

## **SoR GUIDANCE ON THE REVISION OF ON CALL AND STAND BY ARRANGEMENTS DURING THE PERIOD OF PROTECTION**

### **Preamble**

This guidance has been produced by the SoR On Call Review Group at the request of UK Council to review existing guidance surrounding on-call terms and conditions. UK Council agreed that existing guidance needed to be reviewed to enable members to decide on, and where appropriate negotiate and agree the out-of-hours working arrangements that suit them wherever they work.

The context for this review is that the period of protection of on-call arrangements has been extended until 31<sup>st</sup> MARCH 2011.

### **Current Position**

On 25 January 2010 Pay Circular / AfC/ 1/2010 published the Staff Council agreement to further extend the period of protection of current on-call arrangements.

This is set out in paragraphs 1, 2 & 3.

1. The NHS Staff Council is reviewing on-call allowances. The Council has agreed that employers should continue to use existing local and nationally agreed systems of remuneration of on-call until 31 March 2011.

Protection of on-call allowances

2. The Staff Council has agreed that employers should continue to use existing local and nationally agreed systems of remuneration of on-call until the national review is finished.
3. Unless agreed otherwise by local partnerships, existing payments under local and nationally agreed arrangements will continue until 31 March 2011 when any new arrangements agreed by the Staff Council would start. This extended protection applies to existing staff and new starters.

The relevant paragraphs in the NHS Terms and Conditions of Service Handbook are paragraphs 2.32 and 2.46.

- 2.32 The Staff Council is reviewing on-call. The target date for new arrangements to be implemented is April 2011. The review will ensure that on-call arrangements are consistent with equal pay for work of equal value. Existing arrangements for on-call will remain in place until new arrangements are implemented. Paragraph 2.46 specifies the period of protection of on-call.
- 2.46 Unless locally, it is agreed otherwise, all current on-call arrangements will be protected for groups of employees up to 31 March 2011 irrespective of whether they were nationally or locally agreed.<sup>8</sup> This extended protection will apply to existing staff and new staff during the period of protection.

Annex A2 of the above pay circular contains the following relevant frequently asked questions.

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## **Part 2: Section 2: Maintaining Round The Clock Services**

Paragraphs 7, 31 and 46

Footnotes number 3, 7 and 8

**Does the protection for on-call arrangements include protection for the “rate of pay”. For example, if the local protected agreement says that Sunday is double time is this protected under 2.7.**

Yes, all current on-call arrangements may be protected for groups of employees irrespective of whether they were nationally or locally agreed (paragraphs 2.7 and 2.46). It is the totality of the local national on-call agreement that is protected. Pay circular (AforC) 1/2009 announced that where flat rate on-call allowances continue to be paid in accordance with Section 2, these should be increased by 2.4%. This protection does not prevent local agreements on alterations to working patterns to meet changing service needs.

Paragraph 7

Footnote number 4

**Are other groups of staff who might have had similar on-call arrangements to pathology covered by the protection offered in 2.7?**

In paragraph 2.7 the protection of on-call arrangements during the “*interim regime*” are described as “*a particular feature of NHS pathology departments.*” All out of hours working in pathology is defined as “*on-call*”. However, other staff groups (including radiographers, physiotherapists and clinical scientists) who may also work similar “*out of hours*” arrangements are protected until new Agenda for Change on-call arrangements are negotiated.

## **Check list for Society Members and Representatives**

1. It is important to note the terms of the protection arrangements set out above.
2. Where members wish to negotiate and agree change with their management to any existing on-call arrangements the above protection arrangements are your safety net.  
  
That is to say any change to any existing on-call arrangements must be by agreement.
3. With respect to any negotiations members are recommended to seek support and advice from their local accredited representatives and regional/national officers before entering into any negotiations.
4. All negotiations should include the following;
  - a. Fully detailed proposals with rationale for proposal.
  - b. Cost of current arrangements
  - c. Cost of proposed arrangements
  - d. Proposed working pattern illustrated by an example rota showing a minimum of a 4 week rota.
  - e. What number of staff required, taking into account cover for annual leave, sickness, training needs etc.
  - f. Implications for other staff groups e.g. radiologists, porters, clerical etc.
  - g. Ensure any revised arrangements are fully consistent with the Working Time Regulations; see Appendix 1 “Around the Clock”.

