

Worcestershire Acute Hospitals Trust

On Call Policy

Department/Service	Human Resources
Accountable Director	Chief People Officer
Date Approved by JNCC	
First Revision Date	
Changes since previous version	
Queries about interpretation and application of policy	wah-tr.hrenquiries@nhs.net
Target Organisation	Worcestershire Acute Hospitals Trust

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As a controlled document, this document should not be saved onto local or network drives and should always be accessed from the intranet.

Originator: Clare Waterman
Approved by: JNCC
Date of approval: 22 nd August 2024
First Revision Due: 22nd August 2027 This is the most current document and should be used until a revised version is in place

Key amendments to this document

Date	Amendment	Approved by:
14 th Dec 23	New document approved	JNCC
22 nd Aug 24	Document amended and approved	JNCC

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What this Policy Covers

The aim of this policy is to set out an affordable, clear, consistent and fair framework for on-call arrangements and payments.

On-call systems are part of arrangements to provide appropriate out-of-hours service cover across the NHS and staff on call are entitled to receive an on-call payment.

The on-call arrangements and payments detailed in this policy have been determined in local partnership with management representatives and union colleagues and are in line with the Agenda for Change principles for harmonised on-call payments and other extended service cover (Agenda for Change Terms and Conditions Handbook sections 2.23 – 2.27 and Annex 29 <https://www.nhsemployers.org/publications/tchandbook>).

This policy applies to all Agenda for Change (AFC) staff required to provide on-call cover and replaces Whitley and other local on-call agreements. The policy excludes medical staff and executive directors.

Principles

In line with the principles of equal pay for work of equal value, this policy has been drawn up to ensure that staff required to be available for work out of normal hours receive fair and equal payment, both in terms of them having to be available and for actual work undertaken when called.

Definitions

On call: A member of staff is on-call when, as part of an established arrangement with their employer, they are available to work outside their normal working hours, either at the workplace, at home or elsewhere.

Normal working hours: Those regularly worked and/or fixed by a contract of employment. Time worked as overtime is not normal work unless an employee's contract specifies a minimum number of overtime hours to be worked.

Overtime: On-call does not apply to staff required to work additional hours immediately after their normal working day as this would be considered overtime.

If an employee is rostered to be on-call and is subsequently required to remain at work as part of their on-call duties, this would attract the appropriate on-call payment.

Paid compensatory rest: this relates to employees being given the equivalent time back where 11 hours continuous rest has not been achieved and not being required to make up the lost hours. This does not relate to an additional financial payment and in cases where compensatory rest is not taken it cannot be claimed as additional pay.

Responsibilities

Executive Directors

The Trust's Directors are responsible for determining which services require an on-call provision and have overall responsibility for ensuring this policy is applied correctly.

Managers

Operational and line managers in each area operating an on-call system are responsible for ensuring that:

- job descriptions detail the contractual requirement to provide on call cover
- the extent of on-call commitment is explained at interview
- they agree an on-call rota that complies with the Working Time Directive and that all staff are aware of their obligations systems are in place for the authorisation and checking of on-call payments
- they specify who is expected to contribute to the on-call rota and that they realise their commitment to frequency of duty, within agreed limits, and extent of responsibilities
- they ensure that affected employees have been notified ideally at least 8 weeks in advance and are aware of their commitment (recognising that there may be times when emergency cover is required for illness or unexpected leave)
- they ensure employees working on call receive appropriate compensatory rest as outlined in this policy.
- they set the time frames for attendance on site, based on clinical need and impact on service, such as delaying discharge
- local arrangements are in place for on-call back-up in case of short notice requirements.

Should any individuals believe that they are unable to meet the requirements of undertaking an on call duty/ role, this should be discussed with their line manager and, where appropriate, a flexible working request can be considered. The manager may seek advice from Human Resources before reaching agreement and guidance may be sought from Occupational Health if required.

Colleagues

- relevant colleagues are aware of how they can be contacted and they have provided up-to-date contact details
- they are contactable and available for their period of on-call duty and they attend/respond within any specified time frames
- they accurately record time spent working in the appropriate way in a timely fashion and forward it to their manager for submission to payroll
- they inform their manager (or nominated deputy) if they are unavailable to be on call through sickness or emergency as soon as practically possible
- they provide an appropriate handover.

Workforce / E-Rostering

- that on-call payments are made in line with this policy
- that on-call payments are uplifted in line with national pay awards
- that any deductions in relation to on-call payments are in accordance with NHS Pensions criteria
- it responds to queries relating to on-call payments, after the employee has discussed any concerns with their line manager in the first instance.

Policy in practice

Payments for on call

On-call payments will be made to staff required to provide on-call cover outside their normal working hours.

Payments will be made based on:

- being available
- actual work undertaken when called, both onsite and off site.

Each department requiring an on-call service will determine locally the on-call period required to provide out-of-hours cover for the service. This should be included in the 'Department Arrangements' document (template in appendix 1).

On-call availability payment

The availability payment 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 employees involved.

Availability gross pay rates will be the same for all employees across all pay bands and departments and based on the following:

- Weekday - £1.40 per hour
- Weekend £2.10 per hour
- Public Holiday £2.80 per hour

Payment for work undertaken

For work (including travel time) as part of on-call duties, the employee will receive a payment at their band at time and a half, with the exception of work on general public holidays which will be at double time. Time off in lieu should be at plain time, i.e. no enhancements would apply. There is no disqualification from this payment for bands 8 and 9, as a result of being called.

For any on call work undertaken there will be a minimum payment of one hour. This will cover work requiring attendance on site including travel time and work undertaken by telephone. If further calls are received and concluded within the same one hour period then only one payment will be payable. The one hour payment period is as stated a minimum and if further calls lead to an employee working in excess of the one hour then payment will be made for the duration of the work undertaken. If the employee is disturbed again at a later point in the on call period a new minimum payment of one hour will apply.

Employees who are called into work during a period of on-call will receive payment for the period they are required to attend, including any travel time. Alternatively, staff may choose to take time off in lieu. However, if for operational reasons time off in lieu cannot be taken within three months, the hours worked must be paid for. Any claims for on-call payments or time off in lieu must be made with 3 months of the period of on-call work.

Employees required to be on call on a public holiday will receive their availability payment and any payment for work undertaken, plus TOIL equivalent to the day they would have worked on the public holiday (e.g. this would be a 7.5 hour day not a whole on-call period of 12 or 24 hours).

Sickness absence and on call

Staff who are absent due to sickness whilst on-call, will not receive a payment for on call.

Any requests to come off an on-call rota for health reasons, for a temporary period or permanently, must be agreed by the line manager with Occupational Health advice. Any return to the rota after a period of absence due ill health must also be reviewed by the manager with Occupational Health advice.

Work undertaken by telephone

On call work may include communicating via text message, WhatsApp and Microsoft Teams calls/messaging to provide thorough updates and share information quickly. Time spent using these methods of communication for on call purposes will be classed as work undertaken.

Arrangements for contacting staff on call, which may include Trust mobile phones, private landline phones, private mobile phones and pagers, will be reviewed by the service manager to minimise cost, but maintain convenience and reliability. A Trust mobile phone or pager will be provided as needed.

Itemised telephone bills, which have business calls highlighted, will be reimbursed at the actual cost of the telephone calls plus VAT. Where a charge is made for an itemised bill, this will also be reimbursed in line with the Trust Expenses Policy.

Telephone line rental will not be reimbursed to employees, but alternative methods of contact will be provided for example a Trust supplied mobile phone.

Work undertaken on site

When an employee is immediately required to return to or to attend work outside their normal hours of duty as part of an on-call arrangement, travel time will be paid for work undertaken from the time they receive the call until they arrive at their work location and from the work location to home, up to a maximum of one hour each way.

If the employee is not required to attend work straight after the phone call and a specific time to attend is arranged, the employee will be paid for the original phone call and from the time when the employee leaves home.

Employees will be able to decide if their attendance at the workplace is required or not, based on their professional judgement, existing protocols and depending on the arrangements made with the manager for dealing with such situations. Any specific response times required by the service must be detailed in the department arrangements form (appendix 1).

Where a member of staff needs to attend a site that is not their work base, they will be paid the return travelling time from their home to that site. This may not be a hospital site and would include a patient's home.

Where an employee remains at work after their on call and does not go home, the return journey will not be paid. Likewise, if someone is already at work before they commence their on call shift, their journey home will not be paid (as this would have been undertaken at the end of their normal working day).

