

ON-CALL PAYMENT POLICY

Approved by:	Executive Management Committee
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Corporate / Directorate	Corporate
Clinical / Non Clinical	Non Clinical
Department Responsible for Review:	Human Resources
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• Information for:	All staff
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Signature:	Chief Executive
Date:	21 July 2015

Burton Hospitals NHS Foundation Trust

POLICY INDEX SHEET

Title:	On-Call Payment Policy
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Date of Last Review:	May 2015
Reason for amendment:	Minor amendment to terms
Responsibility:	Director of Human Resources
Stored:	Corporate Intranet
Linked Trust Guidelines:	Equal Opportunities Policy Flexible Working Policy Rostering Policy NHS Agenda for Change Terms and Conditions of Service Handbook
E & D Impact Assessed	EIA 283
Consulted	Trust-wide consultation

REVIEW AND AMENDMENT LOG

Version	Type of change	Date	Description of Change
2	amendment	17.05.2012	Minor amendment to time off in lieu on Bank Holidays
3	Addition	May 2015	Addition of 'Rostering Policy' to linked policies

ON-CALL PAYMENT POLICY

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Frequency periods	Normally, the unsocial hours period is split into 9 frequency periods of at least 12 hours as appropriate for the needs of the service. For example, the on-call periods may be 5 frequency periods of evening/night, 4 frequency periods over a weekend and 2 frequency periods within a Public Holiday (please see the definition of a Public Holiday below). The periods will be set out in the local service's on call arrangement.
Fundamental changes	A change of establishment, for example, due to a vacancy freeze or planned increase/reduction.
On-call arrangement	A contractual arrangement between the employer and employee for the employee to be available for on-call work - either at the workplace, at home or elsewhere - and to work as and when required.
On-call work	Work of an urgent or emergency nature which arises outside departmental normal working hours.
Normal individual working hours	Hours which are regularly worked by an individual and/or fixed by contract of employment.
Normal 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.
Superficial changes	A short-term gap in the rota due to sickness, annual leave or job vacancy.
Unsocial hours	Defined by Agenda for Change Terms and Conditions of Service Section 2.
Week	Sunday – Saturday.
Working Time	Time spent working including travel time. Time spent sleeping (either at home or in Trust accommodation at the employee's request) whilst being available for work as part of an on-call arrangement is not working time.

4. DUTIES AND RESPONSIBILITIES

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

- On-call arrangements match service requirements and are reviewed regularly 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 to enable participants to plan;
- The frequency and type of each employee's commitment is equitable;
- All participants in the on-call arrangement are fit for work during and immediately following a period of on-call working;
- To make any changes to frequency of commitment as required;
- To notify pay services of all costs incurred through on-call work to enable staff to be paid correctly.
- To spot check and authorise all payments made for work undertaken whilst on-call.

4.2 It is the responsibility of the employee to 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;
- To adhere to the Trust's normal attendance and absence reporting requirements;
- Where necessary to ensure service continuity, to swap on-call availability with a colleague and inform the appropriate people (e.g. manager, switchboard) of the change;
- To accurately record all instances of work undertaken whilst on-call.

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 normal individual and departmental working hours of a department/service must be determined locally with reference to service need.

5.3 The specific details of each on-call arrangement are to be determined by each department/service with reference to service need.

5.4 All department/service on-call arrangements must be approved by the Directorate senior management team and via the JNC.

- 5.5 All relevant employees are included in their department's/service's on-call arrangements unless they have an approved flexible working arrangement in place in accordance with the Trust's Flexible Working policy, or an existing Occupational Health medically supported exemption. If the head of a department has deemed on-call to be inappropriate for specific individuals / groups of staff within their service this must be agreed via the JNC. Employees may be contracted to work out of hours / or extended working arrangements as an alternative to on-call following agreed via the JNC.
- 5.6 Superficial changes in the rota are expected to be filled by the remaining participants in the on-call arrangements on a short-term basis. Long-term or significant changes to on-call systems will be negotiated via the JNC.

6. AVAILABILITY PAYMENT

- 6.1 Each employee participating in an on-call arrangement will be paid a flat rate fee for being available to undertake on call duties in line with the figures detailed below;

Monday to Friday	£15 per 12 hour on call session
Saturday and Sunday	£20 per 12 hour on call session
Bank Holidays	£25 per 12 hour on call session

EWTD costs are included in the above payments. For on-call sessions of a different length these payments will be paid pro rata.

- 6.2 No payments will be made to staff rostered to undertake on call duties but are unable to do so i.e. absence. Staff who cover for absence / sickness will be paid the availability payment.
- 6.3 The availability payment is paid through Payroll on the next available payment date.

7. PAYMENT FOR CALL-OUTS

- 7.1 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.
- 7.2 Each staff group collectively can choose to claim either for telephone calls as per section 7.3 and receive an automatic minimum payment of 30 minutes for call outs or receive an automatic minimum payment for call outs of 60 minutes but no payment for telephone advice. Minimum payment for call outs includes travelling time. Should a staff group wish to take up this option they should do so by writing to the Director of Human Resources who will be responsible for implementing this. For the sake of clarity staff groups will not be permitted to change their payment options without prior agreement of the Director of Human Resources.