- h. Mechanism for up rating all payments in line with annual pay increase.
- i. Is the current level and offered level of payment appropriate.
- j. Consideration of start and finish times in relation to work-life balance, improving working lives, child care, careers arrangements and public transport etc.
- k. Does proposal take into account future increases in radiographer's hours in December 2010 and December 2011.
- l. Where appropriate that an equality impact assessment is carried out before any new arrangements are effected.
- m. Pay protection where applicable with reference to national terms and conditions and local protection policies.
- n. Welfare facilities
- o. Health & Safety, e.g. lone working, portering, manual handling, risk assessments.
- p. Agreement when reached to be confirmed in writing, signed as appropriate. This should also include a suggested period for and arrangements for a review.

The above is not intended to be an exhaustive list, but illustrative of the key points members and representatives should bear in mind.

Hopefully the above guidance will assist members and representatives when responding to any management initiatives for change, on where they wish to negotiate appropriate arrangements that suit them whenever they work, because existing arrangements are outmoded and unsatisfactory.

### **SoR Policy**

The Society's policy is set out in the following motions that were passed at ADC 2007 and ADC 2008.

#### **ADC 2007**

##### **Motion 54**

Conference calls upon UK Council to give an assurance that a full consultation and members ballot will be undertaken prior to any acceptance of a national out of hours or on call terms and conditions agreement.

#### **ADC 2008**

##### **Motion 6**

This Conference is extremely concerned about the impact of the on-call protection ceasing in October 2008. In the Yorkshire and North Trent region there have been several aggressive moves by employers to move staff away from on-call and onto systems of work and payment that result in a significant reduction in earnings.

These assaults by employers have been successfully defended by local IR reps. However this committee believes that many employers are biding their time until on-call protection ceases under the AFC agreement. At this time employers will present members with a fait accompli that their old systems of on-call payment can no longer exist within the AFC framework and that in the words of employers 'we can only pay you what's in the AFC Handbook'.

Conference calls upon UK Council to take immediate steps to direct the Society's national negotiators to make our position clear to the NHS Employers which is:- our members never accepted the on-call

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provisions in the handbook, these provisions have been proved to be unworkable and therefore radiographers cannot accept the automatic imposition of them in October 2008. The only coherent way forward is to maintain local on-call agreements which suit the needs of the employers and the aspirations of our members. If employers act in any way to impose changed systems of payment automatically in October 2008 then the Society will call for industrial action.

#### Motion 7

Conference recognises that the period of protection is due to expire on 31<sup>st</sup> September 2008. Conference notes the crucial importance on on-call and standby payments for Radiographers. Conference calls on Council to ensure that the SoR is fully involved in the Staff Council Review. Conference further calls on UK Council to ensure that members are properly consulted during the review process and that a ballot of members be undertaken on the terms of any proposal on the conclusion of the Review. Finally, Conference calls on UK Council to give full support to members at local level where there is a wish to oppose any changes to existing arrangements pending the outcome of the review.

#### **SoR and the National Review**

An update on recent developments relating to the UK-wide review of on-call arrangements is contained in the current SoR News "A twist in the tale".

For Scotland, Wales and Northern Ireland, the Scottish Terms and Conditions Committee, the Welsh Partnership Forum, and the Joint Negotiating Forum respectively, are participating in the UK Staff Council Review, and those bodies will consider any outcomes of the review.

The SoR is represented by Paul Bromley on the National Review Group, meetings of the SoR Reference Group continue to inform and review input into the National Review. Members of the SoR Reference Group are detailed in Appendix 2.

The Terms of Reference of the National Review are detailed at Appendix 3.