

Policies, Procedures, Guidelines and Protocol

Document Details		
Title	On Call Arrangements Policy	
Trust Ref No	2067-49008	
Local Ref (optional)		
Main points the document covers	Information in relation to on call payments and arrangements	
Who is the document aimed at?	All agenda for change staff taking part in on call arrangements	
Author	HR Team	
Approval process		
Who has been consulted in the development of this policy ?	Individuals currently undertaking on call Managers JNP	
Approved by (Committee/Director)	Human Resources & Workforce Group and Quality & Safety Committee	
Approval Date	September 2022	
Initial Equality Impact Screening	This policy applies equally to all staff employed under the Agenda for Change terms and conditions of employment and does not discriminate positively or negatively between protected characteristics.	
Full Equality Impact Assessment	Not required	
Lead Director	Nursing & Allied Health Professionals & Infection Prevention	
Category		
Sub Category		
Review date	September 2024	
Distribution		
Who the policy will be distributed to	Line Managers	
Method	Dissemination via datix alters to managers and available on the Trust's website	
Document Links		
Required by CQC		
Other		
Amendments History		
No	Review Date	Amendment
1	Policy Created	September 2018 Version 1
2	September 2022	Version and review date added in Footer. Lead Director amended
3		
4		
5		

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1 DOCUMENT STATEMENT & OVERVIEW

- 1.1 This policy sets out our 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 Service Manager in line with our need to provide patient services or contractual requirements.
- 1.2 We are 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 employees covered by the Agenda for Change Terms and Conditions of Service, regardless of pay band. It does not cover on-call payment arrangements for Directors, medical and dental posts, bank workers or the posts of workers not employed by us.
- 2.2 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of our values.

3 DEFINITIONS

- 3.1 Compensatory Rest

Rest taken later (ideally during the same or following day) to compensate for an interrupted statutory rest break. Please see section 12.
- 3.2 Daily Rest

The break between working days in accordance with the Working Time Regulations. Please see paragraph 12.1.
- 3.3 Frequency periods

The unsocial hours period is split into 9 frequency periods per week.

For example, the on-call periods may be 5 frequency periods of weekday evening/night, 4 frequency periods over a weekend (am/pm) and 2 frequency periods within a Public Holiday (please see the definition of a Public Holiday below).

Each service's on call arrangement should specify the length, start and finish times for its frequency periods.
- 3.4 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.
- 3.5 On-call Availability

An obligation to be available and ready to undertake work of an emergency nature as part of an organised way of working.

3.6	On-call work	Work of an emergency nature which arises outside departmental core working hours.
3.7	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.
3.8	Core departmental working hours	Hours within which the department/service provides its usual services.
3.9	Overtime	Defined by Agenda for Change Terms and Conditions of Service Section 3. This on-call arrangements policy does not incorporate any agreement for guaranteed overtime.
3.10	Public Holiday	Defined as 00:00 – 23:59 (midnight to midnight) on the relevant date.
3.11	Unsocial hours	<p>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.</p> <p>Saturdays, Sundays and Public Holidays are all classified as unsocial hours and are defined as the periods midnight to midnight.</p>
3.12	Week	Seven calendar days as set out in the department/service on-call arrangement (usually Sunday - Saturday inclusive).
3.13	Working Time	<p>Where an arrangement is defined as On-Call (please see 3.6 above), 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.</p> <p>Time spent travelling in relation to on-call work is also working time.</p>

4 RESPONSIBILITIES

- 4.1 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;
 - The skill level required in order to be competent for on-call working is defined;
 - The minimum number of on-calls per annum in order an individual remains competent is defined;

- The quality and safety of the on-call service is maintained, in exceptional circumstances by requiring members of staff to participate where necessary;
- A rota is published in advance (ideally at least 3 months ahead) to enable participants to plan;
- The rota takes account of periods of flexible working commitments;
- 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 6.2 or 6.3 below);
- All participants in the on-call arrangement are fit for work (in accordance with their Professional Code of Conduct and our Managing Attendance policy) 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 12) 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 standard operating procedures 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 with their Line Manager (e.g. phone call) following an on-call availability period in order that the compensatory rest is not disturbed;

