

STAFFING POLICY COMMITTEE

29 September 2022

Appendix A

Draft Standby and Call-Out Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

Wiltshire Council needs to provide certain services outside of core operating hours. Standby and call-out duties are a requirement of specified posts to enable the council to provide these essential services.

This policy outlines the principles, definitions, and payments made by Wiltshire Council relating to standby and call-out. Standby and call-out duties are a contractual requirement for employees in those services which operate under this policy.

Scope and general principles

What is standby?

1. Standby is defined as being available and ready to work, if required, over a defined period of time outside of core hours.
2. For identified posts, standby is a contractual requirement and arrangements will be managed by a rota in the relevant team or service area.
3. Employees receive payments for undertaking standby.

What is call-out?

4. Call-out is defined as work that is not planned, but arises as a result of a requirement to respond whilst on standby.
5. Call-out applies when an employee is called out to work as part of a standby arrangement. This work may be undertaken remotely, i.e., over the phone or virtually, or by attending a Wiltshire Council or other site to resolve the issue.
6. Employees receive payments for call-out work undertaken as part of a standby arrangement.

Who does it apply to?

7. This policy applies to Wiltshire Council employees on NJC and Soulbury terms and conditions who are contractually required to participate in a standby rota, unless a separate contractual policy applies to a transferred employee to whom separate TUPE terms and conditions of employment apply. This policy does not apply to HAY graded employees, centrally employed teachers, or those employed in maintained schools or academies.
8. Where a role requires the employee to carry out standby and call-out duties, this will be a contractual requirement and they will be contractually obliged to fulfil this commitment. The requirement to carry out standby and call-out duties will be confirmed with the employee at the recruitment stage and will be detailed in their contract of employment, or they will be consulted at the start of any standby and call-out arrangements being implemented within their team or service. The requirement to carry out standby and call-out duties will also be detailed in the role description for the post.
9. Employees may apply to be exempt from standby, and 'opt out' of this duty. Further information is provided in the Opting out section below.

When does it not apply?

10. Standby does not apply when employees are undertaking pre-planned work which should be part of the service's core hours.
11. If an employee is called out to work as a one-off or an emergency, and this is not part of a standby rota, this should be claimed as time off in lieu ([TOIL](#)) where possible. Where this is not possible the [overtime](#) will apply.

What are the main points of the policy and procedure?

Standby allowance rate

12. Where an employee has agreed to remain at home in order to be available for call-out outside of core hours, there are two session lengths – up to 8 hours, and over 8 hours up to a maximum of 15 hours per session. Consecutive standby sessions should be claimed in banks of 12 hours.
13. The payment will be enhanced according to when the session is undertaken and the total length of each session. The allowance is paid regardless of whether or not the employee undertakes a call-out.

Monday to Friday

14. When standby starts on a weekday, the allowance payable per standby session for sessions up to 8 hours will be one hour's pay at spinal column

point 1. The current pay rates can be found on [HR Direct](#): 'Wiltshire Grade B-O Pay Scales'.

15. For each session which exceeds 8 hours, up to a maximum of 15 hours, the allowance payable will be one hour's pay at spinal column point 1 paid at time and a third.

Saturdays, Sundays and Bank Holidays

16. When standby starts on a Saturday, Sunday, or Bank Holiday, the allowance payable per standby session for sessions up to 8 hours will be one hour's pay at spinal column point 1 paid at time and a third.
17. For each session which exceeds 8 hours, up to a maximum of 15 hours, the allowance payable will be one hour's pay at spinal column point 1 paid at double time.

Call-Out allowance rate

18. If an employee is called out to work whilst on standby, they will be paid a call-out rate of plain time plus 20%. This means that the employee will be paid their hourly rate enhanced by 20%. This calculation applies regardless of when the call-out is undertaken.
19. Employees will be paid for actual time worked. There is no minimum call-out time for a claim.
20. Employees will not receive an additional 'unsocial hours' payment if they are called out to work whilst on standby during unsocial hours.
21. If an employee is required to leave their home to attend a call-out then their mileage will be reimbursed, and will be taxable and NIable at source. The employee does not need to deduct their normal home to work commute.
22. Standby and call-out allowances are pensionable under the LGPS, and they will form part of an employee's pension contributions if they are enrolled in this scheme.
23. The standby and call-out allowance rates will increase in line with the annual NJC pay award.
24. It is recommended that employees should not undertake standby duty more frequently than one week in four, however employees may be required to be on standby more frequently as operational circumstances require.

