

**HUMAN RESOURCES DIRECTORATE
PAY AND EMPLOYMENT UNIT**

Chief Executives of HSC Bodies¹;

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Your Reference: **HSC (JNF) (8) 2011**

13 September 2011

Dear Colleagues

**AGENDA FOR CHANGE: HSC ON CALL ARRANGEMENTS -
IMPLEMENTATION DATE 1 OCTOBER 2011**

1. This Circular applies to all staff on Agenda for Change terms and conditions of service who provide on-call cover.
2. Circular HSC (JNF) (4) 2011 issued on 15 March 2011 extended protection for existing on-call arrangements to 30 June 2011 and Circular HSC (JNF) (5) 2011 issued on 4 July 2011 further extended protection for existing on-call arrangements to 30 September 2011, this was to allow time to develop new on-call arrangements for the HSC.
3. At its meeting on 18 August 2011, the Regional Joint Negotiating Forum reached a collective agreement for new on-call arrangements. These new on-call arrangements have been developed in partnership and agreed by the Joint Negotiating Forum under the Health and Social Care partnership working arrangements.

¹ The Health and Social Care Board, HSC Trusts, the Public Health Agency, the Business Services Organisation, the Northern Ireland Blood Transfusion Service Agency, the Northern Ireland Guardian ad Litem Agency, the Northern Ireland Practice & Education Council for Nursing, Midwifery & Health Visiting (NIPEC), the Northern Ireland Social Care Council (NISCC), the Patient & Client Council, the Northern Ireland Regulation and Quality Improvement Authority and the Northern Ireland Medical and Dental Training Agency (NIMDTA)

4. The new on-call arrangements at Appendix 1 take into account the twelve guiding principles developed by the NHS Staff Council and reflect the provisions of the National Agenda for Change Agreement as set down in the NHS Terms and Conditions of Service Handbook. The content of this Circular has been agreed with locally recognised trade unions.

Implementation Date

5. The implementation date for these new on-call arrangements will be 1 October 2011.

Transition Arrangements

6. There will be a transition period from 1 October 2011 to 31 March 2012 for staff who suffer a detriment in relation to on-call availability payments as a result of the implementation of these new arrangements. During the transition period relevant staff will continue to receive a payment equivalent to that of their former scheme (based on actual on-call periods undertaken during the transition period) until such times as the new rates exceed the former rates or until 31 March 2012 whichever is sooner.

Arrangements From 1 April 2012

7. From 1 April 2012 all relevant staff will be paid on the rates applicable for the new on-call arrangements; "mark time" arrangements will not apply.

Action

8. HSC employers should ensure that staff on Agenda for Change terms and conditions of service who provide on-call cover receive payments in line with these new arrangements.

Enquiries

9. Enquires about the contents of this Circular should be directed to the Pay and Employment Unit of the Human Resources Directorate, Room D1, Castle Buildings, Upper Newtownards Road, Belfast, BT4 3SJ, telephone 028 90522832, email; p&e@dhsspsni.gov.uk.
10. Employees should direct personal enquiries to their employer or their trade union.

Further Copies

11. Copies of this Circular can be obtained from the Department's website at www.dhsspsni.gov.uk/index/publications. A copy of the NHS Terms and Conditions of Service Handbook (which includes at Annex 3 the agreed Principles for harmonised on-call arrangements) can be downloaded from the NHS Employers website at:

http://www.nhsemployers.org/sitecollectionDocuments/afc_service_handbook_aw_010708.pdf.

Diane Taylor.

DIANE TAYLOR
Director of Human Resources

INTRODUCTION AND PURPOSE

1. Circular HSC (JNF) (8) 2011, Appendix 1 applies to all staff on Agenda for Change terms and conditions of service who provide on-call cover.
2. In order for the Health and Social Care in Northern Ireland to provide appropriate services to the population it serves, and maintain a safe and secure environment for its staff, there will be requirements for certain groups of staff to provide an on-call service or extended service cover.
3. The new arrangements set out in this agreement will be introduced from 1 October 2011 and covers situations in which staff are required: -
 - a) To be part of an on-call arrangement covering time outside normal rostered duties, or
 - b) To be part of a standby arrangement, or
 - c) to sleep in on work premises.
4. These arrangements take into account the twelve guiding principles developed by the NHS Staff Council (in Annex A3 of the NHS Terms and Conditions of Service Handbook) and reflect the provisions of the Agenda for Change agreement as set down in the NHS Terms and Conditions of Service Handbook.
5. When receiving a request to attend clients' homes or Trust premises outside the normal working hours for their service, staff should ensure that the Lone Worker safety arrangements for their service are followed. If in doubt staff should discuss this with their manager.
6. Similarly, staff requested to attend premises that will be unoccupied should be on their guard against bogus callers (whether in person or on the telephone) and adopt suitable safety precautions.

SCOPE

7. These arrangements apply to all relevant staff excluding Medical and Dental Staff and Senior Executive Staff employed in the Health and Social Care.

