

**DRAFT**

**Out of Hours (Standby and Call Out) Policy**

1. The Council's policy is to provide a structured out of hours arrangement to deal with a diverse range of issues that can arise outside of normal working hours. This policy ensures that the Council can maintain services and respond to statutory obligations. The policy also aims to ensure that employees who take part in out of hours arrangements as part of their role are treated fairly and consistently across the Council.
2. It is the organisation's decision as to which services require out of hours arrangements.
3. This policy applies to all employees on Grades 1-7. Grade 8 and above are not entitled to receive out of hours payment, however all the other requirements as set out in this policy, will apply.
4. **Determination of the need for Out of Hours Arrangements and Line Manager Responsibilities**
  - 4.1 Arrangements for an out of hours scheme for a service must be approved by the Director to ensure that it is fit for purpose and considered in line with the below;  
*Standby should be used when a service has a genuine need for an employee to be available out of hours. Employees will be on a rota and available to attend to critical/urgent issues outside normal service hours and the service should have reasonable expectation that such critical/urgent issues will need to be addressed. In addition, a member of SLT will be on standby for organisational emergencies. Standby means the employee is not actively working but must be prepared to respond, at short notice, to a situation should one arise.*  
Where such a scheme will incur additional costs, the relevant financial approvals must be obtained in advance.
  - 4.2 When establishing a new scheme, the reasons for the scheme and details of how it will work in practice will be provided to employees, with appropriate training given. Line managers must ensure that new team members in similar roles are made aware that the service are required to operate an out of hours service and that the requirements around out of hours cover are built into contracts and job descriptions.
  - 4.3 Line managers, in consultation with their HR Business Partner, have the discretion to remove an employee from the rota if there are concerns that their participation is affecting performance and/or attendance at work.
  - 4.4 Line managers have a responsibility to ensure that claims are accurate before submitting for payment, this includes cross referencing with a published rota and evidence of calls and attendance at call outs.

4.5 Line managers are responsible for ensuring that employees receive compensatory rest should they be called out, in line with the Working Time Regulations.

4.6 Schemes must be reviewed on a regular basis by the Assistant Director and Director, with liaison with HR should any changes be proposed.

## **5. Standby Arrangements**

5.1 Standby exists when there is a planned regular rota for employees to deal with out of hours emergencies between 5.00pm and 8.30am Monday-Friday, weekends and Bank/Extra Statutory holidays.

5.2 If while on standby the employee is called out, they will be entitled to a payment as detailed below. These payments will be made for call out between 5.00pm and 8.30am Monday-Friday, weekends and Bank/Extra Statutory holidays. All other times fall under the Councils flexi time working arrangements, overtime policy or rota arrangements, as set out in contracts and operational procedures.

5.3 When on standby, employees should always be near an active mobile phone to deal with emergency telephone calls and to attend site when necessary.

5.4 Employees on standby will receive a standby payment in addition to their normal pay in recognition of being available for duty outside of normal working hours and the disruption to their personal arrangements (see below).

5.5 Employees who are on the standby rota should be provided with as much notice as possible to plan their personal arrangements outside of their rota commitments.

5.6 Standby payments should not be relied upon as regular earnings as they will be periodically reviewed and may cease.

5.7 Employees taking annual leave which coincides with rostered standby must take responsibility to advise their manager so that cover arrangements can be organised. Standby payments will not be made if the employee is on leave or other type of absence.

5.8 Employees who are on standby duty must ensure that they are fit to carry out their duties and that they are available for call out if required. If an employee is absent through sickness absence which coincides with rostered standby, they must notify their line manager as quickly as possible, so arrangements for cover can be made. Standby allowance is not payable during a period of sickness absence.

## **6. Payments**

6.1 Standby payments will be paid at a daily rate of £34.71 per day. This sum will automatically increase in line with NJC pay award. Standby payments are subject to PAYE and are pensionable.

6.2 If an employee who is on standby is called out and required to attend site or answer a call, call out rates will apply, as follows

- Payment in increments to the nearest 15minutes.

*For example:*

*Employee takes a phone call which last 5 minutes – employee can claim 15 minutes of call out time.*

*Employee takes a phone call which lasts 20 minutes - the employee can claim 30 minutes.*

*An employee is on site for 55 minutes – 60 minutes can be claimed.*

- Payment will be based on the employee's normal hourly rate, with consideration when the call out takes place;

<b>Monday – Saturday</b>	Time & a half
<b>Sunday</b>	Double time
<b>Bank Holiday</b>	Double time + time off for hours worked

6.3 Claims for standby and call out payments which are older than 2 months may be declined and only paid in exceptional circumstances, this is to protect the integrity and resourcing of the scheme, monitor its effectiveness and ensure that working hours are monitored in accordance with the Working Time Regulations.

6.4 Standby and call out payments must be claimed via the Employee Self Service portal or using the manual claim form provided by Payroll Services.

6.5 Payments will be made in the next available pay run after being authorised by the employee's line manager. Employees may be required to show evidence of phone calls/work undertaken to their line manager to support claims.

## **7. Working Time Regulations**

7.1 In accordance with the Working Time Regulations, employees are entitled to 11 hours uninterrupted rest daily, and one full 24 hours rest period per week. While an employee is on standby, they are free to spend standby time as they choose and therefore this is exempt from the requirement to provide compensatory rest.

7.2 If either the 11 hours rest or the 24 hours weekly rest period is not achieved because of being called out, then an equivalent compensatory rest period will be provided as soon as reasonably possible.

## **8. Mileage Claims**

8.1 Where employees are required to use their own vehicles to make additional journeys associated with a call out, these will be reimbursed at the normal mileage rate. Payment will be made from the employee's normal place of work to the site and back again. Claims from home to a site are deemed as private commuting and are not allowed. Journeys and claims made for mileage are subject to the Council's Travel Policy.

- **Who authorised the policy/strategy and date of authorisation** - This policy was agreed with Executive Leadership Team on xxxx, UNISON on xxxx and Personnel Committee on xxxx and takes effect from xxxx.
- **Policy date for review and responsible officer** – Assistant Director – People & Performance - 2028.