

POLICY FOR ON-CALL & STANDBY

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Revision version control

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0.1	w/c 15/02/2016	staff side colleagues
0.2	29/02/2016	JUC / Policy Group for March meeting
0.3		HR BPs, Staff Side and Reward & Performance Group (for April meeting)

Extended until November 2023



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Author:	Trust On-Call Policy Group (reviewed by [REDACTED] to include Standby)
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Chair:	[REDACTED]
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Date of Equality Impact Assessment:	February 2016

Consultation: This document has been reviewed with the following individuals and groups	On-Call Managers Representatives Staff Side Human Resources Payroll Trust Pay Assurance Group Finance Trust Industrial Relations Group
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Document History					
Date of Issue	Version No.	Next Review Date	Date Approved	Director Responsible for Change	Nature of Change
October 2012	v1	October 13	16 October 12	Director of Workforce & OD	New Policy
May 2013	v2	September 2013	21 May 2013	Director of Workforce & OD	Revision to National AfC Terms & Conditions
March 2014	v3	January 2015	18 March 2014		Scheduled Review
April 2015	v4	January 2016	17 March 2015		Scheduled Review
May 2016	v5	Feb 2019	12 April 2016		Scheduled review & inclusion of Standby provision

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1. INTRODUCTION

This policy sets out (1) the arrangements for the remuneration of and (2) the terms and conditions that apply to all on-call and standby undertaken by staff on AfC (Agenda for Change) contracts. This policy replaces the national on-call rules in paras 2.27-2.28 and is in line with the principles contained in Annex A3 in Section 2 of the AfC Terms and Conditions of Service Handbook and any previous local or Whitley arrangements.

The policy applies to all non-medical staff on Agenda for Change terms and conditions of employment. It applies to full-time staff and part-time staff, and to all staff groups including staff on contracts with the Temporary Staffing Bureau ('bank').

The policy excludes arrangements for exceptional emergency circumstances such as major incidents.

2. PURPOSE

This purpose of this policy is to establish a set of payments, terms and conditions that reflect equal pay for equal value, consistency and fairness across all non-medical staff groups employed by University Hospitals Bristol NHS Foundation Trust.

3. DEFINITIONS

On-call . A member of staff is on-call when, as part of an established arrangement with the Trust, he/she is available outside his or her normal working hours to work as and when required. This includes arrangements where a member of staff chooses to remain on Trust premises/accommodation in order to fulfil their on-call requirements, but it is not a Trust requirement for them to remain on-site.

Emergency call. A member of staff may be called in for an emergency when not on an on-call rota, eg for a major incident

Standby. A member of staff is on standby when the Trust requires him/her to be on Trust premises/accommodation ready to undertake work immediately. It is not classed as being 'on-call'.

Normal working hours are those which are regularly worked and/or fixed by the contract of employment. This does not include overtime.

Planned out-of-hours working is not defined as on-call or standby and must be covered by alternative payment arrangements (eg unsocial hours)

4. ROLES AND RESPONSIBILITIES

4.1 Managers

Managers must

- Ensure that rotas for out-of-hours work meet the requirements of the service
- Ensure that rotas for out-of-hours work are cost effective and kept within budget limits set by the department or Division.
- Ensure that rotas for out-of-hours work abide by the European Working Time Directive including rest periods and compensatory rest (see section 6)
- Ensure that departmental arrangements are agreed in writing, approved by the Trust Pay Assurance Group and reviewed on a regular basis.
- Regularly review the operation of on-call and standby schemes against service requirements to ensure that the out-of-hours service is being delivered in the safest and most cost effective way (eg no. of call-outs and standby - consider 24/7 working)
- As far as is reasonable and practically possible, ensure that rotas offer choices for staff who have family and other responsibilities.
- Give sufficient notice to staff of the dates and times that they are required to work on out-of-hours rotas. Minimum standard is 4 weeks' notice.
- Ensure equal treatment of staff, applying pro-rata rules to part-time workers
- Ensure that the Trust policy and process for the authorisation and payment of on-call and standby is followed.

4.2 Employees

If the requirement to work on-call or standby is specified in an employee's contract of employment or job description, the employee is contractually obliged to do either on-call or standby as specified in the contract of employment. Unreasonable refusal will be a breach of the contract of employment and subject to disciplinary action.