ON CALL ARRANGEMENTS

8. The HSC operates a number of on-call arrangements under which designated groups of staff are rostered to be available for work outside the normal working hours for their service to cover health and social care. These may be through locally or centrally determined on-call rotas. In each case, the appropriate Manager will be responsible for the organisation of the on-call arrangements and for ensuring these are sufficient to meet the needs of the service.
9. A member of staff is on-call when, as part of an established arrangement with his/ her employer, he/she is available outside his/her normal working hours either at the workplace, at home or elsewhere to work as and when required.
10. Staff who have a specific roster commitment to be on-call outside the normal working hours for their service will be eligible to receive an on-call availability allowance which will recognise their availability to provide such cover. Part-time staff will receive the same on-call availability allowance per period of on-call as full time staff.
11. All staff required to undertake on-call commitments are required to be able to make their own way (normally by their own car) to and from the required locations.

12. All staff required to be on-call shall ensure that they are available to actually report for duty if required and always remain contactable. They will therefore need to ensure that they are within a reasonable travelling distance from their base of work and that they have not engaged in any activity which would limit their availability to drive to work or affect their ability to carry out their duties if required.

13. Managers will regularly monitor the on-call arrangements to ensure that they provide the most appropriate level of service required and that the system is both fair to the individuals participating and cost effective.

ON CALL PERIODS

14. The on-call period in each week should be divided into nine (9) periods of at least twelve (12) hours. In relation to the five periods covering weekdays (Monday to Friday inclusive), the period will cover the time between the end of one working day and the start of the next for that service. The weekends will be split into four equal 12 hour periods with the start and finish times set by the normal working hours for the service. A public holiday will be treated like a weekend with each public holiday split into two equal 12 hour periods. In this way, the combined normal working days and on-call periods will cover the whole year.

15. Staff who are covered by an on-call arrangement will be given a copy of the details – including hours of on-call and responsibilities - by their Manager and must ensure they are able to meet their commitments e.g. staff on-call must remain contactable by a known telephone number and remain available for work throughout the on-call period.

ON-CALL AVAILABILITY ALLOWANCE

16. Staff will be paid an availability allowance of £23 for each on-call period of at least twelve (12) hours. This allowance will be reviewed annually in line with annual pay awards.

STAFF CALLED INTO WORK IN AN ON CALL PERIOD

17. Staff who are called into work during a period of on-call will receive a minimum payment of 2 hours, including travelling time, for the first call out. For subsequent calls (outside this two hour period) and within the same period of on-call, staff will be paid for the actual call out time rounded up to the nearest 15 minutes.

18. Staff who do work off site (by telephone or other electronic means) will be paid a minimum payment of 1 hour for the first call. Actual time will be paid for subsequent calls, outside the 1 hour period and within the same period of on-call, rounded up to the nearest 15 minutes.

19. Payment for work done will be in line with the NHS Terms and Conditions of Handbook; time plus a half with the exception of work done on general public holidays which will be at double time.

STAND BY ARRANGEMENTS

20. Stand by is to provide a staff presence on premises but allows such staff to rest except when required to carry out emergency work. This is outside of the rostered working week. The local Manager will be responsible for the organisation of the stand by arrangements and for ensuring these are sufficient to meet the needs of the service.

21. There is no availability allowance payable to staff on stand by. Staff who are standing by on premises will be paid the minimum wage hourly rate of £5.93 (£6.08 from October 2011) for hours of standing by. Any emergency work carried out during the stand by period will be paid at the normal rate for the job based on a minimum payment of 1 hour for the first call and actual time for subsequent calls (outside the 1 hour period) rounded up to the nearest 15 minutes. Staff will not receive the standing by minimum hourly rate (£5.93) and payments for work done for the same hours within the stand by period.

SLEEPING IN ARRANGEMENTS

22. A further group of staff have “sleeping-in” arrangements, where they sleep on work premises but are seldom required to attend an incident during the night.

SLEEPING IN PERIODS

23. The “sleeping in” periods will cover 11 p.m. to 7 a.m.

SLEEPING IN ALLOWANCE

24. A sleeping in allowance of £30 will be paid for each period of sleeping in undertaken. This allowance will be reviewed annually in line with annual pay awards. Hours of wakefulness within the sleeping in period will be paid at the minimum hourly rate of £5.93 (£6.08 from October 2011). Any emergency work carried out during the sleeping in period will be paid at the normal rate for the job based on a minimum payment of 1 hour for the first call. Actual time will be paid for subsequent calls, outside the 1 hour period and within the same sleeping in period, rounded up to the nearest 15 minutes. The sleeping in allowance is not payable to staff who are on rostered night duty.

WORKING TIME REQUIREMENTS

25. In all cases if a call-out occurs any time after midnight and before 6 a.m. staff, if rostered to work the following day, must agree the appropriate compensatory rest with their line manager to ensure compliance with Regulations 10/11 of the Working Time Regulations (Northern Ireland) 1998.

TRANSITION AGREEMENT

26. The implementation date for these new on-call arrangements will be 1 October 2011. There will be a transition period from 1 October 2011 to 31 March 2012 for staff who suffer a detriment in relation to on-call availability payments as a result of the implementation of these new arrangements. During the transition period relevant staff will continue to receive a payment equivalent to that of their former scheme (based on actual on-call periods undertaken during the transition period) until such times as the new rates exceed the former rates or until 31 March 2012 whichever is sooner.

27. From 1 April 2012 all relevant staff will be paid on the rates applicable for the new arrangements; "mark time" arrangements will not apply.

AGREEMENT

28. These on-call arrangements have been endorsed by the Joint Negotiating Forum under the Health and Social Care partnership working arrangements.