

Northumbria Healthcare NHS Foundation Trust

Agenda for Change Terms and Conditions Agreements for Sign Off

ON CALL

On call

This agreement applies to all staff employed by NHCFT at 01 June 2011 covered previously by Agenda for Change, Local and Whitley based agreements for on call including Advanced Neonatal Nurse Practitioners; All Computer Services Managers and Staff; All Estates Managers and Staff including Electronics Department; All Pathology Services including those providing out of hours service via shift arrangements; Community Midwives; General Managers; Hospital Chaplains; Operational Services Managers; Pharmacy; Physiotherapy; Radiology; Sterile Services Departments; Theatres etc. It replaces all previous agreements. It does not apply to medical staff; Directors or those Deputy Directors who are paid on "spot" salary arrangements. The Trust has decided where there is requirement for employees to work on call/out of hours shifts for service provision cover. On call/out of hours shifts are therefore not a voluntary commitment for employees in these services.

Where staff have not been participating in on call in a department that has confirmed there is a business/clinical need for this service provision, managers should enter into individual consultation with those staff about the requirement to work on call/out of hours shift provision. Where the circumstances for the individual not to work on call/out of hours shift provision are agreed (for example an adjustment recommended by Occupational Health which is deemed reasonable by the line manager; a request for flexible working approved by the line manager under the Trust's Flexible Working Policy); will be subject to regular review.

This agreement is effective from 01 June 2011.

The agreement consists of 3 main parts. Provisions relating to:

- On call availability payments

- Payments for work done during on call periods
- Protection arrangements

The principle underpinning this agreement is that one agreement will apply to all staff across the organisation to ensure fairness and consistency.

Definition of on call

An employee who is required to be available to provide cover outside of their normal working hours will be classed as on call and will be entitled to payment. The payment recognises the availability to provide cover and also any telephone advice given during a period of on call availability. Individual services will be responsible for defining the minimum response time and how on call is delivered ie what staff can and can't do on call.

No telephone rental will be paid. The Trust will provide a business use mobile phone for periods of on call if requested. Individual services will be responsible for determining how business use mobile phones will be allocated in accordance with service need.

On call availability payments

The main aim of an availability payment is that it recognises the inconvenience that being on call causes an employee. On call requires an individual to be available for work at short notice and out of hours. On call availability should not be based on skill or pay band. Availability applies equally to all staff regardless of their pay band. Therefore there is a common availability rate paid to all staff for each period of on call. Payment will be made in arrears with an effective start date of 01 June 2011.

Periods of on call/out of hours shifts

There are 9 periods of on call in a week. Each on call period is based on 12 hours. The length of an on call period may differ in accordance with service configuration. An example is given below:

- 5pm – 9am Monday to Saturday (5 periods)
- 9am – 9pm Saturday (1 period)
- 9pm Saturday – 9am Sunday (1 period)

- 9am – 9pm Sunday (1 period)
- 9pm Sunday – 9am Monday (1 period)

Periods for out of hours shifts are locally determined by managers in those departments eg Pathology Services Haematology and Blood Transfusion; Chemistry.

All other periods of time in the week are classed as normal working hours and therefore staff are not on call.

Rates of payment for each on call availability period

The rate of payment for each on call availability period is £15.00 per occasion (based on a 12 hour period of on call which equates to £1.25 per hour) and will be paid on a proportionate basis where the on call period is less or more than 12 hours. The rate will increase in line with the percentage increase outlined in national pay circulars.

Payments for work done during an on call availability period

In addition to the availability payment, employees who are required to attend work during an on call availability period will receive an additional payment for work done under Agenda for Change for on call. The payment will be in accordance with the Agenda for Change handbook. The payment will be at the normal point on the employee's pay band. Those staff previously covered by the PTA Whitley Council on pay band 5 who were paid at a higher grade for unsupervised work whilst on call, should be paid as a minimum, pay spine point 21 when on call. Any payments for work done will be made in arrears. There is no minimum payment period for work done, this will be paid on the basis of actual time taken to complete the work required.

An employee can choose to take time in lieu at plain time instead of payment. Time in lieu should be taken at a mutually convenient time. If for operational reasons time off in lieu cannot be taken within a 3 month period of the occasion worked, the hours worked must be paid for at the applicable rate.

Payment will be made from the time the employee receives the call to attend the place of work until they return home. Travel time will be paid at the work done rate. The availability payment includes

payment for advice over the telephone. Where such advice is prolonged, either as a result of a single call or multiple calls added together, an employee may claim work done payment. Such claims will be subject to agreement at departmental level by the manager who should give due consideration to the nature of the call(s) and the amount of time spent. Computer Services, Pharmacy and Pathology employees who log on through the Trust's dial-in facilities to the Trust network will also receive payment for work done from the point of logging on to logging off.

Travel expenses will be paid for those staff having to attend work whilst on call at the appropriate rate as per the Trust's travel policy. These expenses are taxable in accordance with HMRC rules. Where the member of staff does not hold a valid driving licence, the Trust will reimburse the cost of a taxi when there is no public transport available to enable them to fulfil the duties during the on call period. The cost reimbursed will be the difference between the cost of their journey by public transport and the cost of the taxi fare. This is also taxable in accordance with HMRC rules.

In recognition of the geographical location of Hexham General Hospital, Pathology staff who remain on site during their on call periods will be reimbursed one return journey (maximum 40 minutes per return journey) at the appropriate work done rate.

Compensatory rest

The Trust will establish a small working group in partnership to look at compensatory rest and a further local agreement will be agreed and issued to give employees and managers appropriate guidance. Existing arrangements will continue until the working group has reached agreement.

Public Holidays and time in lieu

Any member of staff on call on a bank/public holiday is entitled to 7.5 hours time off in lieu of that day irrespective of the number of hours in the on call period.

Pensions

On call availability payment – effect on pension

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 of the NHS pension scheme. It is recognised that there must be some degree of flexibility within an on call rota and in order to pay pension contributions on this payment a pension scheme member must have a definite commitment to the rota for which they are paid on a regular basis.

Payments for work done – effect on pension

For whole time members payments for work done whilst on call are non pensionable as they are classed as overtime in accordance with the NHS Pensions Agency rules and guidance.

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.

Payments during annual leave and sick leave

Payment of on call is included in the Agenda for Change average calculation for sickness and annual leave that is paid by reference to the previous 3 months.

Protection arrangements

Staff in post as at 31 May 2011 and suffering a loss of earnings as a result of moving to these arrangements for on call will receive pay protection. Protection will be paid for any loss over £500.00 per annum at a rate of 50% in Year 1 (01 June 2011 to 31 May 2012) and 25% in Year 2 (01 June 2012 to 31 May 2013). Pay protection will be paid on a monthly basis and will cease if an employee leaves the employment of NHCFT during the protection period. Protection will be based on payments made in February, March and April 2011 salaries.

Employees suffering a loss of earnings as a result of moving to these arrangements for on call can preserve their pension. To do this, staff must apply in writing to the Pensions Team within the Payroll Department as soon as possible in order to fulfil the pension regulation regarding preservation (this must be applied for by Payroll to NHS Pensions within 3 months of the reduction in pay).

Pay protection will not apply to staff commencing in employment with NHCFT on or after 01 June 2011.

This agreement will be reviewed in partnership by the On-call Negotiating Group in January 2012.

Signed:

Ann Stringer	George Barron
Executive Director	Chair
Human Resources and Organisational Development	Staff Side
Date	Date

Agreed at Northumbria Healthcare NHS Foundation Trust Partnership Meeting 16 May 2011.

Final version
16 May 2011