Staff contracted to be on-call out-of-hours or on standby must;

- Ensure that they are available at all times of the required on-call or standby period, and that members of the Trust and switchboard are informed how to contact them whilst on-call or on standby
- Ensure that they are fit to attend work, must not present themselves for duty in an unfit state (e.g. through alcohol or drugs) and must remain in a fit state whilst on duty.
- Report any concerns about another employee's fitness to work, in confidence, to their immediate manager or to Human Resources, or refer to a more senior colleague on-site, eg Clinical Site Manager
- Be aware of and follow the local standard operating procedures relating to on-call and standby.
- Be familiar with the local arrangements for reporting any unavailability. Staff must ensure their on-call or standby period is covered and revised cover arrangements are communicated appropriately. There should be no absences

from work (including out of hours work) other than for legitimate or acceptable reasons.

5. PRINCIPLES

The guiding principles of this policy are in line with the Agenda for Change principles for harmonised on-call arrangements contained in Annex A3 of the AfC Terms and Conditions:

- To be consistent with the principles of equal pay for work of equal value
- To provide a payment that reflects the availability for being called
- To take account of the frequency of on-call or standby availability
- To specify payment for work done whilst on call or standby
- To provide staff with the option to take TOIL rather than payment for work done
- To allow for compensatory rest under the EWTd
- To specify the arrangements for payment of travel time and expenses
- To specify the arrangements for public holidays
- Where necessary, to specify sleeping in arrangements
- To specify whether payments are pensionable or non-pensionable
- To specify transitional arrangements where appropriate

6. DEPARTMENTAL ARRANGEMENTS

Within the principles set by this Policy, departmental on-call or standby arrangements will be specified for each service to reflect the service needs of individual departments. Where service needs dictate that standby supports better delivery of service instead of on call, details of the proposed arrangements, signed by the appropriate Divisional HR Business Partner, should be submitted to the Head of Reward for consideration by the Trust's Reward and Performance Group. All departmental arrangements must be in writing and held within each Divisional Management team. In exceptional circumstances Divisional Management Boards may request to vary their arrangements but only with the agreement of the Trust Pay Assurance Group. The principles of the On-call & Standby policy will remain.

The template for departmental arrangements can be found in APPENDIX 1. When completed, this should be submitted to Head of Reward, for agreement at the Trust Pay Assurance Group.

The departmental arrangements may include:

- Description of the purpose of the rota
- Staffing of the rota
- Duration of on-call or standby, specifying the availability payment period, the start time and end time of on-call or standby periods
- Rest breaks and Compensatory rest arrangements

- Arrangements regarding travel, taxis, parking etc
- Review period – normally 12 months

7. PAYMENT FOR ON-CALL

7.1 Availability Payment

An availability payment will reflect the availability for being called out. This will be a flat rate available to all staff depending on the duration of the on-call session, and irrespective of when the session took place, as follows

Up to 6 hours	£6
Over 6 - up to 12 hours	£12
Over 12 – up to 18 hours	£18
Over 18 – up to 24 hours	£24
Thereafter	£6 per block of on-call up to a six hour period

No additional bank holiday enhanced rate will be payable, but bank/public holidays will attract an entire day off in lieu in addition to payment, irrespective of the number of hours on-call actually worked (see section 10.2)

These rates will be reviewed annually and may be subject to change.

7.2 Payment for work done when called in

Staff who are called into work during a period of on-call will receive payment for the period they are required to attend. Alternatively, staff may choose to take time off in lieu (see Section 10).

Staff called out to work whilst on-call will be paid at time and a half for all hours worked on Mondays-Sundays inclusive and double time for bank holidays. This payment is non-pensionable for both full-time and part-time staff.

Time in lieu will be taken at single time.

The band against which payment is made, for staff up to and including Band 7, will be the substantive band and point of scale of the member of staff, capped at the top of Band 7.

Payments for Band 8 and above staff will be capped at the top of Band 7.

Time in lieu will be taken at single time.

