

On Call Arrangements Policy

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Trust Lead:	Gurprit Supra, Senior People Partner
Board Director Lead:	Clare Teeney, Chief People Officer
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REVIEW DATES AND DETAILS OF CHANGES MADE DURING THE REVIEW

Details of changes made to the policy since the previous version must be clearly identified here or, if significant changes are made, these should be attached as a separate Appendix. If the document is a complete re-write then this must also be documented here.

Section 5.1.2 On-call availability rates updated to reflect annual increases.

KEY WORDS

List of words, phrases that may be used by staff searching for the Policy in PAGL

On-call arrangements

On-call agreement

Compensatory Rest

1 INTRODUCTION AND OVERVIEW

1.1 This document sets out the University Hospitals of Leicester (UHL) NHS Trust's Policy and Procedures for on-call arrangements.

1.2 According to the NHS Terms and Conditions of Service Handbook, the national protection of on-call arrangements ended on the 31st March 2011. In response, The NHS Staff Council decided that all NHS Trusts would locally agree harmonised on-call arrangements for pay to be implemented following this date. This policy details these arrangements and is consistent with the principles set out in Annex A3 of the NHS Terms and Conditions of Service Handbook.

2 POLICY SCOPE – WHO THE POLICY APPLIES TO AND ANY SPECIFIC EXCLUSIONS

2.1 The arrangements detailed below cover all UHL staff employed under the NHS Terms and Conditions of Service Handbook ('Agenda for Change'). A list of on-call schemes covered by this Agreement is listed in Appendix 1.

3 DEFINITIONS AND ABBREVIATIONS

3.1 On call;

Annex A3 of the Terms and Conditions Handbook defines being on call as follows:

'An employee is defined as being 'on call' when, as part of an established arrangement with the Trust, they are available outside their normal working hours – either at the workplace, at home or elsewhere – to work as and when required.'

3.2 Normal Working Hours;

The UHL definition is taken from the NHS Staff Council on-call implementation guidance as follows:

'Normal working hours are those that are regularly worked and/or fixed by contract of employment.'

4 ROLES

An overview of the individual, departmental and committee roles and responsibilities, including levels of responsibility and any education and training requirements.

4.1 Responsibilities within the Organisation

- a) **The Chief People Officer** – the Executive Lead for the Policy and is responsible for the implementation and maintenance of this policy the Board Director Lead
- b) **Line managers** to ensure that all on-call arrangements in place are appropriate and payments are accurate and consistently applied

- c) **ESR Administration team and People Partners** to provide advice and guidance regarding on-call arrangements.
- d) All staff covered by this guidance are responsible for making appropriate pay claims in line with the arrangement set out in this document.

5. POLICY IMPLEMENTATION AND ASSOCIATED DOCUMENTS

5.1 On-call Availability

- 5.1.1 It has been agreed there are nine on-call sessions in a week: one for each of the overnight periods between Monday and Friday and two for each of the weekend days or on public holidays. The actual duration of an on-call session will be determined by the start and finish times of the normal hours in a service area.
- 5.1.2 For each on-call session for which an employee is available to respond to a call, they will be paid at the flat rates detailed below for weekday and weekend sessions and for bank holiday sessions (regardless of their pay band).

Effective from	Weekday and weekend sessions	Bank holiday sessions
June 2014	£17.21	£23.11
April 2015	£17.38	£23.34
April 2016	£17.56	£23.57
April 2017	£17.73	£23.81
April 2018	£18.00	£24.17.
April 2019	£18.20	£24.43
April 2020	£18.50	£24.84
April 2021	£19.05	£25.58
April 2022**	£19.82	£26.61

**From April 2022 the Pathology rate is £20.80 for weekday and weekend sessions.

- 5.1.3 Availability payments will have annual percentage uplifts in line with the annual Agenda for Change percentage pay uplifts.

