

Standing Committee for Chief Officer Grades

**To: The Chair of the Probation Trust
The Chief Executive of the Probation Trust
(Copy enclosed for the *Head of HR*)
The Secretary to the Probation Board/Trust
Members of the Standing Committee for Chief Officer Grades**

1 June 2010

SCCOG CIRCULAR NO.3/2010

Dear Madam/Sir

Out of Hours and Standby – Payment Arrangements

Trusts will recall that the Standing Committee for Chief Officer Grades conducted a survey in 2009 to establish practice in out of hours coverage by Chief Officer Grades. This survey identified a range of practices from offering no compensation to matching the NNC provisions (these are included at Annex A). The application of arrangements equivalent to those for employees covered by the NNC represented a significant majority of instances. Indeed, a significant number of Trusts use staff at Pay Band 6 for out of hours coverage, hence the use of equivalent NNC terms and conditions being a logical consequence of this.

It was also noted from the survey responses that there was no consistent application of compensation arrangements for Chief Officer Grade staff. In part this may be due to a lack of understanding of the different levels of contactability that may be required. To assist trusts, the different levels of contactability can be defined as follows:-

1. Out of hours contact -This can be either by telephone or other means but does not require the person contacted to attend for duty or to be available to attend for duty. Normal practice is not to provide any compensation for this as it is seen as part of the more general responsibilities of a senior manager. Where the out of hours contact becomes protracted, however, and, for example, necessitates the senior manager attending for work for a significant amount of time, then the call out provisions set out at Annex A Paragraph 11 will apply except that any compensation will be paid at plain time.

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2. Standby duty – This is where an employee is formally rostered for standby duty at home or similar to deal with emergencies that may arise and when the normal requirements for fitness for duty apply. In these circumstances, the standard call-out provisions as set out at Annex A Paragraph 10 apply to this except that any compensation will be paid at plain time.

Given that the majority of trusts apply the NNC provisions in circumstances as outlined in Paragraph 2 above, the Standing Committee has agreed that where Chief Officer Grade staff meet the requirements for call out and standby duty as detailed above, trusts should apply conditions and payments equivalent to those obtaining under the NNC provisions with the exception as stated above that any compensation will be paid at plain time.

The effective date of this agreement, which supersedes any informal local arrangements and which will be formally incorporated into the SCCOG Handbook in due course, is 1 April 2010.

Yours faithfully

Christine Lawrie
David Walton

Joint Secretaries

NNC Standby and Call Out (Paragraphs 8-12, Section A5/2 of the National Agreement on Pay and Conditions of Service)

Standby

8. An employee may be required to perform standby duty at home to deal with emergencies which may arise. A payment shall be made for each session of standby duty. A weekday session covers the period between closure of an office one day and its opening the following day. A session at weekends and on bank or public holidays is twelve hours. Rosters shall be drawn up so that the requirement to undertake standby duty is shared fairly.
 - (a) Any employee who is required to be available for immediate call-out is on standby and is entitled to claim the standby allowance. By local agreement, this could include availability for contact by mobile telephone or pager.
 - (b) The normal requirements of fitness for duty will apply to employees on standby.
 - (c) An employee who is called out when on standby is to be entitled to the call-out payment as in Paragraph 12 below.
 - (d) Any standby duty requirements should be shared as equitably as possible between suitably skilled and available staff so that an unfair burden of such duties does not fall to some staff disproportionately. Good management practice calls for volunteers to be requested in the first instance.
 - (e) Probation boards should examine their requirements for standby duty in the light of previous practice and should review them from time to time.
 - (f) Probation boards should ensure that procedures relating to the allocation and operation of standby duty are clear and properly understood by staff. Ad hoc and informal standby arrangements which have been in operation in the past should be reviewed and replaced by formal arrangements in accordance with the national agreement. Boards are reminded that employees who are not on standby duty cannot be required to respond to a call-out request.

9. The requirement to undertake standby duty may vary significantly depending on the nature and area of work and the length of standby duty may need to be determined locally within the limits set out in the agreement. In drawing up suitable rosters for standby duty it should be noted that each recognised session of standby duty attracts the full payment. The agreement does not provide for pro-rata payments to be made according to the length of standby duty. However, two employees would be permitted to share the same recognised session of standby duty where the employees concerned undertake such duty as part of a formal job share arrangement.

Call Out

10. Employees who are called into work (or required to work but where the responsibility can be discharged without the employee having to leave home) during a period of on-call will receive payment for the period they are required to attend (or work) in accordance with the appropriate pay arrangements. Alternatively, employees may choose to take time off in lieu at plain time.
11. An employee who is not on standby duty cannot be required to respond to a call-out request. Where the employee does respond to such a request, a payment equivalent to time and a third shall be made, except on weekdays between midnight and 6am, at weekends and bank holidays when payment shall be made equivalent to time and a half. Call-out duty undertaken on a bank holiday will also attract equivalent time off with pay.
12. Call-out hours taken as time off in lieu will be at plain time. Working time for the period of a call-out shall be the time between leaving and returning home. Travelling expenses shall also be payable.