7.3 Payment for work done by telephone / IT links

Calls (whether one call or several separate ones) and associated work should be remunerated as on-call hours worked. They must be recorded and auditable. Calls

made and received and work associated with the calls should be totalled and rounded to the nearest 15 minutes and will be paid in 15 minute blocks

An auditable worksheet must be used to record and claim for all calls received. Time must be recorded in 15 minute slots (totalled and rounded).

7.4 Pensionable Status of Payments

Availability payments are pensionable. Payments for work done whilst on call are not pensionable.

Protection of pensionable earnings is available where earnings are reduced in relation to the availability payments following organisational change (and in some cases where 'work done' was included in the pensionable earnings). The date to which any protection applies has been set by the NHS Pensions Agency as 31st March 2011. The Trust is not liable for any protection after that date.

7.5 Sickness absence and on-call

Staff (on pay spine points 9 and above) who are absent due to sickness whilst on-call will not be entitled to any sickness enhancements.

Staff (on pay spine points 1- 8 inclusive) who are absent due to sickness whilst on-call, will only be entitled to the availability payment.

Any requests to come off an on-call rota for health reasons, for a temporary period or permanently, must be agreed by the line manager with Occupational Health advice.

Any return to the rota after a period of absence due to ill health must also be reviewed by the manager with Occupational Health advice.

7.6 Short-notice Payments

Where, in exceptional circumstances, staff who are not on-call (but are part of an on-call rota) are called in to work for an emergency, they will be remunerated as if they had been on-call according to paras 7.1 (availability payment), 7.2 (payment for work done) and 8.1 (travel time). This does not apply to telephone calls.

Please note that staff who have opted for the fixed annual payment of the availability allowance should only claim for an availability payment under this provision if it will not be offset by a colleague taking on a same period on-call for them at a later date. Hours worked and travel time should be claimed as required.

8. PAYMENT FOR STAND-BY

8.1 Availability Payment

An availability payment will reflect the availability for being on Stand-By. This will be a flat rate available to all staff depending on the duration of the standby session, and irrespective of when the session took place, as follows

Up to 6 hours	£8.40
Over 6 - up to 12 hours	£16.80
Over 12 – up to 18 hours	£25.20
Over 18 – up to 24 hours	£33.60

No additional bank holiday enhanced rate will be payable, but bank/public holidays will attract an entire day off in lieu in addition to payment, irrespective of the number of hours actually worked during Stand-By (see section 9.2, below)

These rates will be reviewed annually and may be subject to change.

8.2 Payment for work undertaken whilst on Stand-by

Staff who work during a period of Stand-by will receive payment for the period they are required to attend as follows:

Staff will be paid at time and a half for all hours worked on Mondays-Sundays inclusive and double time for Bank Holidays. This payment is non-pensionable for both full-time and part-time staff.

Alternatively, staff may choose to take time off in lieu (see Section 9).

Time in lieu will be taken at single time.

The band against which payment is made, for staff up to and including Band 7, will be the substantive band and point of scale of the member of staff, capped at the top of Band 7.

Payments for Band 8 and above staff will be capped at the top of Band 7.

8.3 Pensionable Status of Payments

Availability payments are pensionable. Payments for work done whilst on Stand-by are not pensionable.

8.4 Sickness absence and Stand-by

Staff (on pay spine points 9 and above) who are absent due to sickness whilst rostered to be on Stand-by will not be entitled to any sickness enhancements. Staff (on pay spine points 1- 8 inclusive) who are absent due to sickness whilst rostered to be on stand-by, will only be entitled to the availability payment.

Any requests to come off a Stand-by rota for health reasons, for a temporary period or permanently, must be agreed by the line manager with Occupational Health advice.

Any return to the rota after a period of absence due ill health must also be reviewed by the manager with Occupational Health advice.

8.5 Short-notice Payments

Where, in exceptional circumstances, staff who are not on Stand-by (but are part of a rota) are called in to work for an emergency, they will be remunerated as if they had been on Stand-by according to paras 7.1 (availability payment), 7.2 (payment for work done) and may claim travel payments using Business Mileage rates and may claim travelling time at overtime rates to a maximum of 30 minutes per journey.

8.6 Travel Time and Expenses (standby only)

Where travel to another Trust's base, or to another non-UH Bristol estate working base, is required, the amount of paid travel time will be agreed locally by the line manager.

