

## **STANDBY AND EMERGENCY RECALL TO WORK POLICY**

- 1. Introduction**
- 2. Formal Standby and Call-Out arrangements**
- 3. Payment**
- 4. Emergency Recall to Work**
- 5. Manager Responsibilities**
- 6. Employee Responsibilities**
- 7. Working Time Regulations**
- 8. Review**

## **1. Introduction**

It is recognised that some Services may need to provide cover at times outwith normal operating hours.

The requirement to do so may in some cases be frequent and predictable, or in other cases, be less frequent and unpredictable.

CultureNL Ltd operates two arrangements to manage Standby and Emergency Recall to Work:

- A formal Standby and call-out arrangement; OR
- An Emergency Recall to Work arrangement

## **2. Formal Standby and Call-Out arrangement**

A formal standby and call-out arrangement operates where the requirement for call-out is frequent and there is a consistent demand for a particular set of skills out of core hours.

Employees on Standby will have either a contractual clause within their contract (normally listed in their Statement of Particulars) requiring them to participate in formal Standby arrangements or have a separate variation to contract letter setting out the arrangements.

If you are participating in a formal standby and call-out arrangement as a requirement of your contract, you must be ready, contactable and be available for immediate call out for duty, if and when required at any time outwith core working hours. You normally cannot refuse a call-out - you are contractually required to attend any and all call-outs personally.

## **3. Payment for participation in a formal Standby and Call-out arrangement**

If you are participating in a formal standby and call-out arrangement, you will be eligible for a Standby Payment, as detailed in Culture NL Ltd's Core Conditions document.

The purpose of the Standby payment is to compensate you for the limitations on your free time activities which are substantial.

This payment is intended to cover duties associated with standing by, including dealing with telephone calls where you are required to exercise your skills, and completing documentation /emails.

Where you are physically required to attend a call-out at a CultureNL property, you will also be paid a call-out payment at a rate equivalent to the appropriate overtime rate for hours worked. Overtime rates are detailed in Culture NL's Core Conditions document. Call-out payments at enhanced rates will be made to employees regardless of whether they have worked less than or in excess of the 37 hour week

normal overtime threshold. Compensatory leave on an equivalent basis to payment may be agreed as an alternative to payment

Extra time of less than half an hour in any one day will not count as overtime. All overtime of half an hour or more will be aggregated for each week and only completed half hours will be paid.

#### **4. Emergency Recall to Work arrangement**

An Emergency Recall to Work arrangement operates where the requirement for call-out is infrequent and there is an irregular demand for a particular set of skills out of core hours.

There is no contractual obligation upon employees to attend when recalled to work.

Under this arrangement staff may be required on occasions to attend a site on a call-out basis where no standby payment is made. The employee may be one of a pool of people, and the person can decline to attend if it is not convenient. The call-out would then move to the next person on the list etc.

In these instances the employee would receive a recall to work payment, paid at a rate equivalent to the appropriate overtime rate for hours worked, subject to a minimum payment of two hours. Overtime rates are detailed in Culture NL's Core Conditions document. Recall to Work payments at enhanced rates will be made to employees regardless of whether they have worked less than or in excess of the 37 hour week normal overtime threshold. Compensatory leave on an equivalent basis to payment may be agreed as an alternative to payment

#### **5. Managers Responsibilities**

Managers must ensure that:

- Necessary arrangements are put in place to cover service provision. Rotas of those on Standby should be prepared in advance and as much notice as possible given to employees of the standby rota.
- Where recall to work arrangements are used, up to date lists of employees who are willing to be contacted should be maintained;
- Appropriate working instructions are provided in order to minimise the number of call-outs required.
- Strictly monitor any claims for call out / recall to work made.
- Ensure that any health and safety implications for staff are taken into account by means of a risk assessment and arrangements put in place to deal with any reasonably foreseeable concerns.
- Provisions in the Working Time Regulations are adhered to.

## 6. Employees Responsibilities:

- Must provide their own telephone line to be contacted on;
- Must notify their manager of any change to his/her contact telephone numbers;
- Must ensure they are able to perform their duties;
- Must inform their manager of any changes to standby / recall to work arrangements;
- (for Standby) must be in a fit state to drive (if relevant) and have transport available at all times;
- Carry out duties in accordance with the normal workplace rules.

If, due to unforeseen circumstances e.g. illness or serious domestic emergency, an employee whilst on standby/ recall to work arrangements is unable to fulfil his/her obligations, the employee must notify his/her line manager at the earliest opportunity (normally, on the next working day).

For those on standby, in these circumstances, and where the employee is unable to resume standby duties for the allotted rota, the employee will not receive the standby payment for any days when sick or when an emergency occurs.

## 7. Working Time Regulations

The Working Time Regulations 1998 are a health and safety at work measure. They include basic entitlements and limits on organising working hours.

For the purposes of the Regulations, 'working time' excludes the period of time a member of staff is on standby / recall to work unless an employee:

- is actually called out to work; or
- has their sleep interrupted to carry out work.

Working time commences at the point where an employee is called out and this includes any travelling time.

The Regulations state that it is necessary for an employee to have an uninterrupted break of 11 hours each day.

Where a worker is required to work during a period which would normally be a daily rest period, e.g. called out while on 'stand by' or recalled to work, they must be offered "compensatory rest."

This compensatory rest must be equivalent to the amount of rest time that has been missed, e.g. where a worker finishes at 5.00pm and is due to return to work the following day at 7.30 am this equates to 14 ½ hours scheduled rest and therefore includes the 11 hour minimum rest period. If the worker is called out to work from 11.00pm to 04.00 am they will only have received 9.5 hours rest, therefore they must receive an additional 1.5 hours rest before the start of their next shift to ensure they

get a minimum of 11hrs rest. Their start time should therefore be adjusted to 09.00 am.

However, compensatory rest is not time off in lieu and staff are still required to work their normal weekly contractual hours.

Managers need to ensure that they actively monitor the working hours of employees.

Employees cannot 'opt out' of the requirement to receive compensatory rest. Payment in lieu of compensatory rest cannot be made.

## **8. Review**

The content of this Policy and its effectiveness will be the subject to a three-yearly review. However, should circumstances require this Policy to be reviewed at an earlier date then appropriate amendments will be made.