7.3 Telephone Advice

7.3.1 Payment will be made for substantial calls taken by the on-call employee in 15 minute blocks. Substantial calls are defined as calls that take five minutes or more regarding advice and support. A minimum of 15 minutes will be paid for the first substantial call. For example two telephone calls of 10 minutes duration each will result in a payment of 30 minutes.

7.4 Physical Attendance at Work Premises

7.4.1 There will be an automatic minimum payment of 60 minutes for staff groups (Trade Union) who chose not to claim telephone advice allowance and 30 minutes for staff who do claim telephone advice working time for each call out resulting in the need to physically attend work premises. This is inclusive of travelling time. The maximum amount of time claimed will end when the employee is rostered to finish the on-call work unless there would be clinical detriment to the patient.

7.4.2 Where there is more than one call out within the same 30/60 minutes of working time, only one payment will be made.

7.4.3 Any work done in excess of minimum period will be paid in 15 minute blocks and rounded up where necessary.

8. RECORDING AND AUTHORISING WORKING TIME

8.1 All time taken to complete a telephone call or a call-out must be recorded on a timesheet. After the initial 30 minutes, all remaining time must be recorded to the nearest 15 minute blocks. All timesheets must be authorised for payment by the relevant Line Manager.

8.2 Travelling time must be recorded separately on the timesheet.

9. TIME OFF IN LIEU (TOIL)

9.1 Participants in on-call arrangements may choose to take TOIL at plain time rates in accordance with the Agenda for Change Terms and Conditions of Service Section 3, paragraph 3.5. It is preferable that TOIL is taken within 1 month of being worked. However where the TOIL cannot be taken for genuine operational reasons within 3 months of being worked, it must be paid at plain time rates.

10. COMPENSATORY REST

10.1 The requirements of the Working Time Directive and the Agenda for Change Terms and Conditions of Service Section 27 must be adhered to.

10.2 Where the appropriate amount of daily rest has not been possible, the employee is entitled to compensatory rest. Where the next day's normal working hours are necessarily reduced, employees are not expected to make good the hours lost.

10.3 Consideration should be given to the Health and Wellbeing of the member of staff

11. TRAVEL TIME

- 11.1 A maximum of 30 minutes travel time each way (60 minutes in total) will be paid from home to work if travelling is required as part of the call-out. Travel time will only be paid when the appropriate paperwork has been submitted for each call-out.
- 11.2 Travel time will be paid at the same rate as work done when on-call and must be claimed on the timesheet as travel time.
- 11.3 Where call-outs require an employee to travel between work premises, travel time will be classed as work done and must be recorded on the timesheet as part of the time claimed to complete the call-out.

12. TRAVELLING EXPENSES

- 12.1 Travelling expenses will be paid for the journeys from home to work and vice versa up to a maximum mileage of 25 miles each way (50 miles in total), and for any travel required to complete a call-out.
- 12.2 Travelling expenses will be paid in accordance with Agenda for Change under the classifications made in the Agenda for Change terms and conditions handbook for either regular car users or standard car users.

13. HOME TO WORK DISTANCE/TIME

- 13.1 Maximum distances or periods of travel time may be specified by each department/service as appropriate for the needs of that service via JNC at JSPF.

14. ACCOMMODATION

- 14.1 Where an employee is part of an on-call arrangement but is unable to meet the relevant Home to Work Distance/Time requirement, that employee is responsible for arranging and paying for their own accommodation. The Trust does not provide sleeping accommodation for on-call arrangements and will not reimburse the costs of sleeping accommodation.

15. GENERAL PUBLIC HOLIDAYS

- 15.1 The length of a general public holiday is defined by the Section 13 of the Agenda for Change Terms and Conditions of Service as 7.5 hours.
- 15.2 Payment for work done on a general Public holiday is double time.

16. PENSIONABLE PAY

- 16.1 The availability payment is classed as pensionable pay for members of the NHS Pension Scheme, but payments made for work done are not pensionable.

17. CONTACT ARRANGEMENTS AND REIMBURSEMENT

- 17.1 All employees required to participate in on-call arrangements will be provided with the relevant technology to ensure they are contactable (e.g. pager, mobile telephone).
- 17.2 Mobile telephone is the preferred method of contact but where there is no mobile telephone coverage in the employee's home, the Trust will reimburse the costs of any calls made via the employee's landline.

18. IMPLEMENTATION DATE

- 18.1 This Policy will be effective for all on-call arrangements and work done 1 September 2011.

19. PAY PROTECTION/TRANSITION

- 19.1 Pay will be protected if an employee is removed from a still existing on-call rota. However, if an employee is not medically fit, no protection would apply.

20. POLICY MONITORING AND REVIEW

- 20.1 The Director of Human Resources will be responsible for monitoring the implementation of this Policy and will arrange for the process to be periodically audited.