as travel time.
- 3.15.3 Where, as part of a call-out an employee is required to travel between work premises, travel time will be classed as work done and must be recorded on the timesheet/SMART as part of the time claimed to complete the call-out.
- 3.15.4 Travel time between home and work will be paid for any journeys that are undertaken as a result of a call-out and capped at 30 minutes each way. Travel time will not be paid for home to work journeys that are part of an individual's normal working day. (e.g. where an employee remains in work following a call-out and carries out their normal working day, their work-to-home journey at the end of the day is considered to be normal daily travelling and will not be paid as on-call travel time).
- 3.15.5 For further guidance on travel expenses please refer to the associated travel Expenses Policy and Procedure.

3.16 Travelling Expenses

- 3.16.1 Travelling expenses will be paid for the journeys from home to work and vice versa, and for any travel required as part of a call-out.
- 3.16.2 Where there is no alternative, for example due to the hour of call out or it being a public holiday, Managers will authorise the use of Hospital transport. This will be constantly reviewed by the Divisional Management team to ensure it is appropriate.
- 3.16.3 Travelling expenses will be paid in accordance with normal AfC rates.
- 3.16.4 Any home to base mileage is taxable.
- 3.16.5 Employees with lease cars will incur an additional tax liability when claiming any home-to-base mileage, including on-call mileage. Prior to making any claims, it is recommended that lease car users contact Payroll or HM Revenue & Customs directly for the most up to date guidance.
- 3.16.6 Travelling expenses between home and work will be paid for any journeys that are undertaken as a result of a call-out. Travelling expenses will not be paid for home to work journeys that are part of an individual's normal working day. (e.g. where an employee remains in work following a call-out

and carries out their normal working day, their work-to-home journey at the end of the day is considered to be normal daily travelling and will not be paid as on-call travelling expenses).

3.17 Accommodation

Where an individual chooses to sleep in Trust accommodation they must first agree with the Divisional Management Team responsible for the remuneration of the accommodation. Where this is not done an employee must pay standard Trust accommodation fees where applicable. This will be constantly reviewed by the Divisional Management team to ensure it is appropriate.

3.18 Pensionable Pay

For members of the NHS Pension Scheme the availability payment is classed as pensionable pay.

3.19 Contact arrangements and associated reimbursement

Contact arrangements for individuals who are on-call will be agreed by the department/service. The Trust will pay the charges associated with any telephones or pagers that it supplies. No payments will be made for domestic or personal telephone rental.

3.20 Training Needs

There is no mandatory training associated with this guidance. If staff have queries about its operation, they must contact their line manager in the first instance.

4 Duties

4.1 The Chief Executive

The Chief Executive has overall accountability for ensuring compliance with statutory regulations.

4.2 **The Chief Operating Officer**

The Chief Operating Officer will be responsible for monitoring the implementation of this policy and will arrange for the process to be periodically audited.

4.3 **Line Manager**

It is the responsibility of the Line Manager to ensure that:

- On-call arrangements match service requirements and are reviewed in the light of changing service needs;
- Employees understand their contractual obligations in participating in the on-call arrangements;
- A rota is published in advance (ideally at least 6 weeks ahead) to enable participants to plan;
- The rota takes account of periods of pre-booked annual leave wherever possible;
- The frequency and type of each employee's commitment is equitable, taking account of approved flexible working agreements, rostered days off or matters requiring exclusion (in accordance with 5.6 or 5.7 below);
- All participants in the on-call arrangement are fit for work (in accordance with their Professional Code of Conduct and Trust attendance rules) during and immediately following a period of on-call working;
- They ensure they are aware of any requirement for compensatory rest (in accordance with section 10) immediately after the on-call availability period so that they can arrange cover for that working time as necessary;
- The overall working patterns and rostering templates for the department are developed to take account of on-call work, specifically the requirement to enable adequate compensatory rest (e.g. shift templates may include the rostering of a day off after a period of on-call availability, or not rostering on-call on the night of a rostered day off etc.);
- Departmental rules are agreed, shared and followed regarding the short notice cover of a rostered on-call availability period;
- Departmental standard operating procedures are written, shared and followed regarding how a rostered on-call availability period is covered when the named individual is on annual leave;
- Departmental standard operating procedures are written, shared and followed regarding how the need for compensatory rest is communicated (e.g. phone call, message book) following an on-call availability period in order that the compensatory rest is not disturbed;
- They adhere to this Policy.

4.4 Employees

It is the responsibility of Employees to ensure that:

- Ensure that they are fit for work (in accordance with their Professional Code of Conduct and Trust attendance rules) during and immediately following a period of on-call working;
- Ensure that their line manager is aware of any requirement for compensatory rest (in accordance with section 10) immediately after the on-call availability period;
- Adhere to the Trust's normal attendance and absence reporting requirements;
- Adhere to the Trust's normal expectations in terms of timeliness;
- Ensure that work to resolve call-outs is done by themselves or others at an appropriate time (i.e. during the out of hours period for work requiring

urgent resolution, and during the following working day for work that can safely be deferred)

- Ensure that to resolve a call-out they explore the possibilities of telephone or internet resolution or safe deferment to the following working day, before taking a decision to physically attend Trust premises;
- Own their on-call rota commitment once the rota has been set and published, ensuring service continuity by swapping with an appropriate colleague (being mindful of skill mix and training) where they are unable to meet their commitment, and informing the appropriate people (e.g. manager, switchboard) of the change;
- Report and act on their own sickness absence in accordance with their local policy;
- Adhere to this Policy.

5. Implementation and Monitoring

5.1 Implementation

This policy will be effective for all on call arrangements and work done from 1st June 2016

5.2 Monitoring

Appendix A provides full details on how this Policy will be monitored by the Trust.

6. References

Equality Act 2010
NHS Agenda for Change Terms and Conditions of Service Handbook: available from Trust Intranet

7. Associated Policy and Procedural Documentation

Equality Act 2010
Travel Expenses Policy
Travel Expenses Procedure

Appendix A

PROCESS FOR MONITORING COMPLIANCE

MONITORING OF IMPLEMENTATION	MONITORING LEAD	REPORTED TO PERSON/GROUP	MONITORING PROCESS	MONITORING FREQUENCY
Management implementation of policy	Payroll Operations Manager	Trust Partnership Team DoPs	Payroll audit of timesheets incorrectly completed / authorised	6 months
All payments being made through the payroll in relation to on-call are within the scope of this policy.	Payroll Operations Manager	Trust Partnership Team DoPs	Payroll reports	6 months

Appendix B Rates for Availability Payments
2015/16

	Payment per 12 hour frequency period		
At Home ready to undertake on-call work	Current	From 1st August 2016	
Weekdays	£11.52	£12.79	
Weekends	£17.21	£19.10	
Bank Holidays	£23.11	£25.65	