5.2 Work Done

- 5.2.1 It has been agreed that if an employee is required to work during their on-call session, they are paid at time-and-a-half from the moment that they commence travelling to work, to the time when they are again free to use their time as their own (see the Travel to Work section below for details of travel time payments).
- 5.2.2 Employees who provide a phone-based on-call service are paid at time-and-a-half from the moment that they are contacted about work, to the time when the

call is ended. It has been agreed that the minimum length of time that an employee can be paid for their on-call work is 15 minutes.

- 5.2.3 The exception to payment at time-and-a-half is 'work done' during a bank holiday, which will be paid at double-time.
- 5.2.4 Payment at time-and-a-half and at double-time will be adjusted if compensatory rest is taken as paid time, in which case payment for any 'work done' requiring the compensatory rest should be claimed and paid at half-time or plain time rates only so that the actual cost of 'work done' is not more than time-and-a-half and at double-time. See Appendix 2 section 4.
- 5.2.5 Where it is objectively shown that 'work done' when on call is at a higher band than the employee's substantive banding, then payment for 'work done' would be claimed and paid at the minimum rate of the relevant pay grade.

5.3 Time off in Lieu (TOIL) for Work Done

- 5.3.1 In line with current Agenda for Change arrangements employees can take time off in lieu (TOIL) in place of payment for work done when on call and managers should be proactive in allowing TOIL to be taken. However, if TOIL cannot be taken then employees must be paid appropriately within 3 months of the work being done.

5.4 Public/Bank Holidays

- 5.4.1 If an employee is required to work during an on-call session that takes place during a public holiday, they will be paid at double time in the same way as is described in the Work Done section above.
- 5.4.2 Public/bank holidays in addition to the standard eight public/bank holidays per year will be the subject of local negotiation.
- 5.4.3 Staff on call during a public holiday and where the majority of hours in the on-call period fall within the normal working day will receive a day in lieu, irrespective of work done. The amount of time to be taken is the same as if they had either worked normally that day, or had taken the day as a leave day.
- 5.4.4 TOIL is to be taken at plain (standard) time.

5.5 Travel to Work

- 5.5.1 If an employee must travel to work during their on-call session, their travel time to and from work will be paid for a maximum of 30 minutes each way, and their travel expenses will be paid at the 'reserve' mileage rate for a maximum of 30 miles each way. This travel time payment will be made as per work done and the Public Holidays sections above. The 30 minutes maximum is for all employees, excluding Community Midwives and any service area of the Trust that can objectively justify a slower on-call response time, although the latter should be an exceptional circumstance. This travel time is based on travel from the employee's normal place of residence.

5.6 Compensatory Rest

- 5.6.1 It is accepted that UHL is an excluded service as defined in the Working Time Regulations. This means that if, as a result of being on call, an employee's entitlement to a minimum daily rest period of 11 hours in each 24 hour period cannot be achieved, unpaid compensatory rest will be given as soon as possible.
- 5.6.2 A requirement for compensatory rest can arise where the 'work done' is undertaken as telephone support.
- 5.6.3 Where employees are on call but otherwise free to use the time as their own, this will count towards their minimum daily rest period.
- 5.6.4 See Appendices 2 and 3 for further guidance about compensatory rest.

5.7 Pensions

- 5.7.1 The on-call availability payment is pensionable.

6 EDUCATION AND TRAINING REQUIREMENTS

- 6.1 There is no specific education or training required to implement this guidance document. It is however, required for it to be widely available and understood by all senior CMG management and directorate staff.
- 6.2 This policy must be discussed as part of the local induction programme for those staff in senior CMG management posts and Directors and senior directorate staff.
- 6.3 This guidance will be disseminated via People Services at CMG/directorate meetings.
- 6.4 The Policy will be available on INSite.
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7 PROCESS FOR MONITORING COMPLIANCE

- 7.1 Guidance for managers linked to national terms and conditions.
- 7.2 Compliance monitoring in place through the People Operational Oversight group which reviews implementation of pay changes. Please see table below -

What key element(s) need(s) monitoring as per local approved policy or guidance?	Who will lead on this aspect of monitoring? Name the lead and what is the role of other professional groups	What tool will be used to monitor/check/observe/asses/inspect Authenticate that everything is working according to this key element from the approved policy?	How often is the need to monitor each element? How often is the need complete a report ? How often is the need to share the report?	How will each report be interrogated to identify the required actions and how thoroughly should this be documented in e.g. meeting minutes?
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Levels of usage of on call.	HR Systems Project Faciliator	ESR report showing usage by service and rates	Annual	People Operational Oversight group
Annual review of rates	HR Systems Project Faciliator	ESR report showing usage and rates	Annual	People Operational Oversight group

8 EQUALITY IMPACT ASSESSMENT

- 8.1 The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity and appropriately according to their needs.
- 8.2 As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified.