Travel

Mileage: When an employee is required to return to or to attend work outside their normal hours of duty as part of an on-call arrangement, they will be entitled to claim travel expenses for the return journey between home and work.

Travel expenses will be reimbursed at business mileage rates or lease car rate as appropriate.

Departments will clarify the travelling distance or time period within which on-call staff should be able to get to site and provide the rationale for this.

Compensatory rest

Compensatory rest is an equivalent period of rest given following the interruption of the daily rest requirements under the Working Time Directive.

The working time regulations provide for rest periods of:

- 20 minutes after 6 hours work
- 11 hours rest in any 24 hour period
- 24 hours rest in any 7 day period, or 48 hours rest in any 14 day period

Employees should normally have a rest period of not less than 11 hours in each 24-hour period. This rest should be continuous, but can be broken in “special cases” where continuity of service provision is required by the same person. If it is not practicable to take 11 hours because of the contingencies of the service, daily rest may be less, providing the compensatory rest is taken later.

Where a period of 11 hours continuous rest is interrupted by a call, paid compensatory rest should be provided. However, it is recognised that in some emergency situations, compensatory rest may not always be possible.

In circumstances, where on-call employees are scheduled to work the day following a period of on call activity and their 11 continuous hours rest has been disturbed compensatory rest will apply.

The period for compensatory rest will commence when the employee leaves work i.e. the end of the working day. The principle for compensatory rest is that employees are compensated accordingly where they do not achieve 11 hours uninterrupted rest and are compensated accordingly for the hours of rest that they did not receive. If there are multiple calls within an on call period then the compensatory rest is reset to ensure 11 hours compensatory rest (see appendix 2 for examples).

Compensatory rest will be up to a maximum of the hours worked. The compensatory rest period may fall on a working or non-working day. If it falls on a non-working day, staff do not accrue any additional compensatory rest.

Compensatory rest is to support the staff members health and wellbeing and should be utilised to support them in being able to safely carry out their work duties. Ideally the compensatory rest should be taken the following morning to allow reasonable rest before commencing work. Where this can not be achieved the timing of taking compensatory rest must be taken at a time when rotas and the service allow, subject to the agreement of the line manager.

Any specific details around arrangements for taking compensatory rest should be detailed in the On Call Department Arrangements form (appendix 1).

Department Arrangements

Within the principles set by this Policy, departmental on-call arrangements will be specified for each service to reflect the service needs of individual departments. All departmental

arrangements must be in writing and held within each Divisional Management team (see Appendix 1 for template).

The departmental arrangements may include:

- Description of the purpose of the rota.
- Staffing of the rota.
- Duration of on-call, specifying the availability payment period, the start time and end time of on-call periods.
- Rest breaks and Compensatory rest arrangements.
- Arrangements regarding travel, taxis, parking etc.
- Protocol around recording on call activity.

Any departmental arrangements should be consistent with Trust policies. The departmental arrangements should be reviewed on at least an annual basis and must be shared with all employees participating in the on call rota.

Records and monitoring

All periods of on call work time for which staff claim payment/ compensatory rest must be supported by a record of the start and end time and the nature of the work done. Records must be maintained in the manner prescribed by the Trust/ Department and recorded on e-roster.

Part-time employees

Part-time employees may also participate in the on call rota on the same basis as full time staff or on a pro rata basis.

Availability payment rates will be the same for both full- and part-time employees.

Pensions

All availability payments will be pensionable and all payments for work done whilst on call in excess of normal full time hours (including travelling time) will not. This is determined by NHS Pensions instructions.

Review

The on call availability rates will be reviewed each April in line with the Agenda for Change pay uplifts and/or inflation (whichever is greater) in conjunction with JNCC. Recommendations will be submitted to the Trust Management Board (TMB) and Remuneration Committee for approval.

Implementation Plan

This policy will be available on the Trust Intranet.

A policy briefing will be developed for Divisional Management Boards, Directorate Meetings and Worcestershire weekly.