4.2 It is the responsibility of employees to:

- Ensure that they are fit for work (in accordance with their Professional Code of Conduct and our Managing Attendance Policy) 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 12) immediately after the on-call availability period;
- Ensure normal attendance and absence reporting requirements are followed;
- Ensure normal expectations in terms of timeliness are followed;
- 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 our premises;
- Own their on-call rota commitment once the rota has been set and published, ensuring service continuity by swapping with a colleague where they are unable to meet their commitment, and informing the appropriate people (e.g. manager, switchboard) of the change;
- Work flexibly with their line manager to ensure the service is adequately staffed over certain periods such as Christmas and New Year;
- Report and act on their own sickness absence in accordance with our Managing Attendance Policy and/or local arrangements;
- Ensure local lone working arrangements are followed.

5 GENERAL

- 5.1 Whether or not an on-call arrangement is required is determined by the workload of the relevant department/service.
- 5.2 The work carried out when an individual is on-call is considered to be a task within (or part of) their full role. It is not expected to be the full, daytime role.
- 5.3 The department must develop and maintain its own Standard Operating Procedure for on-call arrangements in accordance with Appendix 2.
- 5.4 The normal individual and departmental working hours of a department/service must be determined locally with reference to service need.
- 5.5 Within the nine frequency periods set out in this policy, each department/service must determine the time periods that their specific on-call service will cover in accordance with service need.
- 5.6 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 after discussion with staff.
- 5.7 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.
- 5.8 Where an on-call arrangement is risk assessed as being unsafe, and the manager of the department/service is unable to restore the quality and safety of the arrangement through volunteers, that manager reserves the right to require individuals to participate in the on-call arrangement.

6 PARTICIPATION IN ON-CALL ARRANGEMENTS

- 6.1 Where an on-call arrangement is required by a department/service, the manager of the service will specify the type of rotas that are required and the minimum number of participants.
- 6.2 It is a contractual requirement that all relevant employees of a service/department are automatically included in its on-call 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.
- 6.3 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.
- 6.4 An individual can swap their on-call availability commitments with colleagues under the following conditions:
 - 6.4.1 They carry out a minimum number of on-calls (to be specified by standard operating procedure (SOP) for the department/service) to ensure they remain competent to carry out on-call; **and**

6.4.2 Their manager may monitor the number of swaps and take action to restrict swaps (e.g. where an individual is considered to be working excessive hours); **and**

6.4.4 Once swapped, the on-call availability period is owned by the new individual and they take responsibility for covering it as necessary.

7 AVAILABILITY PAYMENT

7.1 Each employee participating in an on-call arrangement will be paid a variable rate. This will vary as follows:

- Monday - Friday (excluding bank holiday)
- Saturday and Sunday
- Bank Holiday

7.2 Within each category of availability, the rate of availability payment is the same for all participants regardless of the pay band of the individual, the full time or part time status of the individual or the work done if called-out.

7.3 The availability payment rates are included at Appendix 1. The Trust can guarantee an annual review of on-call availability payments by the Nominations, Appointments & Remuneration (NAR) Committee which will include a review of other Trust's rates (for benchmarking purposes). The outcome of the review will be shared with JNP.

7.4 The availability payment is claimed on a timesheet and paid a month in arrears.

7.5 During periods of absence the employee is unavailable for work and therefore is not entitled to receive the availability payment.

8 PAYMENT FOR CALL-OUTS

8.1 Payment for full time and part time employees will be made at time and a half of the role carried out when on-call, with the exception of public holidays which will be paid at double time.

8.2 An automatic minimum payment of 30 minutes working time will be paid for each call-out, whether the work done is physically on our premises, over the telephone or on the internet.