Travel time must be separately recorded on a timesheet so that payment for travel can be monitored and audited

9. TRAVEL TIME AND EXPENSES (On-Call only)

9.1 Travel Time

The amount of travel time to be claimed will be agreed by the line manager, based on average travel times at peak and non-peak periods. Travel time from home to work and return whilst on call will be paid, at a maximum rate of 30 minutes' per single journey at the on-call rate, where the hospital being travelled to is part of the UH Bristol estate (including South Bristol Community Hospital).

Where travel to another Trust's base, or to another non-UH Bristol estate working base, is required, the amount of paid travel time will be agreed locally by the line manager.

There is no additional specific limit on the number of miles which would attract the payment of travel expenses.

Travel time must be separately recorded on a timesheet so that payment for travel can be monitored and audited.

9.2 Travel Expenses, Transport and Parking

Appropriate travel expenses incurred in order to carry out work on-call will be reimbursed for the whole journey (not limited to costs incurred during 30 minutes of travel) at the Reserve mileage rate or the standard mileage rate as agreed by the line manager, according to the Trust Expenses Policy.

Staff will use the most appropriate form of transport for their journey to and from work, depending on the time of the call, personal safety and cost.

Access will be given to all staff car parks on the BRI precinct for on-call parking via the normal application procedure.

The Trust will not be liable for the payment of any parking fines incurred whilst staff undertake on-call duties.

Staff are expected to follow the rules of the road and The Trust will not be liable for any offence committed by members of staff (eg speeding fines) whilst travelling to or from an on-call shift.

Taxi fares may be claimed for the journey to the call out worked, when no other transport is available. However, staff who have used a taxi to get to work are expected to use public transport to get home during times when public transport is readily available (eg in the daytime)

Taxi usage must be recorded on the timesheet so that it can be audited and can be taxed appropriately if required.

9.3 Telephone Expenses

Arrangements for contacting staff on-call, which may include Trust mobile phones, private home phones, private mobile phones, and pagers, will be reviewed locally to minimise cost but maintain convenience.

No payment will be made in respect of telephone line rental.

Payment for phone calls can be authorised by the line manager, where it is demonstrable that a specific payment has been made.

10. SLEEPING IN (On-Call only)

If agreed by the line manager it may be possible for staff who are on-call to sleep on site in hospital-provided accommodation. This will be a voluntary arrangement and subject to availability and must be agreed by the line manager.

‘Sleeping-in’ time is not working time, staff will be paid their availability payment and for any time spent working whilst on-call.

11. TIME OFF IN LIEU (TOIL)

11.1 Staff can opt to take TOIL (taken as plain time) rather than payment for any period of work done while on-call or standby. Staff are required to take TOIL within three months or the time will be forfeit. However, where TOIL cannot be taken within three months because of operational reasons, the hours will be paid at the on-call or standby rate.

11.2 Bank Holidays and time in lieu

The time in lieu awarded for being available to work on-call or standby on a bank/public holiday will be equivalent to a normal working day, irrespective of the

number of hours on-call or standby actually worked. This is 7.5 hours for full-time staff, pro-rata for part-time staff.

Staff who are on call or standby for their normal working hours on a Bank Holiday will be entitled to time off in lieu for this period (maximum 7.5 hours) ie 8 30 am – 5 pm. If staff choose to split the Bank Holiday on call ie cover the period with 2 people half each, they will only be entitled to half of the bank holiday hours in lieu.

If, in addition to an on-call or standby requirement an employee works on a Bank Holiday, they are covered by Section 13.4 of the Agenda for Change Conditions of Service:

“Staff required to work or to be on-call or standby on a general public holiday are entitled to equivalent time to be taken off in lieu at plain time rates, in addition to the appropriate payment for the duties undertaken (see Sections 2 or 2(a) (England) and Annex A3.)

Some example scenarios are given below for the hours midnight to midnight of a bank holiday:

Scenario 1:

Person A is on-call midnight to midnight – 1 TOIL allowance

Scenario 2:

Person A is on-call midnight to 9am and then 5pm to midnight – 1 TOIL allowance

Person B works unsocial hours 9am to 5pm – 1 TOIL allowance

Scenario 3:

Person A is on-call midnight to 9am – ½ TOIL allowance

Person B works unsocial hours 9am-5pm – 1 TOIL allowance

Person C is on-call 5pm to midnight – ½ TOIL allowance

Scenario 4:

Person A is on-call midnight to 9am, then works unsocial hours 9-5pm, then on-call again 5pm-midnight – 1 TOIL allowance. (Enhanced bank holiday payment covers unsocial hours period.)

