

On Call Agreement

May 2021

Scope

This agreement will apply to those employees of Liverpool University Hospitals NHS Foundation Trust (LUH) covered by Agenda for Change or local pay arrangements from 11th May 2021 and will supersede any and all previous on call arrangements from any site within LUH.

This agreement does not cover residential on call. If it becomes necessary for the Trust to adopt a residential on call system, it is committed to negotiating a residential on call appendix to this main agreement.

The principle underpinning this agreement is that one agreement will apply to all of the relevant Trust employees to ensure fairness and consistency.

Principles	Terms
Definition of On Call & arrangements to be included within the On Call agreement	<p>A member of staff is defined as 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.</p> <p>Remuneration for on call is made up of 2 parts. One part for the availability and the other part for work actually undertaken when required.</p> <p>All rotas will be placed on a register held by Workforce. An established arrangement will therefore be in place where the on call activity is undertaken as part of a registered rota.</p> <p>This on call agreement is applicable to all staff on Agenda for Change where on call arrangements apply.</p>
Equal Pay	<p>The principle underpinning this agreement is that these harmonised arrangements should be consistent with the principles of equal pay for work of equal value. The effect of this is that the agreement provides consistent payments to staff at the same pay band available at the same on call frequency.</p> <p>A relevant equality impact assessment will be undertaken.</p>
Availability Payment	<p>Flat rate payment for a session of £30.83 (gross).</p> <p>An annual uplift will be applied in line with the national pay award. This will be reviewed again in 2 years.</p>
Session	<p>The working week will be split into 9 sessions:</p> <p>Monday – Friday 5pm to 9am</p> <p>Saturday, Sunday & General Public Holidays 9am to 9pm and 9pm to 9am.</p> <p>You will receive a full availability payment for any full or part session worked.</p>

	Sessions will be reviewed as part of the merger & operational alignment, during 2021.
Work Done Payment	<p><u>Work done at the workplace</u></p> <p>For work done at the place of work [including travel time], payment at time and a half of the hourly rate is applicable for the rota worked and double time on general public holidays is applicable for all hours outside of normal contracted time.</p> <p>The minimum rate for work done will be the bottom of Band 6 to reflect the autonomy required for working on call.</p> <p>The definition of “rota” may be broadened to include multiple rotas within a department where the work undertaken is the same.</p> <p><u>Telephone advice</u></p> <p>Work done from home via the telephone or multi-media device will attract an hourly payment at time and a half in line with the on call work done rate.</p> <p>From the point a telephone call is received or a person logs on to a Trust system to provide advice/support remotely, the work done period starts and the individual will receive a minimum of 1 hour’s pay.</p> <p>Example 1: Person on call received one telephone call during their on call Session at 10:01pm and finishes the call at 10:10pm. This would attract a ‘work done’ payment equivalent to one hour.</p> <p>Example 2: Person on call receives a telephone call at 10:01pm which finishes at 10:10pm. They subsequently receive a second telephone call at 10:30pm which finishes at 10:40pm and a final telephone call which starts at 10:50pm and ends at 11:15pm. This would attract a ‘work done’ payment equivalent to two hours.</p> <p>Separate, unrelated calls after expiry of any one hour period will attract a further one hour call out payment for each distinct one hour period. The maximum number of hours for which payment can be made will not exceed the total hours of the on call session.</p> <p><u>Recording of On Call Work Done</u></p> <p>Departmental Managers will be responsible for completing the agreed form/system for logging the on call activity and this will include a declaration by the claimant for payment authorisation.</p> <p><u>Participation in On Call Rotas</u></p> <p>There will be no set timeframe for review of who participates in on call rotas across the Trust, rather these will be reviewed by management in the event of an organisational change within the department/Directorate.</p> <p>Where departments/Directorates necessitate organisational change to change from on call rotas to another out of hours service provision then this will be addressed through the appropriate policies.</p>
Time off in lieu	TOIL at plain time rates will be granted as an alternative to accepting a work done

