



Arrangements for On-Call, Call-Out and Out of Hours Working

1. Introduction and principles

1.1 Introduction

The Pay Modernisation project recognised that it would be necessary to develop a harmonised set of terms and conditions of employment which both met current needs and circumstances and allowed the University the capacity to respond to the need to make essential changes to working patterns in the future.

This document aims to ensure that those staff members who provide an out of hours service are recognised and rewarded for their efforts in a consistent way.

1.2 Scope

The arrangements set out in this document apply to all staff on the University of Edinburgh grade structure (UE grades) and to Trades staff (on grade TR1).

1.3 Principles

The following has been agreed, with a view to ensuring consistent reward and recognition for those staff providing an out of hours service:

- a) On-call rotas will only be used where there is a demonstrable need to ensure adequate out of hours cover for essential services and where it is essential to ensure that there is a response to the failure of any critical system or service. Areas which at present require such arrangements are listed in appendix B. Proposals for additions to this list will be subject to appropriate consultation and negotiation.
- b) On-call rotas will be managed on an “opt-in” basis wherever possible
- c) Managers will seek, wherever possible, to reduce the inconvenience of being on-call
- d) Where existing arrangements meet the needs of the service then there will be no requirement to change.

2. On-call arrangements

2.1 Inclusion in Rotas

All staff members who possess the necessary levels of knowledge, skills and experience will be invited to 'opt-in' to the rota system so that every eligible member of staff will have the same opportunity to receive on-call and call-out payments. In exceptional cases, where a rota of staff is required to provide essential out of hours support and where insufficient numbers of staff have 'opted-in' then staff may be required to join the rota system.

However, before any member of staff can be required to join a rota, the following steps must be taken:

- a) Managers will consult with staff, customers, the relevant HR Adviser and the appropriate Union to establish whether there may be alternative ways of providing the service;
- b) Managers will consult with individual staff and with the appropriate union to seek to establish agreement to join the rota system;
- c) Staff will not be required to join a rota where there are good reasons for not doing so e.g. care of dependents, health issues etc.

In areas where a rota is necessary, all new staff members will be contracted to join it.

2.2 On-Call Support Levels

In considering the nature of the on-call support required, local managers should bear in mind that the following factors will generally dictate which, if any, of the two types of out of hours support is required:

- the nature of the work performed
- the number of staff available
- the spread of knowledge, skill and experience possessed by staff.

There will be two types of paid support as follows:

2.2.1 Level One Support

This type of support requires staff to provide rostered cover; to respond to call-outs and to attend on site if necessary.

2.2.2 Level Two Support

This type of support allows staff to be contacted in order to provide support outside the staff member's normal hours of work. There will be no obligation for

the member of staff to be available and therefore, this level of support will be provided on a “best endeavour” basis. There is, therefore, no contractual on-call payment for staff who provide Level Two support but a call-out payment will be made if staff respond to a request.

2.3 Payment for On-Call Rotas

Payment for being on-call will be made to all staff who are rostered to provide Level One support.

On-call rotas may vary to include either all hours outside the staff member’s normal pattern of work over a seven day period from Monday to Sunday (e.g. if a member of staff has a defined work pattern of 9am to 5pm, Monday to Friday (35 hours) then they will be on-call for all other hours in that week) or for specified hours outside the normal pattern of work (e.g. 6pm to midnight, Monday to Friday).

Staff providing Level One will be required to be on-call at all the specified times during the on-call period.

An on-call period will normally be one week i.e. Monday to Sunday but, where numbers of staff and the nature of the service allows, periods of less than a week can be rostered and payment will be made on a pro-rata basis.

For each on-call period of one week in the year, a member of staff will be paid 1% of annual salary plus any additional contractual payments (excluding contractual overtime) up to a maximum of 15% in any year.

In any week where public holidays fall during an on-call period, a payment of either 1.15% or 1.3% (depending on whether there are one or two public holidays in the period) will be made rather than 1% in recognition that there are more on-call hours in such weeks.

However, where it is intended that more than 13 on-call periods in any year will be scheduled for any individual then prior agreement must be sought from the appropriate Head of HR.

Where the on-call rota does not cover all hours outside the staff member’s normal pattern of work e.g. if it is confined to evenings and/or weekends only, then payment will be based on a percentage of the pro-rated annual salary plus any additional contractual payments (excluding contractual overtime).