12. WORKING TIME REGULATIONS AND REST PERIODS

12.1 Definition

For the purposes of this policy, working time is defined as the time staff are required to work whilst on-call or on standby, including travel time of up to 30 minutes maximum.

12.2 Rest Periods

The working time regulations provide for rest periods of:

- 20 minutes after 6 hours work
- 11 hours rest in any 24 hour period

- 24 hours rest in any 7 day period, or
48 hours rest in any 14 day period

The Regulations recognise that the 11 hour daily rest requirement may be problematic for hospital staff providing 24/7 service cover and therefore provides the flexibility for these 'special case workers' to compensate for less than 11 hours rest in one 24 hour period, by making up the shortfall, ideally in the same or following working day.

All staff should have a minimum of 90 hours rest per week on average. This is the total of a worker's entitlement to daily and weekly rest periods, although some rest may come slightly later than normal. This flexibility enables the Trust to operate rota patterns in which there are less than 11 hours between 2 consecutive shifts, by building in a break of longer than 11 hours at the end of the second shift.

12.3 Compensatory Rest

Managers will set the rest requirements for their rotas with regard to the needs of the service and the health and safety of their staff, taking into account the frequency and intensity of calls. Where possible, the on-call or standby rota should allow for 11 hours' rest between shifts. However, if this is not possible because of the needs of the service, the remainder of the daily rest requirement may be taken as compensatory rest at a time to be agreed by the line manager.

If staff are on-call or on standby for 2x24-hour periods (e.g. over a weekend) it may not be possible to incorporate compensatory rest immediately after the period worked. However, managers must ensure that the principle of minimum 90 hours' rest per week on average is adhered to.

For example, the rules below could be applied if there is nothing already arranged in your area (On-Call only):

After a period of call-out, employee is home by	Time the employee must be in work
Midnight	Normal start time next day
Between midnight and 3.00am	2 hours after normal start time
After 3.00am	5 hours after normal start time

The compensatory rest period may fall on a working or non-working day. If it falls on a non-working day, staff do not accrue any additional compensatory rest.

Compensatory rest must be taken at a time when rotas and the service allow, subject to the agreement of the line manager.

Entitlements to compensatory rest must be recorded on the on-call or standby claim form.

12.4 Records and monitoring

All periods of work time for which staff claim must be supported by a record of the start and end time and the nature of the work done. Records must be maintained in the manner prescribed by the Trust/ Department. Managers must ensure monitoring systems are clear and reasonable.

13. CLAIMING ON-CALL & STANDBY PAYMENTS

In order to correctly claim the appropriate on-call or standby payments, staff must complete the revised timesheet and claim form at the end of each month. This form is available on the Trust CONNECT Finance intranet site.

The form must be authorised by the appropriate line manager. This may require the completion of supporting information, e.g. local on-call or standby claim data collection forms.

Managers must monitor TOIL and compensatory rest to comply with policy requirements.

The pay arrangements for Standby detailed in this policy will apply to any Standby arrangements agreed by the Reward & Performance Group after 1st April 2016.

14. POLICY REVIEW

The Trust will review this policy after 3 years of implementation.

15. REFERENCES

Agenda for Change Terms & Conditions Handbook
UH Bristol Expenses Policy
UH Bristol Taxi Policy

APPENDIX 1

DEPARTMENTAL ON-CALL OR STANDBY SCHEME

Within the principles set by the Trust On-Call and Standby Policy, departmental on-call or standby arrangements will be specified for each service to reflect the service needs of individual departments. All departmental arrangements must be in writing, and held within each Divisional Management team.