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

8.4 If work associated with a call-out continues past 30 minutes, payment will be made for the actual time worked.

8.5 Where further calls are received during one 30 minute period, they do not attract additional payments of 30 minutes.

8.6 Where further calls are received outside a 30 minute period, a new 30 minute period will begin.

9. PAYMENT FOR TRAVELLING TIME

- 9.1 Travelling time is only payable for physical attendance at the relevant work location e.g. Trust premises, patient's home. Actual travelling time may be claimed up to the maximum travelling time specified by each department/service as appropriate for the needs of that service.
- 9.2 Travelling time will be paid at the same rate as work done when on-call and must be recorded clearly on the timesheet as travelling time.
- 9.3 Where as part of a call-out an employee is required to travel between work locations, travelling time will be paid at the same rate as on-call work done and must be recorded on the timesheet as part of the time claimed to complete the call-out.
- 9.4 Travelling time between home and work will be paid for any journeys that are undertaken as a result of a call-out. Travelling 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 travelling time).

10 RECORDING AND AUTHORISING AVAILABILITY AND WORKING TIME

- 10.1 All time an employee is required to be available for work must be recorded on a timesheet.
- 10.2 All time taken to complete a call-out must also be recorded on a timesheet. All timesheets must be authorised for payment by the relevant line manager.
- 10.3 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 call system is used, working time does not begin until the individual receives the call confirming that they are required to actually commence work.
- 10.4 Travelling time must be clearly recorded as such on the timesheet.

11 TIME OFF IN LIEU (TOIL)

- 11.1 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 1 month of accrual. 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.
- 11.2 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 single 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 should be reduced by the appropriate amount, and the same amount of lieu time recorded and managed as TOIL.

- 11.3 Where an availability period is covered by several employees over a public holiday, the TOIL time they are entitled to is pro rated to the time they were available, to a maximum of 7.5 hours.
- 11.4 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.

12 COMPENSATORY REST

- 12.1 In relation to on-call arrangements, we require 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 – specifically:
- **Daily Rest**
All adult workers are entitled to at least 11 consecutive hours daily rest in every 24-hour period. Young workers (those aged under 18) are entitled to a consecutive rest period of not less than 12 hours daily rest in every 24-hour period.
 - **Weekly Rest**
All workers are also entitled to an uninterrupted weekly rest period of 35 hours (including the eleven hours of daily rest) in each seven day period. Where this is not possible they should receive equivalent rest over a 14 day period, either as one 70 hour period or two 35 hour periods.
- 12.2 The Working Time Directive recognises that in a health setting, due to the need to maintain patient care, it may not always 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.
- 12.3 Compensatory rest is paid when it falls on a day an individual is rostered to be at work. In these circumstances there will be no detriment to an individual's normal pay as a consequence of taking compensatory rest.
- 12.4 Where an individual has a rostered day off immediately after a period of on-call, this will be used for compensatory rest. In these circumstances, compensatory rest is unpaid. Compensatory rest is not to be carried over until the next working day after a rostered day off.
- 12.5 In some circumstances, it may be possible for the individual to achieve the necessary daily or weekly rest within the on-call availability period. In this case, no additional compensatory rest is required.
- 12.6 Each service/department is responsible for detailing the practical arrangements for compensatory rest in their Standard Operating Procedure.
- 12.7 Where an employee has been unable to achieve the necessary daily or weekly rest within the on-call availability period, they must take the appropriate amount of compensatory rest within a

reasonable period – ideally during the same or following day. It is important that the individual takes account of their personal health and safety and their professional obligations in relation to compensatory rest. The requirement for compensatory rest and the timing of that rest must be discussed with the employee's manager in accordance with the department/service's Standard Operating Procedure.

13 TRAVELLING EXPENSES

- 13.1 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).
- 13.2 Travelling expenses will be paid in accordance with normal business mileage rates.
- 13.3 Home to base mileage may be taxable in accordance with Inland Revenue guidelines.
- 13.4 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 Pay Services or HM Revenue & Customs directly for the most up to date guidance.

14 HOME TO WORK TRAVEL TIME

- 14.1 Maximum periods of travel time from home must be specified by each department/service as appropriate for the needs of that service.

15 PENSIONABLE PAY

- 15.1 For members of the NHS Pension Scheme the availability payment is classed as pensionable pay. Payments for work done are pensionable at single time up to a maximum of 37.5 hours, and non-pensionable thereafter.

16 CONTACT ARRANGEMENTS AND ASSOCIATED REIMBURSEMENT

- 16.1 Contact arrangements for individuals who are on-call will be agreed by the department/service, taking account of cost-effectiveness, mobile network coverage and the needs of the service. It is expected that the normal contact arrangements will be via mobile phone or pager, although in exceptional circumstances the manager has the right to reimburse other contact arrangements where this is necessary due to network coverage or service need. The Trust will pay the charges associated with any contact arrangements that it supplies, and reimburse the cost of any calls made on personal telephones. Claims must be made on our expenses form. Evidence to demonstrate compliance with Lone Working arrangements must be gathered.

17 TRAINING NEEDS

- 17.1 There is no mandatory training associated with this guidance, however each department/service's SOP may identify training needs for being on call. If staff have queries about its operation, they should contact their line manager in the first instance.
- 17.2 The Head of Human Resources and Workforce will be responsible for monitoring the implementation of this policy and will arrange for the process to be periodically audited.

18 REVIEW PROCESS

- 18.1 This document will be reviewed as necessary in line with changes in legislation, Agenda for Change terms and conditions, the needs of the service or best practice.
- 18.2 In order that this document remains current, any of the appendices to the policy can be amended and approved during the lifetime of the document without the document strategy having to return to the ratifying committee.

19 PROCESS FOR MONITORING COMPLIANCE

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
All payments being made through the payroll in relation to on-call are within the scope of this policy.	Payroll reports	Human Resources in conjunction with Payroll Services Manager	12 months	HR & Workforce Group
Management implementation of policy	Payroll audit of timesheets incorrectly completed / authorised	Human Resources in conjunction with Payroll Services Manager	12 months	HR & Workforce Group

20 References

NHS Agenda for Change Terms and Conditions of Service Handbook

21 Associated Documentation

Equality Act 2010

Rates for Availability Payments as at 2018 (subject to review in line with 7.3)

Category of On-Call Availability	
Available from Home	
Monday – Friday	£1.10 per hour
Saturday and Sunday	£1.40 per hour
Bank Holiday	£2.00 per hour

Suggested Content of Local Standard Operating Procedures

Under the auspices of the overall On-Call Arrangement Policy, each service/department requiring an on-call arrangement is required to develop its own local Standard Operating Procedure (SOP).

The pay and conditions of individuals participating in on-call arrangements are determined by the On call Arrangements policy.

It is the responsibility of the departmental manager to develop and maintain this SOP to deliver their service.

Managers will work with staff, and their staff side representatives, to discuss and develop their department's SOP. The SOP is the responsibility of the line manager to finalise in the best interests of the service.

The local SOP must be developed in accordance with the overall On-Call Arrangements Policy, in particular Section 4 'Responsibilities', and contain as suggested:

This Standard Operating Procedure describes the local arrangements for on-call provision for the following service:	
Date of Issue:	

Definitions and Descriptions	
The normal working day is:	
For this service, on-call arrangements are required to cover the following periods (please specify as appropriate) :	Weekday nights Weekends Public Holidays
The length(s) and start and finish times for on-call availability periods are:	Weekday nights Weekends Public Holidays
The frequency of on-call availability is expected to be:	
The type of on-call arrangement that this department provides is:	On-Call/ or Standby (please delete)

The service(s) that is(are) covered by this on-call arrangement are:	
The role(s) that are required to be carried out within this on-call arrangement are:	Normal daily role/specific role (please detail)
The payment rate for work done when called out for the role(s) to be carried out when on-call are:	Please detail specifically: Normal daily role – which will be paid at the individual's normal hourly rate Specific role (please detail) – which will be paid at Band [please insert] and pay point [please insert] in accordance with 8.1.1 & 8.1.2 of the policy
The types of work that are expected to be carried out during the on-call period as an emergency are:	
The types of work that can be safely left until the following normal working day are:	
Debrief/supervision arrangements for individuals once the on call period has ended:	
The number of staff required to participate in this arrangement (as a minimum/maximum) are:	
The additional training required (if applicable) prior to undertaking on call:	
The lone working arrangements for the periods of on call:	
The minimum skill level for an individual to be deemed competent for on-call work is:	
The minimum number of on-calls to be worked per annum in order to maintain competence is:	
The on-call arrangement will be reviewed at regular intervals to ensure that it remains fit for the needs of the service	

Travel Time	
A written risk assessment has been carried out of the department's specified travel time for attendance at work premises when called out, in relation to service need. The risk assessment is attached to this SOP as an Appendix. (Refer to section 9 of this policy for travelling expenses)	
The department's specified travel time for attendance at work premises when called out is:	

The safety of the on-call service	
The rota will be risk assessed to ensure that it is safe to provide the on-call service where there are either short or long-term gaps in the rota due to sickness, leavers, vacancies etc.	
The manager who is responsible for ensuring all on-call availability slots are covered, by allocation if necessary, is:	
The manager who will, in exceptional circumstances, require members of staff to participate where necessary, is:	

Management Escalation	
The triggers that require escalation to more senior departmental or management are:	

Rostering	
The person responsible for creating and publishing the rota is:	
The rota will be published weeks/months (please specify) in advance
Each rota will cover a period of: weeks/months (please specify)

Sickness and other short notice absence	
The procedure to follow should the on-call individual call in sick (or require other absence) at short notice is:	

The manager will ensure that the on-call rota is adequately covered during sickness or other short notice absence by:	

Longer term absence	
The manager will ensure that the on-call rota is adequately covered during long term absence (e.g. longer term sickness, maternity leave, vacancies etc.) by:	

How the rota is covered during periods of annual leave	
Before the rota is set and published, the department manager is the owner of the rota slot and therefore responsible for planning to cover annual leave slots. Once the rota is set and published, the individual owns their on-call rota commitment and must swap that commitment with colleagues when annual leave is required.	
Is the booking of annual leave allowed over a period when the individual is rostered to be on-call?	Please specify
Can leave be booked in advance and on-call rota created around the leave?	Please specify

Swapping on-call availability shifts	
The process for swapping shifts is:	

Time Off In Lieu	
The process for recording and taking TOIL is:	

Compensatory Rest	
The process for giving compensatory rest is:	

The communication necessary (and using what method) between the on-call individual and the manager in order to agree compensatory rest arrangements is:	
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Normal Working Day Overruns	
The rules for the emergency cover of on-call if an individual's normal working day overruns into the on-call period are:	

Public Holidays	
The department covers on-call availability on all public holidays by:	Please specify (does the department split the availability period etc)?

Exceptional Circumstances	
Please specify the types of exceptional circumstances you would expect an individual to encounter, and what you would expect them to do when faced with these (i.e. discuss and agree the approach with their manager)	

Contact Arrangements	
The contact arrangements for on-call are (please detail):	

Job Status/Action Log	
When called out, the individual must record action taken by:	
When called out, the individual must record the status of the job they are called in to undertake (completed/in progress/requires additional resource/escalated to x etc) by:	

Media Enquiries	
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Any media enquiries out of hours must be dealt with in accordance with the Media Policy and Procedure which is available from the intranet.	
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PLEASE ENSURE THAT YOU SEND A FINAL COPY OF THIS SOP TO HUMAN RESOURCES