

# Estates On-Call Policy

**This document outlines the Scottish Prison Service Policy in relation to Estates On-Call**

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**Unlocking Potential - Transforming Lives.**

**Policy Number:**

HR043/005

**Directorate Owners:**

Corporate Services, Human Resources

**Policy Scope:**

SPS Estates employees who are On-Call

**Links to Other Policies:**

[Annual Leave Policy](#)

[Equal Opportunities and Diversity Statements of Policy](#)

[Senior Manager On-Call Policy](#)

[Travel & Subsistence Policy](#)

[Wellbeing Policy](#)

[Winter On-call Allowance](#)

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Head of Human Resources

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## Policy Content

<b>1.0 Introduction.....</b>	<b>1</b>
<b>2.0 Aim.....</b>	<b>1</b>
<b>3.0 Policy Statement.....</b>	<b>1</b>
<b>4.0 Scope.....</b>	<b>2</b>
<b>5.0 Definitions .....</b>	<b>2</b>
<b>6.0 Roles and Responsibilities .....</b>	<b>2</b>
6.1 Line Managers .....	2
6.2 Human Resources .....	2
6.3 Employees working On-Call.....	2
<b>7.0 Selection of Employees for On-Call duties .....</b>	<b>3</b>
<b>8.0 Frequency of On-call .....</b>	<b>3</b>
<b>9.0 On-Call Allowance - Eligibility for Payment .....</b>	<b>3</b>
9.1 Eligible Employees .....	3
9.2 Non-Eligible Employees.....	4
<b>10.0Rate of Estates On-Call Allowance.....</b>	<b>4</b>
10.1 Period of 7 Days or More .....	4
10.2 Period of Less than 7 Days .....	4
10.3 Adjustments .....	5
10.4 Determining Rates .....	5
<b>11.0Method of Claiming .....</b>	<b>5</b>
<b>12.0Minimum Attendance Credit .....</b>	<b>5</b>
12.1 Eligible Employees.....	5
<b>13.0Travelling Expenses .....</b>	<b>6</b>
<b>14.0Equal Opportunities &amp; Diversity .....</b>	<b>6</b>
<b>15.0Working Time Regulations.....</b>	<b>6</b>

## 1.0 Introduction

The Scottish Prison Service (SPS) Estates employees have, as a term and condition of their employment, a specific rostered commitment to be on-call to support the operational and estate maintenance requirements of SPS, out with normal working hours. The number of employees and range of skills that may be required on an on-call basis will be determined, rostered, and managed locally.

## 2.0 Aim

This policy sets out in detail the application of the on-call arrangements to SPS Estates employees, the eligibility criteria, and the rate of payment for the Estates On-Call Allowance.

## 3.0 Policy Statement

The terms of this policy constitute an updated collective agreement between the Scottish Prison Service (SPS) and the Trade Union Side (TUS) and replaces and supersedes any previous policies or collective agreements in relation to Estates On-Call Allowance.

The agreement may be subject to formal review by SPS management and the TUS at national level.

The policy will be amended to reflect any changes resulting from pay outcome negotiations.

A review will be triggered by one of the parties in writing. Discussions between the parties will commence within three months of the written request for review being received.

The policy may be terminated by SPS management at any time, with a minimum of three months' notice. In the event of termination, SPS management and the TUS will enter into discussions within one month of the termination of the policy regarding appropriate alternatives, provided either of the parties has indicated in writing to the other (within one month of notice of termination being received) their wish to do so.

## 4.0 Scope

This policy applies to all SPS Estates employees who are required to undertake on-call duties, as part of the terms and conditions of their employment.

## 5.0 Definitions

For simplification of this document the following terms and definitions apply:

- **On Call** - a specific rostered commitment for an employee to remain immediately available and fit for work outside normal working hours for a specified and continuous period of more than 12 hours, between the end of one rostered shift and the rostered start time of the next rostered shift and to attend the workplace where required.