DIVISION _____

DEPARTMENT _____

ROTA MANAGER _____

1 Details of Scheme

NAME OF ON-CALL OR STANDBY
SCHEME _____

PURPOSE OF ON-CALL OR STANDBY
SCHEME _____

Composition of Rota

Staff Group	Job Title	Band	WTE	Headcount
TOTAL staff on rota				
Minimum no of staff required to run the rota				

Period of on-call or Standby for Availability Payment

Day	Start time	Finish Time	No of hours

Daily rest and compensatory rest arrangements
Arrangements regarding travel, taxis, parking etc

Start Date of Scheme

Date of Review

Approved by Divisional HR Business Partner:

Standby Only:
Agreed by Trust Reward & Performance Group / Trust Pay Assurance Group

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APPENDIX A EQUALITY IMPACT ASSESSMENT SCREENING FORM			
Title: Policy for On Call & Standby			
Author:		Division: All	Date: 4/8/2011
Document Class:	Document Status: Draft V5.1	Issue Date:	Review Date:
What are the aims of the document? Provide consistent principles for on call and Standby Trustwide			
What are the objectives of the document? To ensure harmonized on call agreements			
How will the effectiveness of the document be monitored? Through the template and annual review by TPAG etc.			
Who is the target audience of the document (which staff groups)? All Trust staff participating in on call rotas and those supporting the rotas			
Which stakeholders have been consulted with and how? Staff on call managers, staff side, HR, Finance, TPAG			
Who is it likely to impact on? <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"><input checked="" type="checkbox"/> Staff</div> <div style="text-align: center;"><input type="checkbox"/> Patient</div> <div style="text-align: center;"><input type="checkbox"/> Visitors</div> <div style="text-align: center;"><input type="checkbox"/> Carers</div> <div style="text-align: center;"><input type="checkbox"/> Other (please specify):</div> </div>			

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	Yes or No	Give reasons for decision	What evidence was examined?
Does the policy/strategy/function or proposed change affect one group more or less favourably than another on the basis of:	No	Applies to all	<p>Profile of UH Bristol staff – protected characteristics</p> <p>Results of NHS information Centre Report: Survey of Carers in Households - 2009/10 England - Main Report</p> <p>Findings of: Equality and Human Rights Commission</p> <p>Childcare: A review of what parents want 2011</p> <p>The office for National Statistics study - Births and Deaths in England and Wales , 2010</p>
Race	No	Applies to all	
Ethnic Origin (including gypsies and travellers)	No	Applies to all	
Nationality	No	Applies to all	
Gender (including transgender)	Yes	<p>Male or female staff with dependent caring responsibilities may be affected by the requirement to do on-call</p> <p>Mitigation = sufficient notice, flexible working policy</p> <p>Pregnant employees – risk assessment</p>	<p>Survey of NHS Information Centre report indicates that 60% of carers in England were women.</p> <p>The EHRC report on Childcare reported that over three-quarters of mothers interviewed had stated that they were primarily responsible for childcare in the home. A third of men had stated that they shared the responsibility for childcare equally 14% of mothers had stated that they shared the responsibility for childcare</p>

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			equally. .
Culture	No	Applies to all	
Religion or belief	Yes	Some religious groups have restrictions on working on certain days / times. Mitigation = sufficient notice for specific problems to be recognised and discussed with managers.	
Sexual Orientation (including lesbian, gay, bisexual and transgender)	No	Applies to all	
Age	No	Applies to all – only exception is carer and childcare responsibility (see opposite). The mitigation for this will be sufficient notice & use of the flexible working policy.	The NHS Information Centre report indicates that carers were most likely to be aged 45-64 (42 per cent). The office for National Statistics study - Births and Deaths in England and Wales , 2010 found that in the average age to give birth is 29.5. It may be assumed therefore that an average age range for parents of children under 16 is 29 – 45.
Disability (including learning disability, physical, sensory impairment and mental health)	No	Parking restrictions must not exclude disabled and will be available	
Socially excluded groups (e.g. offenders, travellers)	No	Applies to all	
Human Rights	No	No identified potential breach of human	

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		rights.	
Are there opportunities for promoting equality and/or better community relations? If YES, please describe: ..Not applicable			
Please state links with other relevant policies, strategies, functions or services: Parking policy, Flexible Working, Taxi, EWTD			
Action Required:			
Action Lead:		To be delivered by when:	
Progress to date:			
Next steps:.			
How will the impact on the service/policy/function be monitored and evaluated?			
Person completing the assignment:		Date: Review Date:	