

On-Call Policy

W28

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1 Policy On a Page

- 1.1 This policy sets out the Trust's local arrangements for an affordable, clear and consistent framework for on-call work and payment under the national framework of Agenda for Change. The requirement for on-call arrangements is determined by each individual department and implemented by the departmental manager to deal with service related issues in line with our need to provide patient services.
- 1.2 The Trust is committed to the operation of contractual on-call arrangements and payment systems that are fair, consistent and equitable.
- 1.3 This policy applies to the posts of all employees covered by the Agenda for Change Terms and Conditions of Service
- 1.4 The Availability Payment rates as of December 2021 are set out below:

	Category of On-Call Availability		
	Standby	Available from Home	Resident On-Call at the Workplace
Payment per 12 hour availability session	£4.13	£16.50	£20.63
Payment per hour of availability session	£0.34	£1.38	£1.72

- 1.5 Payment for full time and part time employees will be made at **time and a half** of the role carried out when on-call, except for public holidays which will be paid at **double time** (see section 8 for more details).

2 SCOPE

- 2.1 This policy applies to the posts of all employees covered by the Agenda for Change Terms and Conditions of Service, regardless of pay band. It does not cover on-call payment arrangements for Directors, medical and dental posts, bank staff or the posts of workers not employed by the Trust.
- 2.2 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's 'Equality and Diversity' Policy. Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, or those whose first language is not English.

3 DEFINITIONS

- 3.1 On-call work and availability On call is defined as a member of staff being designated as a specific point of contact to deal with service related issues often of an emergency nature. It is a contractual arrangement between the Trust and the employee, for the employee to be available for on-call work of an emergency nature outside core departmental working hours -either at the workplace, at home or elsewhere - and to work during this time as and when required.
- 3.2 Compensatory Rest Rest taken later (ideally during the same or following day) to compensate for an interrupted statutory rest break. Please see section 10.
- 3.3 Daily Rest The break between working days in accordance with the Working Time Regulations. Please see paragraph 10.2.
- 3.4 Frequency periods The unsocial hours period is split into 9 frequency periods per week. These would typically be of between 10 – 15 hours in length as appropriate for the needs of the service. For example, the on-call periods may be 5 frequency periods of weekday evening/night, 4 frequency periods over a weekend and 2 frequency periods within a Public Holiday (please see the definition of a Public Holiday below). Each services on call arrangement should specify the length, start and finish times for its frequency periods
- 3.5 Standard individual working hours. Hours' which are regularly worked by an individual and fixed by contract of employment, to a maximum of 37.5 hours per week.
- 3.6 Core departmental working hours Hours' the department/service provides its usual services.
- 3.7 Overtime Defined by Agenda for Change Terms and Conditions of Service Section 3. This on-

call policy does not incorporate any agreement for guaranteed overtime. On call does not apply to staff required to work additional hours immediately after their normal working day as this would be classed as overtime.

3.8 Resident On-Call

Physically at work ready to be called out to undertake work (where the service need is such that time cannot be allowed for travel between home and the workplace).

3.9 Standby

A requirement for staff to be carrying out their normal duties at the workplace, and at the same time ready to undertake on-call work.

3.10 Unsocial hours

Defined by Agenda for Change Terms and Conditions of Service Section 2. Unsocial hours on weekdays are the period 20.00 – 06.00..

Saturdays, Sundays and Public Holidays are all classified as unsocial hours and are defined as midnight to midnight. Where public holidays fall on a weekend, see Annex 25 of Agenda for Change for more information.

3.11 Week

Seven calendar days as set out in the department/service on-call arrangement (usually Sunday - Saturday inclusive).

3.12 Working Time Where an arrangement is **defined as On-Call or Standby** (please see 3.1 and 3.8 above), working time is time spent working. Time spent sleeping whilst being available for work as part of one of these on-call arrangements **is not** working time.

Where an on-call arrangement is defined as resident on-call (please see 3.7 above), working time **is** both times spent sleeping and time spent working.

Time spent travelling in relation to on-call work is also working time.

4 RESPONSIBILITIES

4.1 It is the responsibility of Operational and line managers to adhere to the policy and ensure that:

- On-call arrangements **match service requirements** and are reviewed in the light of changing service needs.
- Employees understand their **contractual obligations** in participating in the on-call arrangements.
- The **skill level** required in order to be competent for on-call working is defined.
- The minimum number of on-calls per annum in order an individual remains competent is defined.
- The **quality and safety** of the on-call service is maintained, On Call rotas, are published ideally 3 months in advance in order that staff are clear when they are

expected to work and can plan their work life balance and flexible working commitments.

- The frequency and type of each employee's **commitment is equitable**, taking account of approved flexible working agreements, rostered days off or matters requiring exclusion (in accordance with 6.2 or 6.3 below).
- All participants in the on-call arrangement are **fit for work** (in accordance with their Professional Code of Conduct and Trust attendance rules) during and immediately following a period of on-call working.
- Employees are aware of any requirement for **compensatory rest** (in accordance with section 10) immediately after the on-call availability period so that they can arrange cover 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 **standard operating procedures** are agreed, shared and followed regarding:
 - the short notice cover of a rostered on-call availability period
 - when the member of staff is on leave
 - how compensatory rest is communicated (e.g. phone call, message book), following a period of on-call, in order that compensatory rest is not disturbed.
- Exclusion from on call as a result of an employee not being available such as ill health is discussed with the employee to determine the reason and agreement is made as appropriate and kept under review.

4.2 It is the responsibility of employees to adhere to this policy to:

- Ensure that they are **fit for work** (in accordance with their Professional Code of Conduct and Trust attendance rules) during and immediately following a period of on-call working.
- Ensure that their line manager is aware of any requirement for **compensatory rest** (in accordance with section 10) immediately after working on-call.
- Follow the Trust's normal **attendance and absence** reporting requirements.
- Follow the Trust's normal expectations in terms of timeliness.
- Ensure that work to **resolve call-outs** 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)
- Ensure that 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;
- **Own their on-call rota commitment** once the rota has been set and published, ensuring service continuity by swapping with a colleague where they are unable to meet their commitment, and informing the appropriate people (e.g. manager, switchboard) of the change;
- Ensure they discuss with their line manager at the earliest opportunity if they are unavailable for on call duties, due to ill health or for other reasons (see 6.2). Employees should follow their local departmental arrangements for reporting sickness absence.

- **Work flexibly** with their line manager to ensure the service is adequately staffed over certain periods such as Bank holidays e.g. Christmas and New Year.

5 POLICY into PRACTICE

- 5.1 The work carried out when an individual is on-call is a task within (or part of) their full role. It is not expected to be the full, daytime role.
- 5.2 The department must develop and maintain its own Standard Operating Procedure for on-call arrangements in accordance with Appendix 2.
- 5.3 The normal individual and departmental working hours of a department/service must be determined locally with reference to service need.
- 5.4 Within the nine frequency periods set out in this policy, each department/service must determine the time periods that their specific on-call service will cover in accordance with service need.
- 5.5 Where a manager considers it to be beneficial for service need that a frequency period is split between several members of staff (e.g. over the Christmas period), they may take the decision to do this after discussion with staff.
- 5.6 Whether or not an on-call arrangement is required is determined by the workload of the relevant department/service.
- 5.7 This policy applies as an overarching framework to all departmental on-call arrangements. However, the skills and abilities required to carry out on-call work and the work to be done during on call are to be determined by each department/service with reference to service need.
- 5.8 Where an on-call arrangement is risk assessed as being unsafe for the service being delivered, and the manager of the department/service is unable to restore the quality and safety of the arrangement through volunteers, that manager reserves the right to require individuals to participate in the on-call arrangement as on call is a contractual responsibility.

6 PARTICIPATION IN ON-CALL ARRANGEMENTS

- 6.1 Where an on-call arrangement is required by a department/service, the manager of the service will specify the type of rotas that are required and the minimum numbers of participants.
- 6.2 It is a contractual requirement that all employees of a service/department are automatically included in its on-call arrangements unless they have a written variation of contract excluding them from the on-call element of their role because of an agreed flexible working agreement, for specific health reasons or reasons linked to the Equality Act 2010.
- 6.3 In certain circumstances (e.g. where an employee is pregnant or has a health condition) it will be necessary to carry out a risk assessment of their on-call duties to ensure that their health and safety needs are considered.

6.4 An individual can swap their on-call availability commitments with colleagues under the following conditions:

6.4.1 They have worked a minimum number of on-call duties (to be specified by the department/service) to ensure they remain competent to carry out on-call; **and**

6.4.2 Their manager may monitor the number of swaps and take action to restrict swaps (e.g. where an individual is considered to be working excessive hours); **and**

6.4.3 Once swapped, the on-call availability period is owned by the new individual and they take responsibility for covering it, as necessary.

7 AVAILABILITY PAYMENT

7.1 Each employee participating in an on-call arrangement will be paid a flat rate per hour. This will be pro-rated to the length of their department's availability period, in recognition of being available to work. This applies whether they are:

7.1.1 Available and ready to be called out to undertake work (On-Call).

7.1.2 Carrying out their normal duties at the workplace and ready to undertake on-call work (Standby).

7.1.3 Physically present at work ready to be called out to undertake work (Resident On-Call).

7.2 There is a different rate of payment for On-Call, Standby and Resident On-Call availability, recognising the different levels of commitment that these arrangements bring.

7.3 Within each category of availability, the rate of availability payment is the same for all participants regardless of the pay band of the individual, the full time or part time status of the individual or the work done if called-out.

7.4 Where tiered on-call systems are required, the availability payment will remain the same, regardless of the tier of on-call.

7.5 **The Availability Payment rates as of December 2021 are set out below:**

	Category of On-Call Availability		
	Standby	Available from Home	Resident On-Call at the Workplace
Payment per 12 hour availability session	£4.13	£16.50	£20.63
Payment per hour of availability session	£0.34	£1.38	£1.72

The Trust can guarantee an annual review of on-call availability payments by the Executive Team when the pay review body publishes its findings, with consideration of a pay rise subject to the Trust's financial position and its ability to meet the test of affordability.

- 7.6 The availability payment is claimed on a timesheet and paid a month in arrears.
- 7.7 The availability payment is the same regardless of day of the week and is not enhanced for availability on Saturdays, Sundays or general public holidays.
- 7.8 During periods of absence the employee is unavailable for work and therefore is not entitled to receive the availability payment.
- 7.9 On occasion an individual's normal working day may be unexpectedly extended slightly into their on-call frequency period due to the needs of the service (e.g. Theatre overruns). In this case, the individual will be paid at the appropriate overtime rate for their extended working day. Additionally, the on-call availability payment will be paid. The department/service must resolve any operational implications in order to cover emergencies that may arise during the period the individual is unavailable for on-call.
- 7.10 On call and overtime: On occasion an individual may be asked to carry out overtime and at the same time be available for on-call. In these circumstances, the individual will be paid the on-call availability payment and at the appropriate overtime rate for any overtime worked. Should the individual receive a call-out, their overtime payment will cease, and they will be paid at the appropriate payment rate for the call-out. Once the call-out is complete the individual will be paid at the appropriate overtime rate for any remaining overtime work carried out. The department/service must resolve any operational implications that may arise.

8 PAYMENT FOR CALL-OUTS

- 8.1 Payment for full time and part time employees will be made at **time and a half** of the role carried out when on-call, except for public holidays which will be paid at **double time**.
 - 8.1.1 Where the individual is carrying out their own role when on-call, the exact rate of payment will be their own normal Band and pay point.
 - 8.1.2 Where the individual's current pay point is below the pay band of the on-call role than the minimum pay point of the higher band should be used.
 - 8.1.3 Where the individual is carrying out a specific role (not their own role), when on-call the following applies:
 - 8.1.3(i) Where the specific role is paid at any Band higher than the individual's current pay Band, the exact rate of payment will either be the first pay point of the higher band or, if that is not higher than the employee's normal pay point, one pay step above the individual's own normal pay point.
 - 8.1.3(ii) Where the specific role is paid at a Band lower than the individual's current pay Band, the exact pay point to be paid will be specified by the Department. Or Where the specific role is paid at any Band lower than the individual's current pay Band the rate of payment should be no lower than the maximum pay point of the Band below.

- 8.2 An automatic payment of 30 minutes working time will be paid for each call-out, plus travelling time, whether the work done is physically on Trust premises, over the telephone or on the internet.
- 8.3 Working time begins when the individual receives the call notifying them of the issue, and ends either at the end of the 30 minute period or when the individual ceases to work on that issue (whichever is the longer).
- 8.4 If work associated with a call-out continues past the minimum call out time, payment will be made for the actual time worked.
- 8.5 For telephone work, where further calls are received during one 30-minute period, they do not attract additional payments of 30 minutes. Where further calls are received outside a 30-minute period, a new 30-minute period will begin.

9 RECORDING AND AUTHORISING AVAILABILITY AND WORKING TIME

- 9.1 All time an employee is required to be available for work must be recorded on a timesheet.
- 9.2 All time taken to complete a call-out must also be recorded on a timesheet. All timesheets must be authorised for payment by the relevant line manager.
- 9.3 Courtesy calls (calls which notify the individual that they need to be aware that some emergency work may occur) are not classed as working time. Where a courtesy call system is used, working time does not begin until the individual receives the call confirming that they are required to commence work.
- 9.4 Travelling time must be clearly recorded as such on the timesheet.

10 TIME OFF IN LIEU (TOIL)

- 10.1 Participants in on-call arrangements have the **right to make a request for TOIL** at plain time rates instead of being paid for call-outs, in accordance with the Agenda for Change Terms and Conditions of Service Section 3, paragraph 3.5. If the TOIL can be accommodated by the service/department, it must be rostered and ideally be taken within 1 month of accrual. However where the TOIL cannot be taken for genuine operational reasons within 3 months of being worked, payment must be made at the rate applicable to when the work was done.
- 10.2 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 timers (the individual's normal working day) in accordance with Section 13 of the Agenda for Change Terms and Conditions of Service. The employee's public holiday entitlement should be reduced by the appropriate amount, and the same amount of lieu time recorded and managed as TOIL.
- 10.3 Where an availability period is covered by several employees over a public holiday, the TOIL time they are entitled to is prorated to the time they were available, to a maximum of 7.5 hours.

10.4 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.

11 COMPENSATORY REST

11.1 In relation to on-call arrangements, the Trust requires that all staff adhere to the requirements of the Working Time Directive and Section 27 of the Agenda for Change Terms and Conditions of Service – specifically:

- **Daily Rest**

All adult workers are entitled to at least 11 consecutive hours daily rest in every 24-hour period. Young workers (those aged under 18) are entitled to a consecutive rest period of not less than 12 hours daily rest in every 24-hour period.

- **Weekly Rest**

All workers are also entitled to an uninterrupted weekly rest period of 35 hours (including the eleven hours of daily rest) in each seven-day period. Where this is not possible, they should receive equivalent rest over a 14-day period, either as one 70-hour period or two 35 hour periods.

11.2 The Working Time Directive recognises that in a health setting, due to the need to maintain patient care, it may not always 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.

11.3 Compensatory rest is paid when it falls on a day an individual is rostered to be at work. In these circumstances there will be no detriment to an individual's normal pay because of taking compensatory rest.

11.4 Where an individual has a rostered day off immediately after a period of on-call, this will be used for compensatory rest. In these circumstances, compensatory rest is unpaid. Compensatory rest is not to be carried over until the next working day after a rostered day off.

11.5 In some circumstances, it may be possible for the individual to achieve the necessary daily or weekly rest within the on-call availability period. In this case, no additional compensatory rest is required.

11.6 Each service/department is responsible for detailing the practical arrangements for compensatory rest in their Standard Operating Procedure.

11.7 Where an employee has been unable to achieve the necessary daily or weekly rest within the on-call availability period, they must take the appropriate amount of compensatory rest within a reasonable period – ideally during the same or following day. If this is not possible line managers must discuss with their employee the next available time to take the compensatory rest. It is important that the individual takes account of their personal health and safety and their professional obligations in relation to compensatory rest. The requirement for compensatory rest and the timing of that rest must be discussed with the employee's manager in accordance with the department/service's Standard Operating Procedure.

11.8 Management guidance on the Trust's approach to compensatory rest is available and must be read in conjunction with this policy.

12 PAYMENT FOR TRAVELLING TIME

12.1 Travelling time is only payable for physical attendance at work premises. Actual travelling time may be claimed up to the maximum travelling time specified by each department/service as appropriate for the needs of that service.

12.2 If an employee is required to travel between work premises, during on call, travelling time will be paid at the same rate as on-call work done and must be recorded on the timesheet as part of the time claimed to complete the call-out.

12.3 Travelling time between home and work will be paid for any journeys that are undertaken as a result of a call-out. Travelling time will not be paid for home to work journeys that are part of an individual's normal working day (e.g. where an employee remains in work following a call-out and carries out their normal working day, their work-to-home journey at the end of the day is normal daily travelling and will not be paid as on-call travelling time).

12.4 Travelling expenses will be paid for the journeys from home to work and vice versa, and for any travel required as part of a call-out.

12.5 Travelling expenses will be paid in accordance with normal Trust business mileage rates.

12.6 Home to base mileage may be taxable in accordance with Inland Revenue guidelines.

12.7 Employees with lease cars will incur an additional tax liability when claiming any home-to-base mileage, including on-call mileage. Prior to making any claims, it is recommended that lease car users contact Pay Services or HM Revenue & Customs directly for the most up to date guidance.

13 HOME TO WORK TRAVEL TIME

13.1 Maximum periods of travel time must be specified by each department/service as appropriate for the needs of that service and would be expected to be within 30 minutes.

14 ACCOMMODATION

14.1 The Trust will provide free accommodation where the department requires a resident on-call scheme.

14.2 The Trust may provide free accommodation where an individual's home to work travel time is greater than the department's specific requirements for on-call attendance.

14.3 Free accommodation may also be provided in exceptional circumstances, with the prior agreement of the relevant Director and the Workforce Director.

14.4 Where an individual chooses to sleep in Trust accommodation although 15.1, 15.2 or 15.3 do not apply, they must pay standard Trust accommodation fees.

15 PENSIONABLE PAY

- 15.1 For members of the NHS Pension Scheme the availability payment is classed as pensionable pay. Payments for work done are pensionable at single time up to a maximum of 37.5 hours, and non-pensionable thereafter.

16 CONTACT ARRANGEMENTS AND ASSOCIATED REIMBURSEMENT

- 16.1 Contact arrangements for individuals who are on-call will be agreed by the department/service, taking account of cost-effectiveness, mobile network coverage and the needs of the service. It is expected that the normal contact arrangements will be via mobile phone or pager, although in exceptional circumstances the manager has the right to reimburse other contact arrangements where this is necessary due to network coverage or service need. The Trust will pay the charges associated with any contact arrangements that it supplies and reimburse the cost of any calls made on personal telephones. Claims must be made on the Trust's expenses form.

17 TRAINING NEEDS

- 17.1 There is no mandatory training associated with this guidance. If staff have queries about its operation, they should contact their line manager in the first instance.

18 REVIEW PROCESS

- 18.1 This document will be reviewed as necessary in line with changes in legislation, Agenda for Change terms and conditions, the needs of the service or best practice.
- 18.2 In order that this document remains current, any of the appendices to the policy can be amended and approved during the lifetime of the document without the document strategy having to return to the ratifying committee.

19 EQUALITY IMPACT ASSESSMENT (EQIA)

- 19.1 This policy applies equally to all staff employed under the Agenda for Change terms and conditions of employment and does not discriminate positively or negatively between protected characteristics. The equality impact assessment notes that those with caring responsibilities, disabilities and religious beliefs and, and those who live in rural areas, may be impacted by working on call and reasonable adjustments will be made to accommodate this.

20 PROCESS FOR MONITORING COMPLIANCE

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings
All payments being made through the payroll in relation to on-call are within the scope of this policy.	Payroll reports	Payroll Services Manager	6 months	Remuneration Committee Workforce Committee Finance committee
Management implementation of policy	Payroll audit of timesheets incorrectly completed / authorised	Payroll Services Manager	Monthly	Annually to Operational People Group

21 References

NHS Agenda for Change Terms and Conditions of Service Handbook: available from Trust Intranet.

22 Associated Documentation

Equality Act 2010

Appendix 1

Minimum Content of Local Standard Operating Procedures

Under the auspices of the overall Trust On-Call Policy, each service/department requiring an on-call arrangement is required to develop its own local Standard Operating Procedure (SOP).

The pay and conditions of individuals participating in on-call arrangements are determined by Trust On Call Policy. It is the responsibility of the departmental manager to develop and maintain this SOP to deliver their service.

Managers will work with staff, and their staff side representatives, to discuss and develop their department's SOP. The SOP is the responsibility of the line manager to finalise in the best interests of the service.

The local SOP must be developed in accordance with the Trust's overall On-Call Policy, in particular Section 4 'Responsibilities', and contain *as a minimum*:

This Standard Operating Procedure describes the local arrangements for on-call provision for the following service:	
Date of Issue:	

Definitions and Descriptions	
The normal working day is:	
For this service, on-call arrangements are required to cover the following periods (please specify as appropriate) :	Weekday nights Weekends Public Holidays
The length(s) and start and finish times for on-call availability periods are:	Weekday nights Weekends Public Holidays
The frequency of on-call availability is expected to be:	
The type of on-call arrangement that this department provides is:	On-Call/ Resident or Standby (please delete)
The service(s) that is(are) covered by this on-call arrangement are:	
The role(s) that are required to be carried out within this on-call arrangement are:	Normal daily role/specific role (please detail)
The payment rate for work done when called out for the role(s) to be carried out when on-call are:	Please detail specifically: Normal daily role – which will be paid at the individual's normal hourly rate Specific role (please detail) – which will be paid at Band [please insert] and pay point [please insert] in accordance with 8.1.1 &

	8.1.2 of the policy
The types of work that are expected to be carried out during the on-call period as an emergency are:	
The types of work that can be safely left until the following normal working day are:	
The number of staff required to participate in this arrangement (as a minimum/maximum) are:	
The minimum skill level for an individual to be deemed competent for on-call work is:	
The minimum number of on-calls to be worked per annum in order to maintain competence is:	
The on-call arrangement will be reviewed at regular intervals to ensure that it remains fit for the needs of the service	

Travel Time	
A written risk assessment has been carried out of the department's specified travel time for attendance at work premises when called out, in relation to service need. The risk assessment is attached to this SOP as an Appendix.	
The department's specified travel time for attendance at work premises when called out is:	

The safety of the on-call service	
The rota will be risk assessed to ensure that it is safe to provide the on-call service where there are either short or long-term gaps in the rota due to sickness, leavers, vacancies etc.	
The manager who is responsible for ensuring all on-call availability slots are covered, by allocation if necessary, is:	
The manager who will, in exceptional circumstances, require members of staff to participate where necessary, is:	

Management Escalation	
The triggers that require escalation to more senior departmental or Trust management are:	

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Rostering	
The person responsible for creating and publishing the rota is:	
The rota will be published weeks/months (please specify) in advance
Each rota will cover a period of: weeks/months (please specify)

Sickness and other short notice absence	
The procedure to follow should the on-call individual call in sick (or require other absence) at short notice is:	
The manager will ensure that the on-call rota is adequately covered during sickness or other short notice absence by:	