

HR29

On Call Policy Agenda for Change (AfC)

Contents

Sections	Page
1.0 Policy Statement	2
2.0 Definitions	2
3.0 Accountabilities	3
4.0 Policy/Procedure Details:	
4.1 General	4
4.2 Compensatory Rest	5
4.3 Time Off In Lieu (TOIL)	6
4.4 Availability Payment	6
4.5 Payment for Call Outs	7
4.6 Telephone Advice	7
4.7 Remote Working over the Internet	7
4.8 Recording and Authorising Working Time	7
4.9 Travel Time	7
4.10 Travelling Expenses	8
4.11 Home to Work Distance/Time	8
4.12 Accommodation	8
4.13 Pensionable Pay	8
4.14 Holiday/Occupational Sick Pay	8
5.0 Financial Risk Assessment	8
6.0 Equality Impact Assessment	9
7.0 Maintenance	9
8.0 Communication and Training	9
9.0 Audit Process	9
10.0 References	9

Appendices

[Appendix 1 - Examples of frequency periods for on call](#)

1.0 Policy Statement

- 1.1 This policy sets out the Trust's local arrangements for the management and payment of on-call work and applies to the posts of all employees covered by the NHS AfC Terms and Conditions of Service.
- 1.2 It does not cover on-call payment arrangements for Directors, medical and dental posts (as these are covered by their respective national terms and conditions), bank staff or the posts of workers not employed by the Trust. It also does not cover those participating in the Trust Director and, or Management on call rotas as these are covered through local Trust arrangements.
- 1.3 The Trust is aware that there are historical on-call arrangements in place, for low numbers of AfC staff, which are not compliant with this policy. Each of these will be assessed at an appropriate time and wherever possible brought in line with this policy. It is required that any on-call arrangements currently compliant with the policy must continue to be compliant. Any newly introduced on-call arrangements for AfC staff must ensure compliance with this policy.
- 1.4 The Trust is committed to the operation of on-call payment arrangements that are fair, consistent and equitable, in line with the Equality Act 2010.
- 1.5 All aspects of this document regarding potential Conflicts of Interest must refer first to the Conflicts of Interest Policy (OP109). In adhering to this Policy, all applicable aspects of the Conflicts of Interest Policy must be considered and addressed. In the case of any inconsistency, the Conflict of Interest Policy is to be considered the primary and overriding Policy.

2.0 Definitions

Term	Definition
Compensatory Rest	Rest taken later (ideally during the same or following day) to compensate for an interrupted statutory rest break.
Daily Rest	The break between working days in accordance with the Working Time Regulations (WTR). Daily rest is not required to be uninterrupted.
Frequency	Determined by the line manager with reference to the number of individuals included within the on-call working arrangements.
Frequency periods/sessions	The unsocial hours (on-call) period is split into 9 frequency (i.e. on-call) periods of at least 11 hours, as appropriate for the needs of the service. These must be clearly set out in the services' on-call arrangements. For example, the on-call periods may be 5 frequency periods of weekday evening/night, 4 frequency periods over a weekend (covering the day and night) or 2 frequency periods within a Public Holiday covering the day and night (please see definition of a Public Holiday below). The periods will be set out in the local services' on call arrangements.
On-call arrangement	A contractual arrangement between the Trust and the employee, for the employee to be available for on-call work either at the workplace, at home or elsewhere; and to work as and when required.
On-call work	Work of an urgent or emergency nature (in line with department protocols) which arises outside departmental normal working hours.
Standard individual working hours	Hours which are regularly worked by an individual and, or fixed by contract of employment, to a maximum of 37.5 hours per week.
Core departmental	Hours within which the department/service provides its usual services.

working hours	
Overtime	Defined by AfC Terms and Conditions of Service Section 3. This on-call policy does not incorporate any agreement for guaranteed overtime.
Public Holiday	Defined as 00:00 – 23:59 on the relevant date.
Unsocial hours	Defined by AfC Terms and Conditions of Service Section 2. On weekdays the period 20.00 – 06.00 is classified as unsocial hours. Saturdays, Sundays and Public Holidays are all classified as unsocial hours and are defined as the periods 00:00 – 23:59 on the relevant date.
Week	Seven calendar days as set out in the department/service on-call arrangement (usually Sunday to Saturday inclusive)
Working Time	Where an on-call/stand-by arrangement is from home, working time is time spent working . Time spent travelling in relation to on-call work is also working time. Time spent sleeping (either at home or in Trust accommodation) whilst being available for work as part of an on-call arrangement is not working time.

3.0 Accountabilities

3.1 The **Chief Executive** has overall accountability for ensuring compliance with statutory regulations.

3.2 The **Chief People Officer** is responsible for monitoring the implementation of this policy.

3.3 It is the responsibility of the **Line Manager** to ensure that

- on-call arrangements match local service requirements and are reviewed regularly in the light of changing service needs.
- employees understand their contractual obligations in participating in the on-call arrangements.
- the individual has the required level of competence to undertake on-call work.
- the minimum number of on-calls per annum in order an individual remains competent is defined.
- rotas are planned and published sufficiently in advance to enable participants to plan; this must be a minimum of 6 weeks' notice or in accordance with local arrangements, whichever is longer.
- the frequency and type of each employee's commitment is equitable, taking into account of approved flexible working agreements, rostered days off or matters requiring exclusion (e.g. for specific health reasons or reasons linked to the Equality Act 2010).
- in circumstances where an employee is pregnant or has a health condition, for example, a risk assessment is carried out of the employee's on-call duties to ensure that their health and safety needs are considered.
- any concerns associated with an employee's ability or fitness to perform on-call responsibilities are addressed in accordance with the appropriate Trust policy or procedure and their Professional Code of Conduct).
- they are aware of any requirement for compensatory rest immediately after the on-call availability period so that they can arrange cover for that working time as necessary.

- the overall working patterns and rostering templates for the department are developed to take account of on-call work, specifically the requirement to enable adequate compensatory rest (e.g. shift templates may include the rostering of a day off after a period of on-call availability, or not rostering on-call on the night of a rostered day off, etc.).
- departmental rules are agreed, shared and followed regarding the short notice cover of a rostered on-call availability period.
- departmental standard operating procedures are written, shared and followed regarding how the need for compensatory rest is communicated (e.g. phone call, message book, etc.) following an on-call availability period in order that the compensatory rest is not disturbed.
- staff contact details are kept up-to-date and that rota coordinators/relevant others are aware of updated details.
- they adhere to this Policy.

3.4 It is the responsibility of the **Employee** to ensure that

- they are fit for work (in accordance with their professional code of conduct and from a health and safety perspective) during a period of on-call working.
- they ensure their line manager is aware of any requirement for compensatory rest immediately after the on-call availability period so that they can arrange cover for that working time as necessary.
- work to resolve callouts is done by themselves or others at an appropriate time (i.e. during the out of hours period for work requiring urgent resolution, and during the following working day for work that can safely be deferred).
- to resolve a call-out they explore the possibilities of telephone or internet resolution or safe deferment to the following working day, before taking a decision to physically attend Trust premises.
- they adhere to the Trust's normal attendance and absence reporting requirements.
- whilst on call, they are available to attend site within the locally determined time scales.
- they are available and contactable whilst on call.
- they co-operate in ensuring that the service is fully covered out of hours.
- they own their on-call rota commitment once the rota has been set and published, ensuring service continuity by swapping with an appropriate colleague (being mindful of skill mix and training) where they are unable to meet their commitment, and informing the appropriate people (e.g. manager, switchboard) of the change.
- their contact details are kept up to date with the rota coordinator/line manager.
- they adhere to this policy.

4.0 Policy Detail

4.1 General

4.1.1 This policy applies as an overarching framework to all departmental on-call arrangements. Each department/service is responsible for

- determining the standardised individual and departmental working hours with reference to service need.
- determining the skills and abilities required to carry out on-call work and the work to be done during on-call with reference to service need.

4.1.2 Where an on-call arrangement is risk assessed as being unsafe, and the manager of the department or service is unable to restore the quality and safety of the arrangement through volunteers, that manager reserves the right to stipulate the requirement for individuals to participate in the on-call arrangement in order to restore a safe service.

4.2 Compensatory Rest

- 4.2.1 In relation to on-call arrangements, the requirements of the WTR and the AfC Terms and Conditions of Service, Section 27, must be adhered to by all staff and in particular:
- Daily Rest: All adult workers (age 18 and over) are entitled to at least 11 consecutive hours daily rest in every 24-hour period.
 - Weekly Rest: All workers are also entitled to at least 24 hours uninterrupted weekly rest in every seven-day period. The weekly rest period can be averaged over a period of 14 days (e.g. 11 hours in one seven-day period and 35 hours in the following seven-day period).
- 4.2.2 Due to the need to maintain patient care, it may not be possible for an individual to achieve the necessary rest break whilst on-call. In these circumstances, the employee is entitled to compensatory rest equal to the amount of rest that was lost, not the entire rest period. This must be taken within a reasonable period of the interrupted break, ideally during the same or following day.
- 4.2.3 Compensatory rest is a period of rest which is the same length as the statutory rest, or part of the statutory rest, which a worker has missed due to on-call work. If a worker has 11 uninterrupted hours rest (statutory rest) between on-call work and next attendance at work, compensatory rest is not applicable.
- 4.2.4 Where possible, patterns of working must be used to negate the need for compensatory rest.
- 4.2.5 If an employee is required to be on-call but is not called to attend Trust premises or is called in but still satisfies the minimum statutory rest requirements, they will not be eligible for compensatory rest.
- 4.2.6 Compensatory rest may be granted if either:
- An individual's daily or weekly rest requirements (as stated in the WTR) are not met, and, or
 - An individual's sleep is disrupted between midnight and the start of their normal working day by on call work and they require further rest before attending for their next shifts.
- 4.2.7 In circumstances where an individual is entitled to compensatory rest for both of the reasons above, whichever amount is the greatest shall be applied. They must not be added together.
- 4.2.8 Compensatory rest must begin from the time the employee was due to start their shift the following day or 09:00am, whichever is earlier.
- 4.2.9 For staff on call over a whole weekend they will only be entitled to compensatory rest if they
- are rostered to work on Monday.
 - have been unable to take a total of 11 hours rest in any 24-hour period over the weekend and have been unable to take the necessary compensatory rest whilst still on call.
 - have been called out after midnight on the Sunday night.
- 4.2.10 In some circumstances, provided individuals have met the daily and weekly rest requirements of the WTR, they may feel they have had sufficient rest and choose to attend work at the normal time, even if they have had their sleep interrupted. It may also be possible, after discussion with the department manager, that the employee will start their rostered shift early

and finish early, if they are called out shortly before the start of their normal rostered shift.

4.2.11 Managers will need to ensure that arrangements for compensatory rest are suitable for their employees and the needs of their service. Some arrangements will have to be agreed at a local level to ensure they are fit for purpose and do not put staff or patients at risk.

4.2.12 Employees are responsible for accurately recording the time spent working whilst on-call. Managers will need to put in place arrangements to audit or review accuracy to ensure employees are paid correctly.

4.3 Time Off In Lieu (TOIL)

4.3.1 Participants in on-call arrangements may take TOIL at plain time rates, as an alternative to a payment (in accordance with the AfC Terms and Conditions of Service Section 3, paragraph 3.5). TOIL must be taken within 1 month of being worked, unless there are circumstances where with individual and line manager agree to extend this period to a maximum of 3 months. However, where the TOIL cannot be taken for genuine operational reasons within 3 months of being worked, it must be paid at plain time rate. It is the responsibility of both parties to ensure that this is appropriately managed to minimise the operational impact on the service.

4.3.2 Employees who are required to be available as part of an on-call arrangement over a public holiday are entitled to one day's leave back in lieu of the lost public holiday. Where an employee is required to be available for several availability periods over a public holiday, they cannot claim more than one day's leave back. A day's leave is defined as 7.5 hours, pro-rata for part-time employees (i.e. the individual's normal working day) in accordance with Section 13 of the AfC Terms and Conditions of Service. The employee's public holiday entitlement must be reduced by the appropriate amount, and the same amount of lieu time recorded and managed as TOIL.

4.3.3 Where an availability period is covered by several employees over a public holiday, the TOIL they are entitled to is pro-rated to the time they were available, to a maximum of 7.5 hours.

4.3.4 The maximum number of public holidays an individual is entitled to (as leave or TOIL) is capped annually at the number available in that leave year.

4.4 Availability Payment

4.4.1 Each employee participating in an on-call arrangement will be paid a flat rate in recognition of being available to work. This payment is the same regardless of the pay band of the employee, the full time or part time status of the employee or the work done if called-out. The flat rate payable will vary depending on the day of the week (see [Appendix 1](#) for a worked example):

Days	Rate per session
Monday to Friday	£19
Saturday and Sunday	£22
Public Holidays	£25

4.4.2 The availability payment is claimed on a timesheet as and when worked and paid a month in arrears.

4.5 Payment for Call-Outs

- 4.5.1 Employees who are called into work during a period of on-call (regardless of pay band) will be paid in accordance AfC Terms and Conditions of Service Part 2 Section 3. Part-time staff will also be eligible to receive payment for on-call hours worked at the overtime rate regardless of whether they have exceeded the standard hours of 37½ hours a week. General Public holidays will be paid at double time.
- 4.5.2 Payment for calls that require attendance on site will attract a minimum payment of 2 hours. This period will include travel time. If further calls are received and concluded within the same 2-hour period, then only one payment will be payable. The two-hour payment period is as stated a minimum and if further calls lead to an employee working in excess of the two hours, then payment will be made for the duration of the call out. Time worked in excess of the minimum will be paid to the nearest minute.
- 4.5.3 Payment for calls will not exceed the amount of time the employee is rostered to be available for on-call work. The only exception to this maximum is if a call out occurs at the end of the on-call period such that an employee continues to work beyond the end of the on-call session. Payment will then be made for the full extent of this call out period and the 2-hour minimum call out period will apply, irrespective of whether this means total payment due is in excess of the rostered call out period.

4.6 Telephone Advice

- 4.6.1 Any advice given by telephone will automatically be paid at 30 minutes working time for each call out to a maximum of the amount of time the employee is rostered to be available for on-call work. If additional work needs to be done and is concluded within the same 30-minute time period only one payment would be payable. Time worked in excess of the minimum will be paid to the nearest minute.
- 4.6.2 Payment for work will not exceed the amount of time the employee is rostered to be available for on-call work

4.7 Remote Working over the Internet

- 4.7.1 Any work done remote over the internet will automatically be paid at 30 minutes' working time for each call out; to a maximum of the amount of time the employee is rostered to be available for on-call work. If additional work needs to be done and is concluded within the same 30-minute time period only one payment would be payable. Time worked in excess of the minimum will be paid to the nearest minute.
- 4.7.2 Payment for work will not exceed the amount of time the employee is rostered to be available for on-call work

4.8 Recording and Authorising Working Time

- 4.8.1 All time an employee is required to be available for work and all time taken to complete a call-out must be recorded on a timesheet. All timesheets must be authorised for payment by the relevant line manager.

4.9 Travel Time

- 4.9.1 Travel time to and from work will be classed as work done and must be recorded on the timesheet as part of the time claimed to complete the call-out.

4.9.2 Where callouts require an employee to travel between work premises (i.e. between Trust sites), travel time will be classed as work done and must be recorded on the timesheet as part of the time claimed to complete the call-out.

4.10 Travelling Expenses

4.10.1 Travelling expenses will be paid for the journeys from home to work and vice versa, and for any travel required to complete a call-out. Travelling expenses will be paid in accordance with normal Trust rules and rates.

4.11 Home to Work Distance/Time

4.11.1 In order to ensure that employees are able to attend the site within a reasonable time period, appropriate to the requirements of the service, each department may specify maximum distances or periods of travel time as part of the requirement for meeting the on-call commitment.

4.12 Accommodation

4.12.1 Where an employee is part of an on-call arrangement but is unable to meet the relevant home to work distance and time requirement, that employee is responsible for arranging and paying for their own accommodation. The Trust does not provide sleeping accommodation for on-call arrangements and will not reimburse the costs of sleeping accommodation. This requirement may be varied in exceptional circumstances, subject to approval by the Deputy Chief Operating Officer or equivalent Head of Department.

4.13 Pensionable Pay

4.13.1 The availability payment is classed as pensionable pay for members of the NHS Pension Scheme, but payments made for work done (including travelling time) are not pensionable.

4.14 Holiday/Occupational Sick Pay

4.14.1 The treatment of on-call payments (availability or payment for work done) in respect of their inclusion as part of holiday and, or occupational sick pay will continue to be determined in accordance with current arrangements as determined by WTR and/or AfC requirements.

5.0 Financial Risk Assessment

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

6.0 Equality Impact Assessment

An initial equality analysis has been carried out and it indicates that there is no likely adverse impact in relation to Personal Protected Characteristics as defined by the Equality Act 2010.

7.0 Maintenance

This policy and procedure will be reviewed in the light of changing employment needs, amendments to national terms and conditions, employment legislation or any joint regional agreements. Any future proposed changes will be through engagement of the Operational Workforce Group, JNC and People and Organisational Development Committee.

8.0 Communication and Training

This policy is located under the Human Resources Policies and Procedures listing on the Trust Intranet site.

9.0 Audit Process

Criterion	Lead	Monitoring method	Frequency	Committee
Fair and equitable pay rates for on-call availability/work done.	HR Policy Lead	Review of pay rates – benchmarking across the region	Policy review date	People Committee

10.0 References - Legal, professional or national guidelines

NHS Agenda for Change Terms and Conditions of Service Handbook which can be accessed via this link on the NHS Employers website:

<http://www.nhsemployers.org/your-workforce/pay-and-reward/agenda-for-change/nhs-terms-and-conditions-of-service-handbook>

Part A - Document Control

Policy number and Policy version: HR29 v4.0	Policy Title: On Call Policy Agenda for Change (AfC)	Status: Final		Author: Senior HR Manager Chief Officer Sponsor: Group Chief People Officer
Version / Amendment History	Version	Date	Author	Reason
	1	February 2012	C Marshall	New Policy
	2.0	May 2018	D Locke	Policy Review
	2.1	May 2021	D Locke	Extension applied to policy
	2.2	October 2021	D Locke	Extension applied to policy
	2.3	May 2022	Head of Workforce	Extension applied to policy
	2.4	June 2022	Head of Workforce	Extension applied to policy
	2.5	Nov. 2022	Head of Workforce	Extension applied to policy
	2.6	March 2023	Head of HR Advisory	Extension applied to policy
	2.7	July 2023	Head of HR Advisory	Extension applied to policy
	2.8	Nov. 2023	Head of HR Advisory	Extension applied to policy
	2.9	August 2024	Head of HR Advisory	Extension applied to policy
3.0	November 2024	Senior HRM	Policy Review	
Intended Recipients: All staff undertaking Agenda for Change (AfC) on-call (i.e. who are required to work on-call in addition to their normal working days/shifts) and their managers.				
Consultation Group / Role Titles and Date: Staff Side lead				
Name and date of Trust level group where reviewed		Joint Negotiating Committee – January 2025 Trust Policy Group – January 2025		
Name and date of final approval committee		Trust Management Committee – January 2025		
Date of Policy issue		February 2025		
Review Date and Frequency (standard review frequency is 3 yearly unless otherwise indicated – see section 3.8.1 of Attachment 1)		January 2028 (then every 3 years)		
Training and Dissemination: Standard policy update communications route/Intranet. No training required.				

<p>Publishing Requirements: Can this document be published on the Trust's public page:</p> <p>Yes</p> <p>If yes you must ensure that you have read and have fully considered it meets the requirements outlined in sections 1.9, 3.7 and 3.9 of OP01, Governance of Trust-wide Strategy/Policy/Procedure/Guidelines and Local Procedure and Guidelines, as well as considering any redactions that will be required prior to publication.</p>	
<p>To be read in conjunction with: NHS Agenda for Change Terms and Conditions of Service HR13 Supporting and Managing Staff Attendance at Work Policy HR17 Implementation of the Working Time Regulations HR25 Expenses Policy</p>	
<p>Initial Equality Impact Assessment (all policies): Completed Yes Impact assessment (as required): N/A If you require this document in an alternative format e.g., larger print please contact Policy Administrator8904</p>	
<p>Monitoring arrangements and Committee</p>	<p>People Committee</p>
<p>Document summary/key issues covered This policy sets out the Trust's local arrangements for the management and payment of on-call work and applies to the posts of all employees covered by the NHS AfC Terms and Conditions of Service.</p>	
<p>Key words for intranet searching purposes</p>	<p>On call On-call AfC Agenda for Change TOIL Time of in lieu WTR Working Time Regulations</p>
<p>High Risk Policy? Definition:</p> <ul style="list-style-type: none"> • Contains information in the public domain that may present additional risk to the public e.g. contains detailed images of means of strangulation. • References to individually identifiable cases. • References to commercially sensitive or confidential systems. <p>If a policy is considered to be high risk it will be the responsibility of the author and chief officer sponsor to ensure it is redacted to the requestee.</p>	<p>No</p>

Appendix 1

Examples of frequency periods for on call

Typical week (please note these are examples only; other session start and finish times will apply)

Day	Sessions	Availability Payment	Work done payment
Sunday	8am to 8pm 8pm to 8am	2 sessions paid at Weekend rates	AfC overtime rate paid
Monday	6pm until 8am	1 session paid at weekday rates	AfC overtime rate paid
Tuesday	6pm until 8am	1 session paid at weekday rates	AfC overtime rate paid
Wednesday	6pm until 8am	1 session paid at weekday rates	AfC overtime rate paid
Thursday	6pm until 8am	1 session paid at weekday rates	AfC overtime rate paid
Friday	6pm until 8am	1 session paid at weekday rates	AfC overtime rate paid
Saturday	8am to 8pm 8pm to 8am	2 sessions paid at Weekend rates	AfC overtime rate paid

Week with Bank holiday falling mid-week (please note these are examples only; other session start and finish times will apply).

Day	Sessions	Availability Payment	Work done payment
Sunday	8am to 8pm 8pm to 8am	2 sessions paid at weekend rates	AfC overtime rate paid
Monday	6pm until 8am	1 session paid at weekday rates	AfC overtime rate paid until midnight and then Bank holiday AfC overtime rate paid from midnight until 8am
Tuesday - Bank Holiday	8am to 8pm 8pm to 8am	2 sessions paid at Bank holiday rates	Bank holiday AfC overtime rate for all hours
Wednesday - Bank Holiday	8am to 8pm 8pm to 8am	2 sessions paid at Bank holiday rates	Bank holiday AfC overtime rate for all hours worked that fall within bank holidays and then normal AfC overtime rate for midnight to 8am on Thursday
Thursday	6pm until 8am	1 session paid at weekday rates	AfC overtime rate paid
Friday	6pm until 8am	1 session paid at weekday rates	AfC overtime rate paid
Saturday	8am to 8pm 8pm to 8am	2 sessions paid at weekend rates	AfC overtime rate paid