All on-call payments will be pensionable.

For examples of the calculation of On-Call payments see Appendix A.

2.4 Contact Lists

In some areas of the University, it may be that an adequate level of cover can be provided by staff who have agreed that they may be contacted (for whatever good reason) to provide a service appropriate to the needs of the department, on a fully voluntary basis. There is no obligation on such staff either to respond or to provide a service. There are no on-call or call-out payments for staff who have agreed to be on a Contact List.

2.5 Support Provision

Where the nature of the work demands it, the University will supply and pay for whatever specialist equipment is necessary for the on-call member of staff to provide the necessary level of service e.g. a PC or laptop, pre-arranged routes for accessing additional support, internet access, mobile 'phone etc. The appropriate manager and the member of staff will agree, in advance of being placed on a rota system, the type and nature of support which will be required.

3. Call-Out Arrangements

Call-out arrangements apply to all Level One staff and to those Level Two staff who respond to requests. Requests for call-out must either come from a named University staff member who has, by local arrangement, previously been provided with the authority to call out specified categories of staff or from an agreed automated alarm or monitoring system or service, or from the University's Security staff.

The call-out system may only be used for emergency work. An emergency is defined as a problem which requires urgent attention before the start of the next routine shift or working day. Emergency work may be carried out on site or remotely, depending on the nature of the work.

3.1 Call-Out Rates

Staff working on call-out are paid on their hourly rate, subject to a minimum payment of two hours for any single call-out period. Where staff are required to attend on site as a result of the call out, travel time to and from the work site is included in the calculation of hours payable. Travel time will be agreed in advance with all individual staff members who are available for call-out.

3.2 Further Call-Outs

A call-out begins when the member of staff is first contacted and ends at the expiry of the agreed travel time after the call-out task has been completed. The member of staff is required to contact Security to confirm when the call-out task is completed.

If, during the initial call-out period, a further emergency arises and the member of staff is asked to attend to it on completion of the initial call-out task, any subsequent work which goes beyond the initial two hour minimum period will continue to be paid on the hourly rate and will be treated as part of the initial call-out. However, a further call-out which occurs after the expiry of the original call-out and agreed travel time home i.e. when Security has been informed that the initial call-out has been completed, will be treated as a new call out and will be subject to the minimum payment of two hours.

3.3 Public holidays

The following arrangements apply to staff who are called-out on a public holiday:

- All staff who are on-call on a public holiday will be given a day off in lieu of the public holiday, whether they are called-out or not. The day off in lieu should be taken within three months of the public holiday.
- All staff who are called-out (whether physically or not) will be paid at the rate of time and a half rather than plain time rates. In all other respects the terms of section 3 apply.
- Where Christmas Day and/or Boxing Day and New Year's Day and/or the day after fall on a Saturday or a Sunday then the above arrangements will apply to those days and not to the designated public holidays.
- Staff who are physically called-out on the 24th of December or the 31st of December and where the call-out does not finish until the 25th December or the 1st of January will be given a day off in lieu.
- Staff who are physically called-out on the 25th of December or the 1st of January and where the call-out does not finish until the 26th of December or the 2nd of January will be given two days off in lieu.

3.4 Other Arrangements

Local arrangements, based on past experience, should be developed whereby prior agreement to respond to certain types of call-out is already given. In exceptional circumstances, where there is no prior agreement, the member of staff must contact their line manager or authorised deputy for authority to carry out the work if it is believed that the response to the call-out request will require more than two hours work.

Normally, a maximum of 8 hours work on call-out will be permitted in any 24 hour period.

In very specific circumstances and as an exception to the above, staff who are on different grades but on the same rota, may be called out to do work of the same level. Where this is the case, all staff will be paid at the pre-established hourly rate for the work they are called out to do, rather than at the rate for their own jobs.

If it is preferred, agreement may be reached for the member of staff to receive time off in lieu (TOIL) instead of payment for call-outs.

Trades staff who work at the workplace during the Christmas/New Year closure period, and who are on-call, will not have annual leave days deducted from their entitlement. Affected employees should take these annual leave days in line with the Annual Leave policy.

3.5 Return to Work

There is a need to ensure that, not only are statutory requirements relating to time away from work met, but also that sensible arrangements are put in place to ensure that staff are capable of working effectively after being called-out and that the principles of work-life balance are adhered to.

Guidelines

Finish Time (of call-out)	Total Time Worked		
	< 1 hour	1-4 hours	> 4 hours
Before midnight	Normal start time	Normal start time	Normal start time
Midnight-3am	11am	Meal break	Meal break
3am – 6am	Meal break	Meal break	Normally Meal break
6am – 9am	Continue at work	Meal break	Meal break or next day

It should be emphasised that these are only guidelines and that actual finishing times and the span of the total time worked should be used in determining return to work arrangements. Where the normal working day is not 9am to 5pm then the principles behind these guidelines should be applied to the actual pattern of hours being worked.

N.B. A “Meal break” can be considered to be a period which commences not more than 4 hours after the start of work and lasts for at least half an hour.

Staff members who return to work in accordance with the above guidelines will be paid from their normal start time in addition to the call-out payment they receive.

3.6 General Call-Out Arrangements

Response times i.e. the maximum length of time in which the member of staff must respond to the call, will be agreed locally. Level One staff must ensure that they are in a position to comply with these requirements when they are on-call.

Level One staff must be fit and competent to be able to attend work or carry out work remotely as required.

In certain circumstances, Level One staff must be able to attend a designated place of work within a specified period.

Rota arrangements should be reviewed on a regular basis, bearing in mind changes in staffing levels, the pattern and nature of call-outs and other relevant factors.

Staff must ensure that any University equipment is kept in a working condition, e.g. mobile phone batteries are kept charged.

4. Out of Hours Working

Out of hours working can be defined as either one or a combination of:

- Working outside the staff member's normal pattern of hours
- Working outside the staff member's contractual hours of work

other than where that work is covered by the On-Call arrangements above.

Staff on grades 1 to 5 have defined hours of work whereas staff on grades 6 to 9 do not normally have fixed hours of work and this makes it more difficult to identify periods of out of hours working. However, whilst not having fixed hours is necessary to reflect the need to allow staff on grades 6 to 9 the flexibility to order their work to meet organisational priorities and to meet fluctuating work requirements, it is recognised that there may be an exceptional requirement for out-of-hours working, as below.

4.1 Planned Out of Hours Working

There will be times when it will be necessary to carry out work outside normal hours. It is likely that this will mainly be in response to planned essential work, for example, maintenance, system upgrades, setting up conferences and special events etc. Appendix A to the "Harmonised Terms and Conditions" document was agreed as part of the Pay Modernisation process and gives examples of the types of approaches which managers can take to providing a response to the need to carry out planned out of hours work and these should be applied to all grades of staff.

A summary of these approaches is shown below:

- Annualised Hours
- Banked Hours
- Credit Time
- Staggered Hours
- Compressed Hours
- Flexitime

4.2 Unplanned Out of Hours Working

Occasionally and on an exceptional basis, unplanned work may need to be done out of normal hours. This is likely to be in response to an emergency or where insufficient notice has been given of, for example, building opening requirements.

Staff on grades 1 to 5 receive, as part of their terms and conditions of employment, additional payment to respond to this need.

Staff on grades 6 to 9 are normally expected, as part of the requirements of their job, to respond positively to any emergencies or out of hours work which needs to be undertaken at short notice.

Many of the approaches to flexible working (see above) will also address the issues arising from unplanned out of hours working for all grades of staff.

However, arrangements for staff on grades 6 to 9 are as follows. Where:

- a) Grade 6 to 9 staff are required to attend the workplace for more than 35 hours per week **and**
- b) alternative arrangements are not feasible **and**
- c) the work is exceptional and irregular and is necessary to maintain an essential service **and**
- d) it can be demonstrated that the work cannot be done during “normal” hours, and out of hours working is required, time off in lieu (TOIL) will be the usual form of recompense for a member of staff on grades 6 to 9 when they have carried out work which satisfies the above conditions. This will be applied at the rate of one hour for every hour worked. Where the Head of School/Department (HoS/D) considers it not to be practicable to give TOIL, payment at the appropriate rate will be made.
- e) Where more than one member of staff has the relevant knowledge, skills and experience, work should be offered to staff on an equitable basis to ensure that, over time, each member of staff has an equal opportunity to do such work.