(TOIL)	<p>payment and will be taken at a mutually convenient time.</p> <p>Staff who for operational reasons are not able to take TOIL within 3 months of the hours worked will be paid in line with the work done agreement above.</p> <p>TOIL cannot be taken for part of the on call hours worked during any one Session. Either TOIL or payment applies, but not a combination of the two. TOIL should only be given if the employee chooses to take it.</p>
Compensatory Rest	<p>The terms and conditions in relation to Compensatory Rest are set out at section 27 of Agenda for Change. Staff who are on call, i.e. available to work if called upon, will be regarded as working from the time they are required to undertake any work-related activity. Where staff are on call but otherwise free to use the time as their own, this will not count towards working time.</p> <p>The norm is that compensatory rest is a period of rest that is the same length as the period of rest lost by working the 'work done' element of on-call. For example if the worker is on call and is called upon to undertake work for one hour, the compensatory rest period is one hour.</p> <p>However, if a worker is called upon to undertake work three times or more after 10:00pm, then the compensatory rest accrued will be calculated from the beginning of the first call after 10:00pm until the completion of the final call.</p> <p>Compensatory rest should, except in exceptional circumstances, be taken at the end of the on call session. Ideally this would be taken at the beginning or end of the next working shift at the agreement of management and the member of staff. In the event that a worker is not rostered to work a shift immediately following a period of on call, then their compensatory rest will be taken at a later date, agreed between the manager and the worker.</p> <p>Exceptional circumstances would include where there is a unique element to the role undertaken by individual which means that they cannot be given compensatory rest during the next working shift. In the situation where exceptional circumstances apply, compensatory rest must be given at the next available opportunity. The worker's manager will have the discretion to determine whether exceptional circumstances apply.</p> <p>Compensatory rest has been well managed through local management discretion for a number of years; in exceptional circumstances where staff believe that compensatory rest is not been appropriately managed, then normal Trust processes for raising concerns should be followed.</p> <p>Compensatory rest should be capped at 7.5hrs per week with managerial discretion to authorise additional compensatory rest if accrued, paid between 10pm - 9am. If compensatory rest accrued is above 7.5 hours, this needs to be raised with Business HR.</p>
Travel to Work	<p>Where attendance at the workplace is required, travel to work will be paid at 'work done' rates agreed for that rota.</p> <p>It will be for local departments/Directorates to agree with staff a maximum time that it is clinically appropriate for staff members to travel in response to a call. This will be recorded on the rota that is registered with Workforce, however is not expected to exceed 1 hour.</p>

	<p>Travelling expenses will continue to be paid in accordance with Section 17 of the Agenda for Change Terms and Conditions of Service Handbook unless the Trust implements future revised terms and conditions.</p>
General Public Holidays	<p>Staff required to work or to be on call on a General Public Holiday are entitled to equivalent time to be taken off in lieu of plain time rates, in addition to the appropriate payment for the duties undertaken.</p> <p>Section 13 of the Agenda for Change Terms and Conditions of Service Handbook identifies the entitlement to general public holidays.</p> <p>Annex A2 of the Agenda for Change Terms and Conditions of Service Handbook states that staff that are required to work more than 60 hours (8x7½ hours) on general public holidays, in the annual leave year, will receive TOIL at plain time rate for all of the hours worked and the appropriate payment for all of the hours worked. The 60 hour threshold will be set on a pro-rata basis for part-time staff eg. if staff were required to work 70 hours per year on public holidays, they would receive 70 hours TOIL, plus the appropriate payment.</p> <p>Staff that volunteer to work more than 60 hours in the annual leave year will receive TOIL at plain time rate up to the 60 hour threshold and the appropriate payment for the duties they undertake. For any time worked over the 60 hour threshold they will receive payment only.</p> <p>Any member of staff who is on call on a public holiday will receive an additional 7.5 hours TOIL. Christmas and Boxing day would accrue 2 x 7.5hrs TOIL.</p>
Pensions	<p>In accordance with Agenda for Change Terms and Conditions of Service Handbook & NHS Pension Scheme, availability payments are pensionable. Work done payments are not pensionable.</p>
Review	<p>This agreement will be reviewed in line with the policy cycle (every 3 years but with the annual uplift reviewed in 2 years) or if the need arises to ensure fitness for purpose. Continuation of the agreement is subject to the availability of appropriate staffing levels on respective On Call rotas to maintain and sustain the viability of these On Call rotas on an on-going basis and the operational requirement for each rota.</p>

Signed:

On behalf of the Trust

On behalf of Staff Side

Print name:

Designation:

Date: