

PERSONNEL COMMITTEE – 4TH APRIL 2017

Report of the Head of Strategic Support

ITEM 9 STANDBY AND CALL-OUT, STANDBY AND ADVISORY AND EMERGENCY CONTACT POLICY AND PROCEDURE

Purpose of the Report

To gain Personnel Committee approval for the introduction of a revised Standby and Call-Out, Standby and Advisory and Emergency Contact Policy and Procedure.

A revised Policy and Procedure was discussed with the Trade Unions at JMTUM in April 2016, agreement could not be reached on a number of the proposed changes to these 'out of hours' payments to employees at that meeting. Therefore, 3 further informal consultation meetings were held with the Trade Unions to listen to their concerns and to try to accommodate those without affecting the principles of the policy adversely. A meeting was also held with Senior Managers to discuss changes and ensure that the policy would meet service needs. The Joint Negotiating Consultative Committee (JNCC) considered the new policy at a meeting on 12th January 2017 and asked Management to consult once more with the Trade Unions to reconsider the £62 weekly payment and whether any back payment would be appropriate.

A further meeting with the Trade Unions has been held, and it has still not been possible to reach agreement on the proposals. Therefore this report has been brought forward for the Personnel Committee to consider the recommendations from the Management side. The Trade Unions will also be invited to attend to explain their views.

Recommendation

That Personnel Committee agree the revised Standby and Call-Out, Standby and Advisory and Emergency Contact Policy and Procedure attached as an Annex.

Reason

To recompense employees fairly for their 'out of hours' responsibilities.

Policy Justification and Previous Decisions

The current policy was implemented in 2010 and is due for review for the reasons listed below (*under 'Background'*).

Report Implications

The following implications have been identified for this report:

Financial Implications

These implications relate to the proposed changes to the Standby and Call-Out Scheme and Standby and Advisory Scheme. The additional cost to the Council at

2016/17 rates is £7k per annum which, based on current staffing level, is an additional £3.3k for the Housing revenue Account and £3.7k for the General Fund. It is anticipated that an additional number of employees will be eligible for Emergency Contact Payments increasing the General Fund by an additional £2k to £3k per annum.

Risk Management

The Trade Unions have not agreed to this policy change. Legally, there could be a challenge to changing terms and conditions for staff who have transferred to the Council under TUPE regulations, for this reason transferred conditions will be maintained unless agreement can be reached with the Trade Unions at a future date.

Background Papers: None

Annex: Standby and Call-Out, Standby and Advisory and Emergency Contact Policy and Procedure

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Part B

Background

1. In 2012 the Repairs and Maintenance, Lifeline and Sheltered Housing Wardens were transferred from Charnwood Neighbourhood Housing (CNH), through a TUPE transfer process, back to the employment of the Council. Most of these staff were receiving a flat rate payment of £250 per week for participating in an 'out of hours' Standby and Call-Out scheme. These terms were protected as a result of the transfer. Employees within other sections of the Council, and newly appointed staff, were paid in line with JNC Terms and Conditions of approximately £40 per week for being on standby plus an appropriate payment for the time that they spent answering an emergency call.
2. In November 2014, SMT agreed to the principles of moving to a fairer and more equitable scheme for rewarding staff for providing an 'out of hours' service. In December 2014, the Corporate Management Team discussed a number of options for change and a small group of Heads of Service and HR representatives set up a working group to consider how the options for change were likely to impact upon their service area and employees.
3. In order to ensure that any changes would result in a fair and equitable scheme, estimates had been made about the frequency and length of time that former CNH staff spent providing an 'out of hours' service. It became apparent that changes needed to be made to the way that this time was recorded in order to have a more accurate forecast of the costs and risks associated with the proposed changes. Information relating to the number of calls taken for staff on £40 per week was more readily available through payroll records. During 2015, the frequency and length of time staff within different sections of the Council spent responding to 'out of hours' calls was recorded and reviewed. It also became clear that there are 3 distinct groups of staff who are providing 'out of hours' services as outlined below:
 - Employees who need to be on standby to take regular calls and who need to follow up many of those calls by attending to fix a problem (e.g. Repairs and Maintenance staff):
 - Employees who need to be on standby to take regular calls, which they deal with nearly always over the telephone (e.g. Housing):
 - Employees who are occasionally called out for an emergency situation (e.g. when an alarm is triggered).

The attached policy was therefore written around these service requirements.

4. There has been extensive consultation with the Trade Unions in drafting this policy and officers have listened carefully to the concerns that they have raised. The Trade Unions made it clear that they could not agree to a proposal which would lead to a loss of income for employees. From the extensive research undertaken over a period of 1 year and 9 months, it is unlikely that any staff members will be worse off following the implementation of this policy and procedure.

5. During a number of informal consultation meetings held with the Trade Unions, they challenged the need to review and amend this policy. They expressed the view that there was no will to change the current arrangement and, in their view no basis for an Equal Pay claim to be made against the Council.
6. Major proposed changes were made to the policy prior to the last informal meeting with the Trade Unions in October 2016. Originally it was proposed that all staff who are required to participate in a formal standby arrangement would be paid a flat rate of £60 plus the appropriate payment when answering a call. The increased costs to the Council of that proposal were comparable to the increased costs of the version which is now being proposed. However, the Trade Unions made a strong case for retaining the current £250 per week for staff who regularly attend a call-out and this has been agreed. It was therefore hoped that agreement could be reached at that meeting.
7. At an informal meeting in October 2016 with the Trade Unions, they raised a number of points in relation to the version (v. 14) of the policy and procedure which was presented to them. These are outlined below and the changes are referenced within the policy attached:
 - (V 14) point 3.5 stated that *'Managers should also ensure that employees are clear about the duties, responsibilities and requirements of participating in a Standby and Call-out, Standby and Advisory or Emergency Contact rota, Managers should also ensure that this is reflected in all of the appropriate employees' contracts of employment.'*

The Trade Unions suggested that by agreeing to this part of the policy the Council could potentially say that they had consulted and could therefore force staff, who did not have the requirement to participate in 'out of hours' arrangements, to do so. While this would not have happened, the paragraph has been amended and the current version (V15) now states –

'Managers should ensure that an appropriate number of staff are included in a rota e.g. more than one person. Adequate cover needs to be arranged to ensure that employees are not participating in an 'out of hours' scheme during periods of leave. Managers should also ensure that this is reflected in the contracts of employment for new employees where this is appropriate. If managers need to change their current arrangements in order to reduce or increase the number of current employees who are participating in an 'out of hours' scheme, then they should take advice from HR and undertake a period of formal consultation in order to achieve this change.'

- (V 14), point 5.12 stated that *'In order to qualify for this payment, employees will need to be called out for an average of at least twice a week.'*

The Trade Unions felt that it would be fairer if this related to the whole section rather than individuals. The paragraph in (V 15) now states –

'In order to qualify for this payment, the service will need to maintain an average of at least 2 call-outs per whole week per employee.'

- (V14), point 5.22 stated that *'If employees' who are part of this scheme, can show that they have consistently attended call-outs for twice a week, over a period of 1 financial year, then they will potentially be eligible to be part of the Standby and Call-Out Scheme unless it can be demonstrated that there were exceptional circumstances which caused this increase and demand for call-out is likely to be reduced within a reasonable timeframe'*.

The Trade Unions asked for the words 'an average' to be included in line 2 and the word potentially to be deleted from line 3. The paragraph in (V15) now states –

'If employees' who are part of this scheme, can demonstrate that they have consistently attended call-outs for an average of twice a week or more, over a period of 1 financial year, then they will be eligible to be part of the Standby and Call-Out Scheme unless it can be demonstrated that there were exceptional circumstances which caused this increase and demand for call-out is likely to be reduced within a reasonable timeframe.'

- (V14) point 8.11 stated that *'While payment for Standby and Call-out and Standby and Advisory Schemes are paid in a different way, the basis for the amount paid is comparable. Payment for Standby and Call-out amounts to £250 per week and for Standby and Advisory Scheme, a combination of £60 per week for being on Standby plus pay at an appropriate rate for time spent, when providing advice, will be paid. Further details of those payments are outlined from point 8.2 onwards below. The criteria for whether an employee is part of the Standby and Call-Out or the Standby or Advisory Service is based upon the average number of the times that they have been, and are likely to be required to be, called out.'*

The Trade Unions asked for the amount for Standby and Advisory Scheme to be increased from £60 to £70 and that the payment should be linked to salary increases. The amount of £70 is not affordable; however the amount has been increased to £62 and linked to salary increases. The paragraph in (V15) now states –

'While payment for Standby and Call-out and Standby and Advisory Schemes are paid in a different way, the basis for the amount paid is comparable. Payment for Standby and Call-out amounts to £250 per week and for Standby and Advisory Scheme, a combination of £62 per week for being on Standby plus pay at an appropriate rate for time spent, when providing advice, will be paid. The £250 and £62 per week payment is linked to salaries and will be increased in line with pay awards. Further details of those payments are outlined from point 8.2 onwards below. The criteria for whether an employee is part of the Standby and Call-Out or the Standby or Advisory Service is based upon the average number of the times that they have been, and are likely to be required to be, contact and/or called out.'

8. At the Informal meeting with the Trade Unions in October 2016, it was made clear to them that the Standby and Call-Out, Standby and Advisory and Emergency Contact Policy and Procedure would be discussed at JMTUM in December 2016 and only the points raised above would be discussed. Days

before the meeting in December, the Trade Unions asked for the item to be postponed, this was refused and the items were discussed with some reluctance.

9. Following a meeting of the Joint Negotiating and Consultative Committee (JNCC) on 12th January 2017, a further final informal consultation meeting was held with the Trade Unions on 28th February 2017. It became apparent that GMB and UNISON had differing agendas in relation to this change. At the meeting UNISON stated that one of their members had asked for support in submitting an Equal Pay claim against the Council and that UNION was therefore taking legal advice. As a consequence, they did not feel that it was appropriate to negotiate the £62 rate. Management therefore concluded that back pay could not effectively be agreed.
10. From all of the above in terms of the number of consultation meetings that have been held with the Trade Unions and the amendments that have been made to the policy and procedure, Management have done their best to reach agreement on these policy changes. It has taken a considerable amount of time to research, produce and consult upon the Standby and Call-Out, Standby and Advisory and Emergency Contact Policy and Procedure. Management's view is that it is now time for the policy to be agreed and implemented in order to ensure fairness and equity for employees participating in an 'out of hours' service.
11. It is accepted that the implementation of the changes will lead to an increased cost to the Council and Senior Managers have confirmed that the proposals will incur a manageable increase of approximately £7 to 10k per annum.

Outcome

12. The attached policy and procedure recognises the different level of commitment required of staff who are expected to attend an 'out of hours' call out on a regular basis and maintains the current rate of £250 per week for employees who are called out an average of twice a week or more. There is a substantial increase, from £41.79 to £62 per week, in the standby rate for employees whose primary role is to provide telephone advice when contacted and who infrequently have to attend a call-out. The policy also recognises a group of staff who are contacted on an ad hoc basis and for whom there is no obligation for them to be available to answer their phone out of hours. There has been an increase in the number of staff who are eligible for this payment and additional payments are made to staff who are called out for more than 2 hours at a time or 3 times or more within a 12 month period.

The three distinct scenarios have been categorised as follows:

- **Standby and Call-Out Scheme**, employees receive an 'all-inclusive' payment of £250 pw, (index linked for employees who are not subject to TUPE protection):
- **Standby and Advisory Scheme**, employees receive £62 pw for standby plus appropriate pay for time spent on a call:
- **Emergency Contact Scheme**, employees are paid a share of £1000 per annum plus additional appropriate payment if they are call-out for longer than 2 hours at a time or on 3 or more occasions within a 12 month period.

13. From the detailed calculations which have been made over an extended period of time in drafting this policy, employees who are currently receiving 'out of hours' payments are very unlikely to be worse off as a result of the proposed changes. A number will maintain their current rates of pay and a substantial number will gain significantly from the increased rates. The basis of the calculations is fair and based upon the requirements of the service and the impact that the out of hours responsibilities are likely to have on employees' free time.

Implementation Timetable including Future Decisions

14. Following agreement of the Personnel Committee, the changes will be explained to the managers of the staff involved. The employees, whose terms and conditions have protection under TUPE, will be maintained on their current payments unless a Collective Agreement can be reached with the recognised Trade Unions to amend this. Employees on the Council's current JNC Terms and Conditions will be written to inform them that their 'out of hours' payments will be increased to £62 per week.
15. The revised policy will be uploaded onto the intranet and arrangements made to adjust allowances as appropriate. A 'One Charnwood' article will be drafted and uploaded onto the intranet once all the staff involved understand how the changes will affect them personally.



Standby and Call-out, Standby and Advisory, and Emergency Contact Scheme Policy and Procedure

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1 Purpose

- 1.1** This policy provides a framework under which employees are paid for 'out of hours' work undertaken in the following categories; Standby and Call-out, Standby and Advisory and Emergency Contact Scheme.
- 1.2** This policy replaces the Council's current Standby and Call-Out Payments Policy 2010, which also included arrangements for Key Holder payments. It is envisaged that, in implementing this policy, any current arrangements for staff receiving telephone allowances will be phased out and appropriate mobile phones will be provided.
- 1.3** This policy outlines examples of situations where employees will be entitled to recompense for carrying out these duties and responsibilities.
- 1.4** This policy should be supplemented by local arrangements for each service in clarifying expectations for employees participating in the schemes outlined above.
- 1.5** Line managers may obtain further advice from HR Services in the application of this policy.

2 Scope

2.1 This policy and procedure applies to employees of Charnwood Borough Council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Services:
- Joint Negotiating Committee for Local Authority Craft and Associated Employees.

2.2 This guidance is not applicable to:

- Joint Negotiating Committee for Chief Officers of Local Authorities:
- Agency staff:
- Individuals who are self-employed:
- Apprentices:
- Casual workers.

3 Principles

3.1 The policy has been updated to ensure that all employees receive appropriate remuneration for the 'out-of-hours' responsibilities or work that they undertake and to promote fairness and parity of terms across our workforce.

3.2 The Council is committed to equality of opportunity which will be observed, at all times, during the operation of this policy and procedure. This will ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital status or civil partnership, disability, age, sexual orientation, trade union membership or activity, political or religious belief, maternity or pregnancy, gender re-assignment and unrelated criminal conviction.

3.3 Managers should ensure that all employees at the appropriate level, with the appropriate skills and who are able to attend or respond within a reasonable timeframe, have an equal opportunity to be part of a Standby and Call-out, Standby and Advisory or Emergency Contact Scheme.

3.4 Managers should ensure that an appropriate number of staff are included in a rota e.g. more than one person. Adequate cover needs to be arranged to ensure that employees are not participating in an 'out of hours' scheme during periods of leave. Managers should also ensure that this is reflected in the contracts of employment for new employees where this is appropriate. If managers need to change their current arrangements in order to reduce or increase the number of current employees who are participating in an 'out of hours' scheme, then they should take advice from HR and undertake a period of formal consultation in order to achieve this change.

- 3.5** Managers should also ensure that employees are clear about the duties, responsibilities and requirements of participating in a Standby and Call-out, Standby and Advisory or Emergency Contact rota.
- 3.6** A payment would not normally be made for staff graded PO1 and above, unless there is a requirement for them to participate in a formal regular Standby and Call-out or Standby and Advisory Scheme arrangement.
- 3.7** Standby duties should be covered by staff at the appropriate level and with the appropriate skills and knowledge to respond to a call out. For example, managers need to consider whether it is appropriate for a highly paid employee to be on Standby and Call-out or Advisory Scheme when the work required could be undertaken by a more junior employee. On the other hand, it would not be appropriate to give an employee Standby and Call-Out or Advisory Scheme duties if they are unlikely to have the knowledge or skills to respond to the majority of situations.
- 3.8** Employees who are on Standby and Call-out or Standby and Advisory Scheme must be available in the case of a call and be fit and able to attend, if appropriate, attend or provide advice as soon as they are contacted. This may impact on social arrangements which will need to be considered at the time of undertaking Standby and Call-out or Standby and Advisory Scheme. If an employee becomes unwell during this time, they have a responsibility to contact their manager/another employee on the rota as soon as possible so that alternative arrangements can be made. A Standby and Call-Out or Standby and Advisory Scheme payment would not be paid from the time the person becomes incapacitated or when employees are on leave.

4 Roles and Responsibilities

Line managers	Will ensure that the policy and procedure are implemented in line with the principles of this policy and procedure.
Head of Service	Will take strategic decisions in relation to the implementation of this policy and procedure and ensure that there are appropriate service guidance documents available for employees to supplement this policy.
CBC Payroll	Responsible for processing payments once signed approval forms have been received and for providing detailed reports to the Heads of Service on spending in relation to Standby and Call-Out, Standby and Advisory and Emergency Contact Scheme.
HR Services	To provide further advice and support to managers in the application of the policy and procedure.

5 Definitions of the Council's Standby and Call-out, Standby and Advisory and Emergency Contact Schemes

5.1 Definition Standby and Call-out Scheme

The Standby and Call-out Scheme is the agreement of an employee, with the express permission of their manager, to be contactable out of normal working hours. The employee must remain 'fit' to provide advice immediately and to take calls for the whole time that they are on a rota to do so. They must make appropriate decisions about whether it is necessary to attend and be available to do so within a reasonable timeframe.

5.11 A Standby and Call-out Scheme will only operate where there is a consistent and sustained requirement to attend and provide services outside of core hours. A weekly payment is provided to staff to recompense them for making themselves available and attending where necessary on a regular basis and to compensate them for the limitations that these requirements are likely to have on their non-working time.

5.12 In order to qualify for this payment, the service will need to maintain an average of at least 2 call-outs per whole week per employee. If the demand for employees to attend a Call-out diminishes over a sustained period e.g. 1 financial year and the service has no evidence that the demand is likely to increase again within a reasonable timeframe, employees will be transferred onto the Standby and Advisory Scheme. Employees will be provided with 1 months' notice of this change, as the basis of the calculation of pay for the 2 schemes is the same, no compensatory payment will be made for this change.

5.2 Definition Standby and Advisory Scheme

The Standby and Advisory Scheme is also the agreement of an employee, with the express permission of their manager, to be contactable out of normal working hours. The employee must remain 'fit' to provide advice immediately and to take calls for the whole time that they are on a rota to do so. However, the employee will not be expected to attend a call-out on a regular basis. There may be times when the employee will need to attend, however the majority of the contact will be to provide advice or make arrangements by telephone.

5.21 A Standby and Advisory Scheme will also only operate where there is a consistent and sustained requirement to provide services outside of core hours. A weekly payment is provided to staff to recompense them for making themselves available. In addition a payment will be made for the time that the employee provides advice when they are called. While the requirement to be available to respond to a call, will place some limitations on the employee's non-working time, it will be to a lesser extent than being called out on a regular basis.

5.22 If employees' who are part of this scheme, can demonstrate that they have consistently attended call-outs for an average of twice a week or more, over a period

of 1 financial year, then they **will be eligible** to be part of the Standby and Call-Out Scheme unless it can be demonstrated that there were exceptional circumstances which caused this increase and demand for call-out is likely to be reduced within a reasonable timeframe.

5.3 Definition Emergency Contact

Emergency Contact is the agreement of an employee to hold a mobile phone in order that that they may be contacted, if they are available to answer the call, outside of working hours. There is no requirement for the employee to make themselves available to take the call or to impact upon their 'free time', if it is inconvenient for them to do so. However, employees should ensure that their manager is notified if they are unavailable to take calls for an extended period of time, in order that alternative arrangements can be put in place. An Emergency Contact Scheme will operate where there is a requirement to provide services outside of core hours on an occasional or ad hoc basis and there is no consistent and sustained demand for this service.

5.3.1 Employees will receive the whole or a share of a set annual payment for agreeing to hold a mobile phone and act an Emergency Contact either to provide telephone advice or to attend if necessary. If the employee is called out for a period exceeding 2 hours, which will include travelling time, they will also be able to claim that additional time as TOIL. Employees who attend a call out on more than 2 occasions, within any financial year, will also be eligible to claim TOIL for the whole time that they are called out for the 3rd and any subsequent call-outs. Employees grade PO1 or above will not normally receive a payment for contributing to these arrangements but will be eligible to take TOIL for the whole of the time spent responding to calls **if no payment is received.**

5.3.2 Where employees are consistently unavailable to take a call over a sustained period of time e.g. 6 months, then the payment for this responsibility will be withdrawn with 1 months' notice. There will be no financial compensation made for the withdrawal of this payment.

6 Procedures for implementing the Council's Standby and Call-Out, Standby and Advisory and Emergency Contact Schemes

6.1 Standby and Call-out and Standby and Advisory Scheme

All Standby and Call-out and Standby and Advisory Scheme arrangements must be approved, in writing by the employee's manager, in advance of the Standby period or arrangement. Payments will only be made when this express permission can be clearly evidenced for each period of payment.

6.1.2 The Standby and Call-out and Advisory Scheme rota should be prepared at least one month in advance to enable participants to make necessary arrangements.

6.1.3 Each service will provide employees with written guidance on the response that is required from them i.e. the circumstances when telephone advice is appropriate, guidance on when to seek advice from a manager or colleague, what circumstance will trigger a requirement for the employee to attend and the role they would be required to undertake. It is recognised that there will be an occasional circumstance that it is not covered by the guidance but a response is appropriate. In essence each service needs to provide a detailed document, which can be attached to this policy document detailing who will be included on a rota and what they need to do. A template document is attached as Appendix A.

6.14 Managers should review the detailed guidance on an annual basis and also assess the number of average contacts and call-outs undertaken during the previous 12 months and take steps to change staff onto a different scheme if appropriate.

6.2 Emergency Contact Procedure

While it would not be appropriate to maintain a rota of staff to be contacted if necessary out of normal working hours, as outlined under Standby and Call-out and Advisory Schemes, managers need to ensure that sufficient contact numbers are listed in order that someone is available if needed.

6.21 Managers should review the list on an annual basis, check if there have been any circumstances where contact cannot be made and ensure that the list is adjusted appropriately.

7 Equipment

7.1 The Council will, in consultation with the employees, ensure that the relevant equipment is available, such as an appropriate mobile phone, in order to contact the employee during the time they are on any of the schemes outlined above.

7.1.1 A small number of employees may still be in receipt of a telephone allowance. It is proposed that this allowance is withdrawn as part of the implementation of this policy and mobile phones are provided to staff who are likely to be contacted, as outlined above, to be used for work purposes only.

8 Payments

8.1 Principles of Remuneration for 'Out-of-Hours' Work

As outlined in 3.1 above, this policy has been updated to ensure that employees are paid fairly for the work that they undertake 'out-of-hours'.

8.11 While payment for Standby and Call-out and Standby and Advisory Schemes are paid in a different way, the basis for the amount paid is comparable. Payment for Standby and Call-out amounts to £250 per week and for Standby and Advisory Scheme, a combination of £62 per week for being on Standby plus pay at an appropriate rate for time spent, when providing advice, will be paid. The £250 and

£62 per week payment is linked to salaries and will be increased in line with pay awards (this will not apply to staff whose payments are TUPE protected). Further details of those payments are outlined from point 8.2 onwards below. The criteria for whether an employee is part of the Standby and Call-Out or the Standby or Advisory Service is based upon the average number of the times that they have been, and are likely to be required to be, called out.

8.2 Standby and Call-out Scheme

Payment is calculated for each period a member of staff is on Standby and Call-out Scheme, irrespective of whether the member of staff is contacted or called out to work. Only one Standby and Call-out Scheme payment can be claimed over any 24 hour period. Employees will currently be paid £250 per 7 day week or £35.71 per day.

8.3 Standby and Advisory Scheme

Payments for participating in Standby and Advisory Scheme arrangements are paid at a flat rate of £62 per week or £8.87 per day for standby.

8.3.2 Responding to a Call

Payment for responding to a call is based on the employee's grade. For employees on grade 6 and below they will be paid on the following basis.

8.3.1 Employees on grade 6 or below will be paid a minimum of 1 hours pay at their normal appropriate rate as outlined below when they are called. The 1 hour minimum payment will apply whether they are contacted only once or several times within the period of their weekly rota. Where a single call extends beyond an hour, additional payments will be made for each quarter of an hour. For example a call lasting 1hour 10 minutes would be paid as 1 hour 15 minutes etc. Employees grade SO1 or above will only be entitled to claim TOIL for 'out of hours' calls.

8.3.5 Paid as Overtime

The provision to pay overtime should be agreed by managers in advance and this should be clarified within the guidance document produced by the service. This would be paid at time and a half for evenings after 8pm and Saturday and double time for Sundays and Bank Holidays. Outlined below are the following scenarios when overtime would be paid:

- Calls on a weekday after 8pm or Saturday will be paid at time and a half. If a call starts before 8pm but finishes after 8pm, the whole of the call will be paid at time and a half.
- Calls on a Sunday or Bank Holiday or extra statutory day will be paid at double time.

Example

A Housing Officer paid at the top of scale 6 taking a call at 8.30 weekday or on a Saturday would be paid time plus ½ an hour (rate £12.81 x 1 1/2 = £19.21, plus standby payment but with no entitlement to take TOIL.

A Housing Officer paid at the top of scale 6 taking a call on Sunday, would be paid double time (rate £12.81 x 2 = £25.62 plus standby payment but with no entitlement to take TOIL.

Employees grade 6 and below, who choose to take TOIL, rather than be paid overtime, will take TOIL at the rates listed above e.g. 1 ½ hours TOIL for 1 hours' work on a Saturday.

8.3.7 Staff Graded S01 or Above

Employees who are grade S01 or above will be entitled to claim the time back for all out of hours' responses as TOIL at a flat rate, plus the standby payment.

8.4 Emergency Contact Payment

Employees will be paid the full amount or an equal share of the payment of £1000 per year to recompense them for agreeing to be included in a list of people to be contacted out of hours on an ad hoc basis. The amount received will depend on the number of people listed who may be contacted in the event of an emergency. The most common reasons for these arrangements being put in place is to take a call in the event of an alarm being triggered, see example below.

Example

Employees included on a contact list of 3 people would receive £1000 per year divided by 3 = £333.33 per year which equates to £27.77 per month.

Acting as an Emergency Contact may be a requirement of the job and if so should be included in the contract of employment.

In addition, employees who are called out for more than a 2 hour period, including travel time will be able to claim TOIL for the additional time or TOIL for the whole of the time of call outs attended on 3 or more occasions within any financial year. The rate of that TOIL will be in line with points 8.2 and 8.3 above, see point 5.3 above.

8.5 Car mileage payments will be made for any additional mileage incurred

9 Health and Safety

9.1 Working Time

In accordance with the Working Time Regulations, it is necessary for an individual to have an uninterrupted break of 11 hours between shifts. Standby and Call-out Scheme time is not 'working time' within the definition of Working Time Regulations, therefore only time for providing telephone advice or attending work (and travelling to and from the location) applies for this purpose. However, there are a number of special circumstances in which the entitlement to rest periods does not apply, for example, where the activities involve a need for continuity of service or production or where there is a foreseeable surge of activity. In such a case the entitlement to daily and weekly rest does not apply.