4.3 General

Because any payments made to grade 6 to 9 staff under this scheme must be truly exceptional, there is a requirement for such payments to be tightly controlled and therefore, payments have to be authorised in advance by the HoS/D or designated deputy in consultation with the budget holder. All payments will be made through the payroll and should be classified as ‘Exceptional OoH’ to enable these payments to be monitored. The HoS/D is required to report the payments under this policy on a six monthly basis to their Head of HR. This report should specify: the employees names; dates and times worked; the type of work; the reason that it had to be done ‘out of hours’; and the reason that TOIL was not used.

5. Work/Life balance

HoS/Ds should monitor the frequency and length of call-outs and the extent of planned and unplanned out of hours working on a regular basis to ensure that no member of staff is being required to undertake additional work which may be detrimental to their health and wellbeing.

It will also be necessary to have a University-wide approach to ensuring that there is an adequate work/life balance and HR will develop mechanisms to monitor and control the frequency and length of call-outs as well as the equitable apportionment of on-call responsibilities throughout the University and the incidence of unplanned out of hours working.

6. Requirement to work fixed hours

As stated above, staff employed on grades 6 to 9 do not normally have a fixed pattern of hours of work. However, where, for good and demonstrable business reasons, staff on these grades are required to work a fixed number of hours in a pattern which, had they been employed on grades 1 to 5, would have entitled them to a premium band payment under the 'Harmonised Terms and Conditions' agreement, then they will be entitled to receive the premium band payment which most closely matches their pattern of work.

7. Areas not Covered by this Policy

Because of the diverse range of activities undertaken in different parts of the University, it is not possible to address all eventualities. Therefore, where patterns of work and activities exist which have not been addressed as part of this policy, managers should consult with their local HR teams and, through them, with the relevant Union/s to arrive at a solution which is consistent with the underpinning principles of this policy.

Additionally, where it can be demonstrated that the total cost of providing the level of on-call necessary to maintain an essential service exceeds the cost of employing additional staff then consideration will be given to employing more staff. However, where the nature of the service provided means that employing additional staff will not by itself allow the necessary level of service to be maintained, then local on-call and call-out arrangements may be developed in accordance with the principles contained in this policy. Any such local arrangements will have to be approved in advance of their implementation by University HR Services.

8. Policy Creation

This policy was originally approved by the Combined Joint Consultation and Negotiation Committee (CJCNC) in July 2007, for immediate implementation.

There were subsequent minor amendments approved by CJCNC in December 2008, June 2009 and April 2012. A policy review, including substantive changes was approved by

CJCNC on 30 April 2012. A minor update was made in June 2016. A full review will take place in 2024.

Example of Calculation of On-Call Payment (where the On-Call period is a week)

Full-time Employee who is On-Call “full-time”

A full time employee works 35 hours p.w.

There are 168 hours in a week.

This employee is on-call for all hours in a week outside the normal working hours and is on-call for 10 periods each year. This will result in the employee being on-call for 133 hours p.w. (168 minus 35 hours).

This will attract an on-call payment based on one percent of annual salary for every full on-call period of one week i.e. annual salary x 10%

Full-time Employee who is On-Call “part-time”

A full-time employee works 35 hours p.w.

The number of on-call hours per week are 133. This employee is on-call from 5pm to midnight, Monday to Friday for 10 weeks in every year. This will result in the employee being on call for 35 hours p.w. (7 hours p.d. for 5 days).

This employee is therefore on-call for 26% (35/133) of the available on-call time in a week.

This will attract a payment based on one percent of annual salary for every on-call period (10) and the part-time on-call rate of 26%:

- 10 on-call periods in the year = (annual salary x 10%) x 26%

Part-time Employee who is On-Call “part-time”

A part-time employee works 17.5 hours p.w.

The on-call hours per week are 133 (these are not determined by the employee’s hours but by the coverage of full-time staff).

This employee’s on-call payment is calculated using their notional full-time salary, and calculated in the same fashion as set out in the appropriate example above.

List of Work Areas Utilising Contractual On-Call Rotas (i.e. Level One)

AHSS

None

MVM

None

CSE

Biological Sciences

IS

IT Infrastructure (including Telephones & Security, Network & Video Conferencing Operators)

USG

Communications and Marketing

CSG

Biological Services

Trades staff