Unsocial Hours and On Call Agreement

This agreement is effective from 1st October 2011 and covers On Call working for those staff covered by Agenda for Change within Wirral University Teaching Hospital NHS Foundation Trust (WUTH).

This collective agreement supersedes all other on call agreements for Agenda for Change staff within the Trust and is drawn up using the Principles for Harmonised On-call Arrangements in Annex A3 of the NHS Terms and Conditions of Service Handbook.

The agreement is consistent with the principle of equal pay for work of equal value.

Agreement has been reached as set out in the bulleted points and detailed information below:

- Implementation date – 1st October, 2011
- A flat rate of £21 per on-call session (working week will normally be split into 9 sessions)
- Whilst On-call, the payment for work done (including travel time) Monday to Sunday will be paid at time and a half, with the exception of work on contracted Public Holidays which will be paid at double time
- In some areas RRP will apply (in accordance with the Trust’s local RRP criteria) e.g. Pharmacy, Sonographers
- Consultation continues in a small number areas where there are hybrid on-call/shift arrangements e.g. Labs
- For those staff who may be detrimentally affected by this change, transitional arrangements will apply - Transition payment of 75% for 6 months (1st October, 2011 – 31st March, 2012); Transition payment of 50% for 6 months (1st April, 2012 – 30th September, 2012); Transition payment of 25% for 6 months (1st October, 2012 – 31st March, 2013). The transitional arrangements are on the basis that employees continue to take part in the existing on-call / shift arrangements at the new rate.

Letters are currently being sent to staff who this impacts.

Definition of on-call

A member of staff is on-call when, as part of an established arrangement with the Trust, he/she is available outside his/her normal working hours – either at the workplace, at home or elsewhere – to work as part of the on call service.

There are 2 types of on-call commitment, however the majority of staff will be covered by a):
(a) at home ready to be called out to undertake work at the work place or provide advice over the phone;
(b) at work ready to undertake work

Work done will include telephone advice.

Duties of on-call staff

The details of the duties of on-call staff will need to be agreed locally in partnership for each department and for each group of staff involved.

Compensatory Rest

Individuals will receive compensatory rest for work done, where necessary, in accordance with Section 27 of the NHS Terms and Conditions of Service Handbook. Where the pattern of work does not significantly alter after the implementation of this agreement, then existing arrangements for compensatory rest may continue.

Travel Expenses

Travelling expenses will be paid in line with the Trust’s Travelling Expenses.

Public Holidays

Covering an on call period on a Public Holiday will attract a day in lieu in accordance with paragraph 14.4 of the NHS Terms and Conditions of Service Handbook, irrespective of work done.

On Call sessions

The working week will normally be split into 9 sessions, but this can reduced where agreed locally to deal with different work patterns. The periods to be covered by on call will also need to be agreed locally.

Remuneration

The remuneration for on-call is made up of two parts. One part is for the commitment (availability) to take part in the service and the other part for work actually carried out (work done).

All on-call payments will be pensionable in accordance with the NHS Pensions Agency Regulations. This means that Regular payments made in recognition of being available for on-call work where there is a specific rota commitment are pensionable for both wholetime and part-time members. To be eligible for this, the member of staff must have a definite commitment to the rota for which they are paid on a regular basis i.e. weekly, monthly or annually. For whole-time members payments for work done whilst on-call are non-pensionable. 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.

Where staff on call need to contact another member of staff not on duty or on call for support or advice, then the other member of staff will receive the appropriate on call payment for work done (e.g. telephone advice).

Costs of living uplifts. These availability payments will attract a cost of living uplift in line with National agreements.
Remuneration for commitment (availability)

There are two types of availability:

1. At home ready to be called out to undertake work at the workplace or provide advice over the phone.
2. Required to be at work ready to undertake work or give advice. (It has been agreed that there are currently no services that operate a true Residency On-call Service within the Trust).

Availability payment (at home ready to undertake work). This will consist of a flat rate payment per session regardless of Band. This payment will be £21.00.