Exceptions can be made for emergencies (Emergency Contacts may fall into this category) as long as the rest period can be taken at a later date (a weekend would count for this purpose). However, it is the line managers' responsibility to ensure

Standby and Call-out Scheme, Emergency Contact, Out of Hours Responsibility and Key Holder
Policy and Procedure v 18.
Date created: 16/3/2017
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Review date: 00/00/00

that any individual who has attended work out of hours has an appropriate break, so he or she is not returning to work when they are over-tired and not able to focus.

- 9.1.2** Where an employee attends work for an extended period during night-time, and it is agreed with their manager that it is not appropriate for them to return to work at their normal time the following day, they should deduct the number of hours worked from their working hours for that day. For example, where a call out occurs between 11pm and 3am, the employee would accrue 4 hours working time. This can then be deducted from the normal working day within a reasonable timeframe. When time is deducted from the working day, overtime cannot be paid for the previous evening/night work. It is the manager's responsibility to ensure staff take at least a 30-minute break after a maximum 6-hour duration; this should be deducted from any payment for additional hours.
- 9.1.3** Managers applying a Standby and Call-out, Advisory or Emergency Contact scheme should monitor the frequency and length of telephone contacts/attendance at work and the extent of planned and unplanned out of hours worked on a regular basis to ensure that no member of staff is being required to undertake additional work which is likely to be detrimental to their health and wellbeing.

9.2 Risk Assessments

Up to date risk assessments must be available in those areas that are subject to call outs.

10 Appendix A Service Guidance Template



Guidance for Staff Participating in Standby and Call-Out, Standby and Advisory or Emergency Contact Schemes within the.....Service

PURPOSE

The Council's Policy relating to the 'out of hours' schemes listed above is attached. The purpose of this guidance is to provide employees with detailed specific guidance of what they need to do and what is expected of them, within their own service, when participating in one of these scheme.

SCOPE

These procedures apply to the following employees:

Standby and Call-Out Scheme

(List the job titles of the staff involved in each of the schemes if applicable e.g. Electricians etc. Be clear whether that is all staff with those job titles of just a number of named willing volunteers.)

Standby and Advisory Scheme

e.g. Housing Officers

Emergency Contacts

e.g. Town Hall Technicians

EMPLOYEE RESPONSIBILITIES

Standby and Call-Out Scheme

(Clarify exactly what that means to operatives within your section, in line with the attached policy, there may be parts of the policy you want to re-inforce within this section e.g 'Whilst on standby you must not consume alcohol or take medication/drugs which could impact on your ability to respond to a callout or perform your work in the event of a call out. . A condition of accepting a standby payment is that you must agree to remain within a reasonable traveling distance throughout the standby period, you may leave your home but must still remain contactable and have transport available to return to work within the prescribed period.')

(Break down exactly when it would be appropriate to attend a call and when it would not for all of the operatives included in this scheme e.g.

.....Service
V 1 date
Review date

Joinery

Call-Out	Not a Call-Out
<i>Front / Rear property doors that have been forced (not secure)</i>	<i>Communal timber door not closing</i>
<i>Smashed windows however caused is a callout (if at night i.e. dark risk assess if able to continue)</i>	
<i>Windows not being able to be secured (ground level)</i>	
<i>Broken / unsafe manhole covers need to be made safe / liaise with plumber if required)</i>	

Provide guidance about circumstances when it would be appropriate to seek the guidance of a manager or team leader.

Standby and Advisory Scheme

(As above, be very specific about what is required of the staff on this rota, e.g. mobile phones should be charged, switched on and accessible for whole period of the standby etc.)

Emergency Contact Scheme

(Outline exactly what employees need to do if they are holding their work mobile phone and it rings, e.g. *would you expect them to answer the phone if they were out at a social event and had a drink or would you expect them turn the phone off and leave it at home in these circumstance so that the call would then be directed the next person on the list*)?

Review Dates

List dates for reviewing this guidance, this should be done on an annual basis and discussed with Heads of Service. Managers need to ensure that the level of call-outs, for example, continue to be within the scope of the Council's policy and whether they should be transferred to the Standby and Advisory Scheme. Managers should also check that those members of staff listed as emergency contacts are still willing to participate, particularly if they have not been available for a number of times when contacted.

.....Service
V 1 date
Review date