Torbay and South Devon
NHS Foundation Trust

ON CALL POLICY
(H35)

If you require a copy of this policy in an alternative format (for example large print, easy read) or would like any assistance in relation to the content of this policy, please contact the People Hub team on 01803 655754.

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Version:	1.5	**Last Review Date:**	July 2021
Author:	People Hub		
Directorate:	People Directorate		
Approval Route			
Approved By:		**Date Approved:**	
Staff Side		July 2012	
Executive Team		July 2012	
JCNC		6 April 2017	
Links or overlaps with other policies:			

Amendment History

Issue	Status	Date	Reason for Change	Authorised
1.2	Approved	December 2014	General Review No Change	Deputy Director of Workforce & OD
1.3	Approved	April 17	General Review and update to section 1 and removal of reference to pay protection arrangements that ceased in 2012. New policy template and ICO logo.	Deputy Director of Workforce & OD
1.4	Approved	June 2019	General review and audit	HR Advisor
1.5	Approved	July 2021	Updated wording around People Hub Team / logo / Version / date	People Hub

Rapid Equality Impact Assessment

Policy Title (and number)	***On Call Policy***				
Policy Author	Workforce and OD Directorate				
Version and Date (of EIA)	Version 1.4 – June 2019				
Associated documents (if applicable)					
RELEVANCE: Does the aim/purpose of the policy relate to each of the aims of the Public Sector Equality Duty?					
• **Eliminate unlawful discrimination or other conduct prohibited by the Equality Act 2010**					Yes
• **Advance equality of opportunity between people from different groups**					No
• **Foster good relations between people from different groups**					No
SIGNIFICANCE AND IMPACT: Consider the nature and extent of the impact, not the number of people affected.					
Does the policy affect service users, employees or the wider community? (if no, proceed to sign off)					**Yes** ☐ No☐
Does the policy affect service delivery or business processes?					Yes ☐ **No**☐
Does the policy relate to an area with known inequalities (deprivation/unemployed/homeless)?					Yes ☐ **No**☐
EQUALITY ANALYSIS: How well do people from protected groups fare in relation to the general population? ***PLEASE NOTE: Any 'Yes' answers may trigger a full EIA and must be referred to the equality leads below***					
Is it likely that the policy/procedure could treat people from protected groups less favorably than the general population? (see below)					
Age	Yes ☐ **No**☐	Disability	Yes ☐ **No**☐	Sexual Orientation	Yes ☐ **No**☐
Race	Yes ☐ **No**☐	Gender	Yes ☐ **No**☐	Religion/Belief (non)	Yes ☐ **No**☐
Gender Reassignment	Yes ☐ **No**☐	Pregnancy/ Maternity	Yes ☐ **No**☐	Marriage/ Civil Partnership	Yes ☐ **No**☐
Is it likely that the policy/procedure could affect particular 'Inclusion Health' groups less favorably than the general population? (substance misuse; teenage mums; carers; travellers; homeless; convictions; social isolation; refugees)					Yes ☐ **No**☐
Please provide details for each protected group where you have indicated 'Yes'.					
What if any, is the potential for interference with individual human rights? (consider the FREDA principles of Fairness/ Respect/ Equality/ Dignity/ Autonomy)					
N/A					
RESEARCH AND CONSULTATION					
What is the reason for writing this policy? (What evidence/ legislation is there?)					
Clarification of local on call arrangements					
Who was consulted when drafting this policy/procedure? What were the recommendations/suggestions?					
Staff Side & Management					
ACTION PLAN: Please list all actions identified to address any impacts					
Action			**Person responsible**		**Completion date**

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1 Policy Statement

1.1 This policy sets out the arrangements for the remuneration of and the terms and conditions that apply to all on-call undertaken by staff on AfC (Agenda for Change) contracts. This policy replaces the national on-call rules in paras 2.26-2.28 in section 2 and Annex 4 of the AfC Terms and Conditions Service Handbook and any previous Whitley Council arrangements.

2 Purpose

2.1 This agreement documents the local on-call arrangements.

2.2 For all staff covered by this agreement it will form part of their terms and conditions of service.

3 Scope

3.1 This agreement is applicable to members of staff undertaking on-call duties as defined in appendix 1 and below.

3.2 It is a requirement that any service that reviews or introduces an on call system will do so under this agreement.

3.3 This policy is not applicable to staff who transferred from Torbay & Southern Devon Health & Care NHS Trust. These staff will have retained their previous on call arrangements as part of the TUPE transfer.

4 Equality and Diversity Statement

4.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trust will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.

4.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis.

5 On Call Requirement

5.1 Where there is a requirement to undertake on-call duties as part of a service, staff will have an obligation to ensure continuation of that on-call service.

5.2 Staff whose previous arrangements provided for on-call duties to be undertaken on a voluntary basis will under this agreement have an obligation to ensure continuation of that on-call service.