Appendix 1 – On Call Department Arrangements Template

Department Arrangements for the [insert name] On Call

Manager responsible for this rota (name and job title):	
Description of the purpose of the rota:	
Staffing of the rota (to include numbers of staff and job titles):	
Duration of on-call (specify start time and end time of on-call periods):	
Rest breaks and compensatory rest arrangements:	
Arrangements regarding travel, taxis, parking etc:	
Protocol around recording on call activity:	
Review date (12 months from completion unless an earlier review is required):	

Document completed by:

Name:	
Job title:	
Date:	

Appendix 2 – Compensatory Rest worked examples

Example 1

The employee completes their day shift on Wednesday at 17:00 and commences their on-call period. In order to achieve the 11 hours continuous rest between shifts the employee will be required to have received rest up until 04:00 (11 hours from finishing shift at 17:00). If the employee is required to attend the hospital to provide the emergency out of hours service from 23:00 to 01:00 this equates to 2 hours interruption and will require 2 hours compensatory rest. If the employee receives no further interruption they will be entitled to 2 hours compensatory rest, ideally at the start of their shift on the next morning (Thursday).

Example 2

The employee finishes work at 17:00 and is called in to work from 18:00 to 20:00. They receive no further calls/interruptions. They therefore receive 11 hours rest without interruption between 20:00-07:00 and no compensatory rest applies.

Example 3

The employee finishes work at 18:00 but is then called back to work between 23:00-01:00. The employee receives 2 hours compensatory rest for 23:00-01:00 as the 11 hours continuous rest period has been interrupted and the compensatory rest clock is re-set to 01.00hrs. A further call between 04:00-06:00 occurs and the clock is therefore re-set to 06.00hrs and another 2 hours of compensatory rest is given. The employee therefore receives 4 hours compensatory rest.

Appendix 3 - Equality impact assessment



Herefordshire & Worcestershire STP - Equality Impact Assessment (EIA) Form
Please read EIA guidelines when completing this form

Section 1 - Name of Organisation (please tick)

Herefordshire & Worcestershire STP		Herefordshire Council		Herefordshire CCG	
Worcestershire Acute Hospitals NHS Trust	X	Worcestershire County Council		Worcestershire CCGs	
Worcestershire Health and Care NHS Trust		Wye Valley NHS Trust		Other (please state)	

Name of Lead for Activity	Elizabeth Faulkner, Assistant Director HR Corporate Services
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Details of individuals completing this assessment	Name	Job title	e-mail contact
	Elizabeth Faulkner	Assistant Director HR Corporate Services	elizabeth.faulkner@nhs.net
Date assessment completed	29/11/23		

Section 2

Activity being assessed (e.g. policy/procedure, document, service redesign, policy, strategy etc.)	On Call policy within the HR Policy Manual			
What is the aim, purpose and/or intended outcomes of this Activity?	To ensure that policies are inclusive and all staff are treated fairly. To ensure they are not discriminatory, directly or indirectly.			
Who will be affected by the development & implementation of this activity?	x	Service User	x	Staff
	x	Patient	<input type="checkbox"/>	Communities
	<input type="checkbox"/>	Carers	<input type="checkbox"/>	Other _____
	x	Visitors	<input type="checkbox"/>	
Is this:	x Review of an existing activity <input type="checkbox"/> New activity <input type="checkbox"/> Planning to withdraw or reduce a service, activity or presence?			

What information and evidence have you reviewed to help inform this assessment? (Please name sources, eg demographic information for patients / services / staff groups affected, complaints etc.	Feedback from Staff Side and Management Side representatives HR KPIs – demographic of workforce Analysis of employee relations case log Freedom to Speak up Staff Networks PALS
Summary of engagement or consultation undertaken (e.g. who and how have you engaged with, or why do you believe this is not required)	On Call task and finish group (Staff Side and Management Side representatives), Policy Discussion Group, Policy Working Group, JNCC. Each policy is discussed at each of these groups to ensure they are inclusive and non discriminatory.
Summary of relevant findings	The findings are that this policy is inclusive and are non-discriminatory.
Does the content of the policy use inclusive language?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Inclusive language is language that does not exclusively refer to the binary of male and female. Please refer to the document A Guide to Inclusive Language in Policies for further information

Section 3

Please consider the potential impact of this activity (during development & implementation) on each of the equality groups outlined below. **Please tick one or more impact box below for each Equality Group and explain your rationale.**

Please note it is possible for the potential impact to be both positive and negative within the same equality group and this should be recorded. Remember to consider the impact on e.g. staff, public, patients, carers etc. in these equality groups.