Remuneration for work done

The guiding principle should be that payment for work done should be consistent with the principles of equal pay for work of equal value.

Payment for work done (including travel time) Monday to Sunday will be paid at time and a half, with the exception of work on contracted Public Holidays which will be paid at double time (section 2.45 & 3.1 of Agenda for Change Terms & Conditions).

Minimum Payment/travel time on commencement of work (including advice given over the telephone) - a minimum payment of 1 hour at the appropriate rate will be paid, with actual time to be paid for work undertaken beyond the first hour.

Each period of work will be deemed to have finished when the member of staff finishes the work and has either left the workplace or has signed off on the work being done.

Travelling time home will continue to be paid. Any further calls will be regarded as a fresh call out. If a further call is received before the completion of the earlier call, then that will be regarded as an extension of the earlier call.

Staff have the option to take TOIL, rather than payment for work done, but this can only be with the agreement of the member of staff. It must be agreed in advance with the manager and must be in line with paragraph 3.5 of the NHS Terms and Conditions of Service Handbook. This cannot be taken as part of a session; either TOIL or payment will apply but not a mix.

Local Rolled Up payments

It is recognised that the way in which services are delivered is likely to change in future and e.g. technology may allow individuals on call increasingly to undertake work from their home rather than be recalled to their place of work. In recognition of these type of situations, it will be open to Divisions / Directorates to agree in partnership prospective rolled up arrangements for recognising such work, e.g. a single payment based on audited activity during an agreed previous period is used to calculate a combined availability and payment for work done for the subsequent period. These arrangements will need to be subject to regular review. The calculations must be based on the rates set out in this agreement and auditable activity levels, and will need to make explicit which, if any, elements would be pensionable.
Transitional arrangements

Transitional arrangements are needed to cover the movement of staff from current to future on call and out of hours payment systems. It is not pay protection but it provides a system to support staff in the changes in pay with regards to on-call and out of hours work, which has been protected nationally since 2004. It will be paid in addition to basic salary as a supplement for all sessions worked either as on call or unsocial hours (that were previously subject to a protected local agreement). As it will be paid for the session worked and is unrelated to the individual working it, it will be payable for all such sessions.

- Unsocial hours - For any session covered by the current protected agreement, a rate of payment will be calculated. A similar calculation for the same session under the AfC Unsocial Hours payments will be made for each pay point on the scale covered by staff on that rota. Transitional pay will be paid as a percentage of the difference between the two.

- On Call - Rates for each session under the present protected on call agreement will need to be calculated from the current protected agreement. Where there are currently separate rates for on call availability and work done then a rate for each will be calculated. For sessional payments it will need to be agreed locally how these are split between availability and work done based on previous on call records. Transitional payments will then be paid as a percentage of the difference between those amounts earned under the new local on call agreement and those under the previous system. This will again be paid for each session of on call.

Where staff have been working on an on call / unsocial hours agreement, then the agreed transition rates are as set out at the beginning of this document:

- Interim arrangement to be extended until 30th September, 2011
- Transition payment of 75% for 6 months (1st October, 2011 – 31st March, 2012)
- Transition payment of 50% for 6 months (1st April, 2012 – 30th September, 2012)
- Transition payment of 25% for 6 months (1st October, 2012 – 31st March, 2013)

The transitional arrangements are to cover the movement of staff from current to future payment systems. It is not pay protection but it provides a system to support staff in the transition who have previously been protected nationally since 2004. Changes to working practices would be covered by the Trust’s Pay Protection Policy.

For avoidance of doubt this agreement covers all staff who are remunerated under an Unsocial Hours Local Agreement. This include those areas that have historically been termed ‘On-call agreements’ when they are operating as a Shift Systems e.g. Blood Sciences.

The transitional arrangements assume that the employee continues to take part in the on call service. If the employee ceases to be part of the on call service then no transitional payments will be paid. In some circumstances it may be appropriate to pay a proportion of the transitional payments, where the commitment significantly alters.

Monitoring

This agreement will be monitored and reviewed in partnership following 12 months of
operation.