5.3 There will be an expectation that in times of sickness or extended leave staff where able provide appropriate cover for the on-call rota.

6 Definition of On Call

6.1 A member of staff is on-call when, as part of an established arrangement with his/her employer, he/she is available outside his/her normal working hours – either at the workplace, at home or elsewhere – to work as and when required.

6.2 This definition emphasises that the core element of on-call is the agreement to be **available** outside normal working hours.

NHS Staff Council On-Call Implementation Guidance

6.3 The Trust does not consider a 1:1 on call arrangement as appropriate or reasonable. The Trust should not require any one individual to be available outside normal working hours 365 days a year. Where these arrangements exist department managers will be required to review these and identify alternative ways of working

7 Availability Payment

7.1 There will be a standard hourly payment of £1.04 per hour for all bands of staff.

7.2 This will cover the inconvenience of being contactable and available to work, and where appropriate being able to attend work within a given time period. For each on-call service the acceptable response and attendance time will be determined by the service manager, in consultation with the staff involved.

8 Payment for Work Done When Called In

8.1 There will be a minimum period of two hours payment for work done on-call to include travelling time. The full period for payment will be rounded up to the nearest 5 minutes. If a second request for work is received within the initial 2 hour period, both requests will be considered as one period of work, e.g. there will not be a further minimum payment of two hours.

8.2 The period used to calculate payment will start when the member of staff leaves home, and will end when they arrive home. For travelling time, see section 11 below.

8.3 For each on-call service, it will be determined by the appropriate manager what level of seniority/responsibility (i.e. banding) is required to provide on-call cover.

8.4 Where there has been a decision to opt for a ‘generic’ banding required for on-call cover, all staff providing on-call on the same rota will be paid for work done on the same band (which may be higher or lower than their individual substantive band). Where an appropriate job description does not exist to cover the on-call duties a new job description reflecting these duties should be submitted for evaluation through the AfC Job Evaluation scheme.

8.5 Where a generic banding for on call work is appropriate, the manager will determine this band and payment for work done on call will be paid at mid-point of this band at time and a half and double time on a Bank Holiday.

8.6 In those areas where there is a need for on-call services to be delivered by a team and the roles differ in levels of responsibility, then payment will be based at the substantive band paid at their individual incremental point at time and a half and double time on a Bank Holiday.

9 Payment for Work Done By Phone

9.1 For all periods up to 10.00pm and after 7.00am, the availability payment will also cover brief telephone responses, but not giving detailed professional advice over the phone, or resolving problems through a series of phone calls, both of which will count as work done.

9.2 Any phone call between 10.00pm and 7.00am will count as a period of work done.

9.3 There will be a minimum period of 15 minutes for payment for work done on-call by phone, and the full period for payment will be rounded up to the nearest 5 minutes. If a second phone call is received within the initial 15 minute period, both calls will be considered as one period of work.

10 Payment for 'Sleeping In'

10.1 Some groups of employees may be required to 'sleep in' on site or stay nearby (for example if they do not live within the required distance to meet call in time), where this is the case, these employees will only be paid the standard availability payment for being on-call and, in addition, will be paid for any work completed when called into work as described at section 8 above.

10.2 This will be different to those employees who are attending work as part of a normal shift, but who are able to sleep between periods of work.

11 Travelling Time

11.1 Travelling time will be included in the minimum period as detailed in section 8 above. This time starts on leaving home and stops on arriving back home. Where a member of staff needs to attend a site which is not their work base, they will be paid the travelling time from their home to that site.

12 Travel Expenses

12.1 Travel expenses incurred in order to carry out on-call work will be reimbursed in accordance with Agenda for Change terms and conditions of service, for journeys between home and the workplace.

13 Telephone Expenses

13.1 Arrangements for contacting staff on-call, which may include Trust mobile phones, private home phones, private mobile phones, and pagers, will be reviewed locally to minimise cost but maintain convenience. Only additional expenses necessarily incurred by staff will be reimbursed.

13.2 Individual telephone line rental for staff on-call will not be reimbursed by the Trust.

14 Time Off in Lieu (TOIL)

14.1 Where possible, staff should have the option to take TOIL at plain time or receive payment for work done. TOIL should be agreed at department level, but should in most instances be taken as a minimum period of 3 hours or a maximum of 7.5 hours. If TOIL cannot be taken within 3 months, payment should be made.

14.2 Staff who are on-call on a general public holiday ('Bank Holiday') are entitled to a day off in lieu. Alternatively, if public holidays are already included in the total leave entitlement, then that day will not count as a day's leave.

15 Compensatory Rest

15.1 Arrangements for compensatory rest should be clearly defined for each on-call service, whether on-call workloads are high and compensatory rest is routinely necessary, or on-call workloads are generally low and compensatory rest is only occasionally required.