9 PROCESS FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW

Review details must be described in the Policy and must give details of timescale and who will be responsible for review and updating of the document.

The updated version of the Policy will then be uploaded and available through INsite Documents and the Trust's externally-accessible Freedom of Information publication scheme. It will be archived through the Trust's PAGL system

UHL ON-CALL SCHEMES COVERED BY THIS AGREEMENT**(Schemes identified in 2013)**

Name of Rota
ACU on call
APHERESIS
Aseptic on-call
Bone Bank
Breast Ward on call
Cath Lab On-Call - Technician
Cath Lath On call - Radiographer
Catheter Lab - Nursing
Chaplaincy On-call - main Rota
Chaplaincy On-call - minority faith
Childrens
Clinician 2nd on-call
Communications on-call
CT/MR On call - Glenfield
CT/MR On call - LGH
CT/MR On call - LRI
Echo On-Call
ECMO Coordinator
Emergency Theatre cover
eMEDs
GH-GFD General Surgery theatre
GH-Glenfield Cardiac Surgery
GH-Glenfield Theatres - Recovery
GI Bleed
Interventional Nursing
Interventional Procedures
LGH Critical Care
LGH Recovery
LRI Critical Care
OT and PT Manager on Call Rota
Perfusion
Pharmacy On-call
Physiotherapy Respiratory Roster
PICU Senior Manager on call
Radiotherapy On-call
Renal Technical Rota
Retrieval
Safeguarding on call Rota
Senior Manager - Imaging
Service On-call - Pharmacy
St Mary's birth Centre
Supervisor of midwives
Supervisor of midwives, and safeguarding
Surgical Care Practitioner
Technician on-call - Pharmacy
Transplant Cross-match and Tissue Typing Rota

ON-CALL & COMPENSATORY REST FOR NON-MEDICAL STAFF GUIDELINES

1. Background

- 1.1 The Working Time Regulations provide that adult workers are entitled to a daily rest period of 11 consecutive, uninterrupted hours;
- 1.2 The Regulations also identify special category workers, including hospital workers, whose activities involve the need for continuity of service and provides some flexibility in relation to their daily rest periods.
- 1.3 If a special category worker has to work during what would otherwise be a rest period or rest break, the employer must allow the worker to take 'compensatory rest'.

2. Compensatory rest

- 2.1 The regulations do not specify:
 - how much compensatory rest is sufficient
 - when compensatory rest must be taken
 - payment for compensatory rest
- 2.2 As a result, the following guidelines for compensatory rest generally apply:
 - it must be equivalent to the amount of time that has been lost (e.g. 2 hours worked means 2 hours' compensatory rest), not equivalent to the full rest period
 - it does not necessarily need to be taken out of scheduled working time
 - it ensures adequate rest, not reduced scheduled working time
 - it is unpaid (because it is in lieu of 'work done' which will be paid)

3. Calculating and taking compensatory rest

- 3.1 When a special category worker is on call but not required to be in the workplace, time not spent working can be counted towards a period of rest.
- 3.2 When the rest period between duty periods is greater than 11 hours there will be no requirement to award compensatory rest if the total hours in the rest period, minus the number of hours actually worked when on call, are still greater than 11.

Example: "A" worked Monday 9.00am-5.00pm, was on call Monday night 5.00pm to Tuesday 8.00am and due back on duty at 9.00am Tuesday. "A" was called in at 11.00pm until 2.00am. Rest period (in two parts) is a total of 13 hours (6 + 7), which is more than the 11 hours required so no compensatory rest is required. See Appendix 4, note #1.

- 3.3 Where the total hours in the rest break, minus the number of hours actually worked, are less than 11 then compensatory rest is required. Where the hours worked when on call are paid, compensatory rest taken during scheduled work time will be unpaid, with the hours taken as compensatory rest to be worked at another time (see 4.1 below).

Example: "B" worked Tuesday 9.00am-5.00pm, was on call Tuesday night 5.00pm to 8.00am and due back on duty at 9.00am Wednesday. "B" was called in at 9.00pm until 4.00am. Rest period (in two parts) is a total of 9 hours (4 + 5), which is less than the 11 hours required so "B" is due 2 hours' compensatory rest.

*Compensatory rest should ideally be taken before the beginning of the next duty period, so "B" could start duty on Wednesday 2 hours later (at 11.00am) – See Appendix 4, note #2 or, if taking the break at the start of the next duty period would cause unacceptable disruption to services, the rest should ideally be taken at another time during the same duty period, so "B" could finish 2 hours earlier at 3.00pm – See Appendix 4, note #2
- But in either case "B" will still owe the employer 2 hours' working time (see 4.1 below).*

Alternatively, "B" is not on call again Wednesday night, so "B"'s next rest period is a total of 15 hours, which is the 11 hours rest period required and 2 hours of the 'balance' can count as the compensatory rest required. See Appendix 4, note #3.

Alternatively, "B" is on call again Wednesday night 5.00pm to 8.00am and is unlikely to be called in, so "B"'s rest period is likely to a total of 15 hours, which is the 11 hours required and 2 hours of the 'balance' can count as the compensatory rest required. See Appendix 4, note #3.

Alternatively, "B" is on call again Wednesday night 5.00pm to 8.00am and is called in for 2 hours, so "B"'s rest period is a total of 13 hours, which is the 11 hours required, 2 further hours worked (but not breaching the 11 hours), and the 'balance' of 2 hours can count as the compensatory rest required. See Appendix 4, note #3.

4. Payment

- 4.1 As noted above, compensatory rest is unpaid.
- 4.2 Where compensatory rest is taken during what would otherwise be contracted working hours, the employee will therefore owe the Trust for the hours not worked.
- 4.3 As an alternative to 4.2, compensatory rest taken during what would otherwise be contracted working hours can be paid provided that payment for any 'work done' requiring the compensatory rest is claimed and paid at half-time or plain time rates only so that the actual cost of 'work done' is not more than time-and-a-half or double-time
- 4.4 Line managers need to keep records of when compensatory rest has been accrued, when it is taken, the basis on which it is take (paid or unpaid) and for ensuring that payment claims for 'work done' are correct.

5. Onerous/‘high intensity’ on-call rotas

- 5.1 Compensatory rest is appropriate when on-call rotas mean staff occasionally may not achieve 11 hours of daily rest because of being called out (or possibly undertaking ‘work done’ from home, if working remotely).
- 5.2 Compensatory rest should be managed within existing work patterns, for example by ensuring that the shift following a period on call can be worked flexibly by the person on call to take account of the requirement to take compensatory rest.
- 5.3 If on-call rotas frequently involve staff being called out or undertaking ‘work done’ remotely for significant periods of time (or repeatedly for shorter periods of time) during a single on-call session however, then reliance on ad hoc compensatory rest will not be appropriate and rotas should be organised to provide adequate rest periods, e.g. ensuring staff are not be scheduled to work the next day.

6. Sufficient rest for safe working

- 6.1 Exceptionally, in the event that a member of staff on call call has experienced severe lack of rest, particularly between midnight and 6.00 a.m., with less than 5 hours’ uninterrupted rest, or been involved in a traumatic incident which they consider renders them unfit to undertake their normal duties the following morning, they may need to take further rest before re-commencing work. See Appendix 3, note #4.
- 6.2 Any such further rest will not be counted as sickness absence or as part of annual leave.

ON-CALL AND COMPENSATORY REST FLOWCHART