Equality Group	Potential positive impact	Potential neutral impact	Potential negative impact	Please explain your reasons for any potential positive, neutral or negative impact identified
Age		X		No specific positive or negative impact identified
Disability			X	The policy covers circumstances where employees can't undertake on call duties due to health conditions.
Gender Reassignment		X		No specific positive or negative impact identified
Marriage & Civil Partnerships		X		No specific positive or negative impact identified
Pregnancy & Maternity			X	Impact of undertaking on call duties whilst pregnant or in the 26 week period following the baby's birth and breastfeeding. Reasonable adjustments can be made in relation to on call duties.

Equality Group	Potential <u>positive</u> impact	Potential <u>neutral</u> impact	Potential <u>negative</u> impact	Please explain your reasons for any potential positive, neutral or negative impact identified
Race including Traveling Communities		X		No specific positive or negative impact identified
Religion & Belief		X		No specific positive or negative impact identified
Sex		X		No specific positive or negative impact identified
Sexual Orientation		X		No specific positive or negative impact identified
Other Vulnerable and Disadvantaged Groups (e.g. carers; care leavers; homeless; Social/Economic deprivation, travelling communities etc.)			X	Potentially negative impact of working on call for staff members with carer responsibilities.
Health Inequalities (any preventable, unfair & unjust differences in health status between groups, populations or individuals that arise from the unequal distribution of social, environmental & economic conditions within societies)			X	Potential negative impact on ability to undertake on call activities due to staff members health status.

Section 4

What actions will you take to mitigate any potential negative impacts?	Risk identified	Actions required to reduce / eliminate negative impact	Who will lead on the action?	Timeframe
	Impact on ability to undertake on call duties due to a staff members disability/ health status.	Advice will be sought from Occupational Health about whether on call can be undertaken from a health perspective and whether any reasonable adjustments need to be put in place.	Line Manager	Occupational Health referral to be made within 48 hours of the staff member identifying the risk.
	Impact of undertaking on call duties whilst pregnant or in the 26 week period following the baby's birth and breastfeeding.	Advice will be sought from Occupational Health about whether on call can be undertaken from a health perspective and whether any reasonable	Line Manager	Occupational Health referral to be made within 48 hours of the staff member identifying the risk.

		adjustments need to be put in place.		
	Potentially negative impact of working on call for staff members with carer responsibilities.	Rotas issued in advance so alternative carer arrangements can be put in place. Staff member to raise any concerns with their line manager.	Line Manager	As and when
How will you monitor these actions?	Staff Stories (People & Culture) Feedback from employees Grievances raised against process MMC/JNCC			
When will you review this EIA? (e.g in a service redesign, this EIA should be revisited regularly throughout the design & implementation)	When policies are amended or new policies included in the HR Policy Manual			

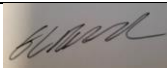
Section 5 - Please read and agree to the following Equality Statement

1. Equality Statement

1.1. All public bodies have a statutory duty under the Equality Act 2010 to set out arrangements to assess and consult on how their policies and functions impact on the 9 protected characteristics: Age; Disability; Gender Reassignment; Marriage & Civil Partnership; Pregnancy & Maternity; Race; Religion & Belief; Sex; Sexual Orientation

1.2. Our Organisations will challenge discrimination, promote equality, respect human rights, and aims to design and implement services, policies and measures that meet the diverse needs of our service, and population, ensuring that none are placed at a disadvantage over others.

1.3. All staff are expected to deliver services and provide services and care in a manner which respects the individuality of service users, patients, carer's etc, and as such treat them and members of the workforce respectfully, paying due regard to the 9 protected characteristics.

Signature of person completing EIA	
Date signed	29/11/23
Comments:	None
Signature of person the Leader Person for this activity	
Date signed	
Comments:	None
Signature of Staff Side Chair	
Date Signed	

Comments:



Supporting Document 2 – Financial Impact Assessment

To be completed by the key document author and attached to key document when submitted to the appropriate committee for consideration and approval.

	Title of Document:	Yes / No
1.	Does the implementation of this document require any additional Capital resources	No
2.	Does the implementation of this document require additional revenue	No
3.	Does the implementation of this document require additional manpower	No
4.	Does the implementation of this document release any manpower costs through a change in practice	No
5.	Are there additional staff training costs associated with implementing this document which cannot be delivered through current training programmes or allocated training times for staff	No
	Other comments:	

If the response to any of the above is yes, please complete a business case and which is signed by your Finance Manager and Directorate Manager for consideration before progressing to the relevant committee for approval