Receiving standby allowance during absences

25. If an employee is absent or on leave due to sickness or maternity leave, standby will form part of the calculation undertaken when employees are paid under these policies.
26. Call-out is paid only when an employee is called out to work whilst on standby, so will not be paid during absences.

Holiday entitlement accrued on standby and call-out

27. Holiday entitlement accrued on any standby and call-out will be paid in the form of a plussage.

Claiming allowances

28. To claim a standby allowance and any call-out carried out/undertaken, the employee must submit a form monthly in arrears outlining the date of any standby sessions completed and any call-out hours during these sessions.
29. The employee's line manager is responsible for reviewing and authorising that the forms are accurate prior to submission to Payroll.

Removal of standby and call-out working arrangements

30. Where a change is made to a service operating model which impacts the requirement to participate on a standby rota, employees will be consulted, as this would constitute a change in contract. Managers must contact their HR Business Partner in the first instance, to ensure that such changes are undertaken through the proper consultation approach and are appropriately documented.

Opting out

31. Services will determine the number of employees required to be on standby rotas, and may not require all employees within the service to be on rotas, although it will remain in their contracts and they can be required to do this if operationally needed.
32. In exceptional circumstances, employees may request to opt out of the requirement to participate in contractual standby and call-out duty arrangements. A request may be granted if it is made due to reasons of significant extenuating circumstances, such as related to a [protected characteristic](#) as detailed in the Equality Act, or caring responsibilities making participation in the rota unfeasible. Each request to opt out of contractual standby and call-out will be considered on the basis of feasibility and operational merits, alongside the reasons for the request.
33. Permission to opt out will be granted at line manager's discretion, after seeking advice from HR Advisory. The employee's manager will consider the request carefully, weighing the benefits for the employee against any adverse business impact.

34. If an employee wishes to request to opt out of standby and call-out obligations, they must notify their line manager immediately and complete a request to opt out form. The employee must specify whether they wish to request to opt out indefinitely or as a temporary arrangement.
35. The employee's line manager will give due consideration to the request and either agree to the request, decline it, or arrange a meeting with the employee to discuss further as soon as is practicable. It is recommended that the manager consults HR Advisory. The manager should respond using the opt out request outcome form. During this consideration period, managers are expected to work with employees to accommodate their request to not participate in a standby rota in the meantime.
36. If the request to opt out is approved, this constitutes a change to the employee's terms and conditions of employment. The line manager therefore must contact the Recruitment team to ensure that a change to contract letter is issued to the employee.
37. If the request to opt out is approved, the case may be reviewed at a later date for operational reasons, i.e., if it arises that the service does not have sufficient employees to cover a standby rota and there is thus an impact on service delivery or the employees circumstances change. Where this applies, the line manager would discuss the situation with the employee(s).
38. If the request to opt out is declined, the line manager's decision can be appealed in line with the council's [One Appeal policy](#). To make an appeal, the employee will need to do so in writing using the [appeal form](#) within 10 working days of receiving a written outcome or decision made on their request to opt out form. During this period, managers are expected to work with employees to accommodate their request to not participate in a standby rota in the meantime.

Working time regulations and health and safety considerations

39. If an employee's ability to manage their time during a standby period is impacted objectively and significantly, for example, if an employee is called out frequently, or required to attend the workplace urgently, then this should be counted as working time under the Working Time Directive. Being on standby and participating in a standby arrangement but not being called out to work does not count as working time.
40. Under working time regulations, managers are required to ensure that employees do not work more than 48 hours per week averaged over a 17 week period. This includes out-of-hours working, such as call-out.
41. If there is a call-out or multiple call-outs that mean that an employee is unable to have at least 11 hours' uninterrupted rest between finishing work and starting work again, or they are unable to take an unpaid uninterrupted break of at least 20 minutes during a period of work lasting 6 hours, then the line manager must

take steps to compensate for missed rest breaks. They may do this by ensuring the break is taken later, or taken in a different way.

42. Further information regarding working hours can be found on [HR Direct](#).

Further advice

For further information please speak to your supervisor, manager, service director or [contact an HR case advisor](#).

If you require help in understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your Head of Service who will nominate an appropriate manager or colleague to help you.