16 Availability Payment during Absence from work

16.1 No payment will be made for on-call availability or payment for work done during an employee's absence from work.

17 Other Arrangements to provide extended service cover

17.1 It is recognised that there will be a requirement for some specialised posts to provide on call cover despite the requirement to seldom attend a call out or provide advice via phone. Where the Associate Director/Head of Service considers this an essential arrangement to provide service cover, there should be an agreed local arrangement.

17.2 This local arrangement is applicable to formal on call arrangements that have an infrequent call out, determined as less than six times per year on average. Any locally agreed payment CANNOT be equivalent to or more advantageous than this Trust Wide agreement.

17.3 Sessional Payments

The facility will be available to be paid an inclusive sessional payment after six months of working this new agreement in full, following the expiry of the transitional pay period.

18 Pensionable Status of On Call Payments

The following is determined by NHS Pensions regulations.

18.1 Availability Payment

Regular payments made in recognition of being available for on-call work where there is a specific rota commitment are pensionable for both whole-time and part-time members. In order to pension this payment a member must have a definite commitment to the rota for which they are paid on a regular basis, i.e. weekly, monthly or annually.

18.2 Payments for Work Done

For whole-time members payments for work done whilst on-call are non-pensionable as they are classed as overtime.

For part-time members payments for work done whilst on-call are pensionable at plain time rates, up to the whole time weekly hours. Hours up to whole time should be credited for pension purposes.

18.3 Pension Protection Arrangements

NHS Pensions acknowledge that some employers previously operating "combined" on call arrangements (where the commitment/availability payment and payment for work done are paid together), may have pensioned the whole amount of this payment for both part time and whole time staff.

Where employers have previously pensioned the whole amount of the payment under this type of arrangement it has been exceptionally agreed in consultation with the Department of Health and NHS Employers that pensions may be protected up to 31 March 2011 only. No further protection will be granted.

19 Training and Awareness

19.1 Advice and support will be provided by the People Hub team to support staff and managers in adhering to this policy and their understanding of dealing with on call agreements.

19.2 The People Hub team will raise awareness of this policy through the publication of information on ICON and to advise staff of changes to the policy through the staff bulletin and ratification processes.

20 References

20.1 Agenda for Change terms and conditions of Service.

21 Contact Details

21.1 Any queries regarding this policy should be directed to the People Hub Team within the People Directorate.

- People Hub Advice Line – 01803 655754 (ext. 55754) or
- Email - tsdft.humanresources@nhs.net

22 Monitoring, Audit and Review Procedures

22.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the People Directorate unless legislative changes determine otherwise.

23 Appendix 1 – Departments Covered by this Agreement

- **Health Informatics Service**
- **Pharmacy**
- **Recruitment & Temporary Staffing**
- **Microbiology**
- **Hospital Management**
- **Cath Lab**
- **Radiography**
- **Transport**
- **Estates**
- **Theatres**
- **Physiotherapy**
- **Mortuary**

It is a requirement that any service that reviews or introduces an on call system will do so under this agreement as per Section 3 of the On Call Policy document.

24 Appendix 2 – On Call Frequently Asked Questions

1. **How was the availability payment of £1.04 per hour calculated?**

   This amount was calculated by looking at the total amount of funding available for on-call payments under Agenda for Change and apportioning this amount between those areas undertaking on call duties.

2. **Is the £1.04 index linked and if not when will it be reviewed?**

   It is not index linked but will be reviewed in line with national pay awards.

3. **How will hours worked on call be recorded?**

   Ultimately we would look for this to be recorded on RosterPro at the current time an alternative system is being devised that will require line managers to complete an electronic monthly form.

4. **Where can I find the On Call Policy?**

   It can be found on ICON under HR policies and procedures.

5. **If I work a bank holiday whilst on call, how much lieu time do I get?**

   Staff who are required to be available on call during a Bank Holiday would be entitled to a day off in lieu (a day being maximum of 7.5hours), this is regardless of any call outs.

   This would be pro rata for part time staff if they are rostered on call on a pro rata basis.

6. **What is the payment for time worked on call during a bank holiday?**

   All staff who are called out on a bank holiday will receive payment at double time for the hours worked.

7. **How does the Generic Banding for work performed whilst on call operate?**

   The generic banding reflects the fact that all staff on call perform work at the same level.

8. **In the new agreement if an individual is part time do they get plain time for hours worked whilst on call, if their total hours are still less than 37.5 hours per week?**

   No the agreement does not differentiate between part time and full time as the hours worked whilst on call are not defined as overtime.

9. **There are some staff who are required to stay on site whilst on call as they do not live within the required distance. Where these staff come on site purely to do on call are they paid for travel?**

   As the first call out is a minimum payment of 2 hours to include any travel time no separate payment for travel will be made.

10. **Can you clarify how the payment for telephone advice applies?**

    Payment regarding telephone calls relates to technical/clinical advice given over the phone, it does not apply to general enquiries.

11. **It I am required to remain on site at short notice to cover an on call duty am I entitled to any additional expenses i.e. subsistence?**

    The agreement does not provide any entitlement to further payment.