

Tees, Esk and Wear Valleys NHS Foundation Trust On-Call Agreement

1. INTRODUCTION

This revised agreement applies to all employees of Tees, Esk and Wear Valleys NHS Foundation Trust, with the exception of medical staff and Executive and Corporate Directors, and replaces the original document (May 2013). This agreement has been reached by local negotiation between the Trust and its staff representatives, is consistent with Annex A3 of the NHS terms and conditions of service handbook and replaces all previous on-call agreements within the Trust.

2. DEFINITIONS AND TERMS

- 2.1** A member of staff is on-call when, as part of agreed established arrangements with the Trust, they are available outside of their normal working hours, either at the workplace, at home or elsewhere, to work as and when required.
- 2.2** All staff that work in an on-call rota must be deemed competent by their manager to perform the work that they are expected to do prior to being included on the rota. Should issues concerning poor performance when on-call be identified these ought to be managed in accordance with the terms of the Capability Procedure.
- 2.3** On-call working may take the form of being called out to attend the workplace and/or being called and giving advice by telephone. Normal working hours are those hours regularly worked and/or stated within a contract of employment. Hours worked as overtime are not classed as normal working hours unless stated in a contract of employment.
- 2.4** An employee required to undertake work when on-call is entitled to receive compensatory rest that is equivalent to the time actually worked when on call. Where the minimum daily rest period entitlement of not less than 11 continuous hours in a 24 hour period can be met there will be no need for compensatory rest to be taken during normal working hours. Where this is not possible an entitlement to take compensatory rest during normal working hours will arise. The timing of the taking of compensatory rest will be agreed

between the employee and their manager and will take into consideration any impact upon the service and staffing requirements in addition to the health and safety of the employee and the Working Time Regulations.

2.5 Locality on-call rota sizes and participants will be determined on a locality basis and details of on-call rotas can be accessed via a shared directory at [T:\Managers On Call Info](#)

2.6 On Call Periods are as follows:

5.00 pm to 9.00 am Monday to Saturday (5 periods)

9.00 am Saturday to 9.00 pm Saturday (1 period)

9.00 pm Saturday to 9.00 am Sunday (1 period)

9.00 am to 9.00 pm Sunday (1 period)

9.00 pm Sunday to 9.00 am Monday (1 period)

9.00 am to 9.00 pm Public Holidays (1period)

9.00 pm to 9.00 am Public Holidays (1 period)

2.7 There is scope for services to use on-call working start and finish times that differ from those listed in paragraph 2.6. However, the total number of on-call working hours within each period shall be equal to the on-call period hours listed in paragraph 2.6. All other times of the working week are classed as normal working hours and employees are not on-call.

3. PAYMENTS

3.1 There are two types of payment related to on-call working and these are an availability payment and a work done payment.

Availability payments

(a) An availability payment is made to reflect availability to be called and is made regardless of whether or not the employee is actually contacted during an on-call period defined in paragraph 2.6. Availability payments will normally be subject to deductions for pensions purposes in accordance with the terms of the NHS Pension Scheme. The schedule of availability payments is as follows:

1 in 3 or more frequent – 9.5% of basic pay

1 in 6 or more but less than 1 in 3 – 4.5% of basic pay

1 in 9 or more but less than 1 in 6 – 3.0% of basic pay

1 in 12 or more but less than 1 in 9 – 2.0% of basic pay

Less frequent than 1 in 12 – £18.00 Mon-Fri) £21.00 (Sat-Sun and public holidays)

Work Done Payments

- (a) Entitlement to a work done payment is triggered when an employee is required to attend the workplace when on-call and/or to provide telephone advice.
- (b) The time spent attending work/logging on/giving telephone advice during a period of on call duty, as defined in paragraph 2.6, shall attract payment at a rate in accordance with paragraph (c) below. The maximum payment period will be the number of hours worked in the on-call period.
- (c) Payment for work done will be at the rate of time and a half of normal pay. Payment for work done on a public holiday will be at double normal pay and employee's who are on-call on a public holiday will be entitled to a day off in lieu regardless of whether they actually carry out on-call duties, in accordance with paragraph 13.4 of the NHS terms and conditions of service handbook.
- (d) Payments for work done by part-time staff, less than whole-time weekly hours, will normally be subject to deductions for pension purposes in accordance with the terms of the NHS pension Scheme.
- (e) An employee can choose to take time off in lieu (TOIL) at plain time rates as an alternative to payment for work done in accordance with paragraph 2.44 of the NHS terms and conditions of service handbook. The timing of taking of TOIL will be agreed between the employee and their manager and will take into consideration the impact upon the service and staffing requirements.

4. TRAVEL TIME

- 4.1** Travel expenses shall be paid in accordance with the Trust Travel Policy and time spent travelling to and from work, when on call, shall be paid at the appropriate work done payment rate.

5. TRANSITIONAL ARRANGEMENTS

- 5.1** The Trust Organisational Change Policy Compensation for Loss of Earnings Short term Protection arrangements may apply though in accordance with Annex A3 of the NHS terms and conditions of service handbook a one off lump sum protection payment can be made to staff whose on-call earnings are reduced.

6. LINE MANAGEMENT RESPONSIBILITIES

- 6.1** On an annual basis, line managers must check that staff within their team who are receiving recurrent on-call payments are being paid correctly.

7. REVIEW

- 7.1** The terms of this agreement shall be reviewed by the Trust's Joint Consultative Committee annually.

Signed:

(on behalf of the Trust)

(on behalf of staff representatives)

Print Name: David Levy

Designation: Director of HR & OD

Date: 21st March 2013 – Reviewed February 2018 signed off by JCC July 2018