## 6.0 Roles and Responsibilities

### 6.1 Line Managers

Line Managers are responsible for effectively utilising their resources and should plan the most effective way of achieving service needs for On-Call arrangements. They should:

- liaise with the relevant professionals, including those at establishments who select employees for On-Call.
- ensure good communication between management and employees.
- monitor employees' workloads to ensure that they are manageable.
- monitor employees' working hours and annual leave to ensure that they work appropriate hours, take regular breaks, and do not work in excess of the provisions set out in the Working Time Regulations.

### 6.2 Human Resources

The HR function is responsible for processing On-Call payments.

### 6.3 Employees working On-Call

Employees working On-Call should ensure they:

- remain available and be fit to undertake their full range of duties and responsibilities safely.
- seek prior approval before On-Call shifts are worked;
- submit claims that are accurate, and submitted timeously;
- note any errors and notify HR;
- do not work excessive hours, ensuring their own health and safety and the health and safety of others is not compromised.

## 7.0 Selection of Employees for On-Call duties

The selection of those individuals required to participate in on-call arrangements at each establishment will be determined locally and will take cognisance of the skills mix required to support the out of hours estate maintenance requirements of the establishment. Selection arrangements will also require to take cognisance of the relevant provisions of the [Working Time Regulations](#), as amended.

## 8.0 Frequency of On-Call

The requirement for Estates employees to be on-call will generally operate on a rotational basis at each establishment. The frequency of on-call for individual employees will be influenced by a number of factors including the size and skills mix of the team and the impact of sick absence and annual leave.

Line Managers should be cognisant to avoid excessive periods of on-call, ensuring that while flexibility may be required on occasion, periods of 'working time' where employees are called-out are not breaching the provisions of the Working Time Regulations as detailed in Section 15.0.

## 9.0 On-Call Allowance - Eligibility for Payment

### 9.1 Eligible Employees

The following employee groups are eligible for payment:

- Estates employees employed on Non-Operational terms and conditions of employment in pay bands B to E that are specifically rostered to be on-call. This includes Estates employees who are employed on Non-Operational

terms and conditions of employment but who are Pay Protected to a higher pay band up to and including Pay Band E.

## 9.2 Non-Eligible Employees

The following employee groups are not eligible for payment:

- Estates employees working in, or pay protected to a role at Pay Band F and above as they are employed on an all hours required basis. For the avoidance of doubt, this includes employees who are undertaking the duties of a role at Pay Band F and above on a non-substantive basis (e.g. such as under the terms of the SPS Acting-Up policy as may be amended or replaced from time to time).

The allowance will cease when an employee fails to meet the qualifying criteria in Section 5.0. This also includes periods of annual leave and sickness absence.

## 10.0 Rate of SPS Estates On-Call Allowance

### 10.1 Period of 7 Days or More

The On-Call rotational arrangements in place locally will normally require an employee to be On-Call over a continuous seven day period. The rate of payment of the Estates On-Call Allowance is applicable where this condition has been met. Payments will be paid with salary and are non-pensionable and subject to Income Tax and National Insurance deductions.

### 10.2 Period of Less than 7 Days

In the event that an Estates employee is rostered to be on-call over a period of less than 7 consecutive days, the amount of Estates On-Call Allowance payable shall be calculated on a pro-rata basis, depending on the number of consecutive occasions that the conditions set out in Section 5.0, are met. For the purposes of this calculation only, an Estates employee who is on-call for the whole of the period between the end of their rostered shift on a Friday to the start of their rostered shift on the following Monday will be regarded as having met the conditions set out in Section 5.0, on three consecutive occasions. Therefore the employee is entitled to 3/7ths of the 7 day value of the allowance.

## 10.3 Adjustments

The rate of the allowance will be adjusted annually with effect from the date of the annual pay settlement implementation date. The level of adjustment is determined with reference to the figure published by the Office for National Statistics (ONS) for August of that year, with reference to the UK Retail Price Index excluding mortgage interest payments (RPIX).

## 10.4 Determining Rates

To determine the adjusted rate of the Estates On-Call Allowance that will take effect from 1st April each year, the figure published by the Office for National Statistics for August of the preceding year, which gives the 12 month percentage change in RPIX, shall be used.

## 11.0 Method of Claiming

Claims should be made monthly using the [SPS Estates On-Call Allowance Claim Form](#). The form must be authorised by the Estates Manager or other appropriate Unit Manager and submitted to the Pay Section, Headquarters no later than the 8th of the following month. Authorised claims will be paid monthly in arrears.

## 12.0 Minimum Attendance Credit

Estates employees employed in the SPS pay bands up to and including Pay Band E who are called in to attend work while specifically rostered to be on-call in accordance with the definition at Section 5.0, will be credited with a minimum of four hours or the actual time worked if this is in excess of four hours.

### 12.1 Eligible Employees

Estates employees working in or pay protected to a role at Pay Band F and above are not eligible to receive the minimum attendance credit as they are employed on an all hours required basis. For clarity, this includes employees who are undertaking the duties of a role at Pay Band F and above on a non-substantive basis (e.g. such as under the terms of the SPS Acting-Up Policy as may be amended or replaced from time to time).



## 13.0 Travelling Expenses

If required to attend work when On-Call under the terms of this Policy, travelling expenses are payable in accordance with the relevant provisions in the SPS [Travel and Subsistence Policy](#), as may be amended or replaced. Please note that any claims in respect of Motor Mileage Allowance will be made with salary payments and subject to deduction for Income Tax and National Insurance Contributions.

## 14.0 Equal Opportunities & Diversity

In addressing the specific operational and out of hours estate maintenance requirements of each establishment, selection and deployment under the On-Call arrangements, shall be carried out in accordance with the [SPS Equal Opportunities in Employment Policy](#), as may be amended or replaced.

## 15.0 Working Time Regulations

### 15.1 Working Time

With regards to on-call arrangements, 'Working time' is defined under the regulations as "the time spent 'on-call' by workers is to be regarded in its entirety as working time within the meaning of the Directive if they are required to be present at the workplace and that by contrast, where workers must be reachable at all times but are not required to remain at a place determined by the employer, also called 'standby time', only the time linked to the actual provision of services must be regarded as working time."

The regulatory guidance also states that if the employee is free to do his or her own activities he or she is not working. In accordance with the definition in reg.2, time on-call will not be classed as working time unless and until the employee actually starts working.

### 15.2 Rest Periods

Managers should ensure that no employee is rostered to work in excess of 48 hours a week averaged over a 17 week period, including overtime/ex-gratia. This is the upper limit set by the Working Time Regulations. An employee may work more than 48 hours in any given week, provided that the average weekly working time over the reference period does not exceed the prescribed 48 hours.

## Further Information:

The SPS recognises that from time to time employees may have questions or concerns relating to Estates On-Call Allowance. In certain situations employees' rights and obligations regarding Estates On-Call Allowance may change. In these circumstances the SPS will abide by any statutory obligations.

The SPS wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with the appropriate Line Manager in the first instance.

## Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices.

In line with the SPS Sustainable Policy and to demonstrate compliance with the Scottish Government's commitment to improving environmental and sustainable development performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

## Equality Statement

The SPS is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity and human rights and to ensuring our culture, working environment, policies, processes and practices are free from bias. This policy applies to all employees regardless of protected characteristics, and, subject to any eligibility criteria, length of service, grade, working pattern or operational status.

## Inclusive Communications

It is our ambition to ensure that SPS documents are readable, accessible and engaging for staff.

In formatting this document, good practice principles around engagement and inclusive communications have been adhered to.

If you require this document in an alternative format please contact Human Resources.

## Review and Monitoring

This policy will be reviewed every three years or sooner where applicable to reflect changing business and legislative requirements.

## Human Resources Policy and Guidance in SPS

SPS policies take into account current legislation, rules, regulations and best practice guidance from a range of professional and public bodies, including the following:



UK Civil  
Service  
Management  
Code



UK Legislation



EU  
Legislation



ACAS



CIPD Best  
Practice