

**CFRS**

**Policy**

**Management of
 On Call Availability**

**Procedures**

Introduction

Cumbria Fire and Rescue Service (CFRS) operate a procedure for managing hours of on call availability to ensure that the service is appropriately resourced at all times.

This document has been developed to clarify the requirements of that procedure and the appropriate actions which need to be taken in respect of the management of on call availability.

The procedure will guide Managers and employees so that standards and expectations are clear.

CFRS is aware that employees may have commitments out with this Service, but need to ensure that the Service is properly resourced in order to deliver a professional service to the people of Cumbria.

Scope

This procedure covers Grey Book CFRS on call employees and aims to ensure that the Service operates effective and fair procedures for managing on call availability, which balance the need for employees to be treated fairly and consistently with the need to ensure continued provision of a high quality service which demonstrates value for money.

It is expected that the management of on call availability will be undertaken in a manner which strongly supports the need to run an effective Service while ensuring there is a mechanism for employees to apply and for Managers to consider requests to change hours of availability when the need arises.

This document also includes guidance on the procedure which must be followed when employees fail to comply with procedure or are unable to provide suitable hours of availability.

Principles

The procedure aims to provide a clear route which can be followed by both managers and employees in situations where;

* An employee would like to request a change to their hours of availability
* A change to availability has been approved by the Station Manager
* An employee fails to adhere to their hours of availability as detailed on the form ‘Availability Contract’

This procedure will:

* explain the roles and responsibilities of those involved so that individuals have a clear understanding of what is required.
* ensure that there is a fair process to be followed by all and that appropriate consideration will be given to requests to change availability.
* be utilised in conjunction with People Management advice to ensure consistency across the service.

**Procedure**

Previously known as a 124a, ‘the ‘Availability Contract’ is used to record hours of availability when employees commence employment or change the circumstances of their availability with Cumbria Fire and Rescue Service. The ‘Availability Contract’ formulates part of the Contract of Employment for an On Call employee and should clearly articulate when an employee will discharge their hours of availability.

Once the form has been completed and agreed by Management the hours which have been entered onto the form are uploaded onto the Gartan system which contains information relating to:

* When the contracted hours of availability will be discharged
* The number of contracted hours

It is essential that the ‘Availability Contract’ accurately reflects the actual contracted hour’s weekly total.

In circumstances when the employee has difficulties meeting with the hours contained within the ‘Availability Contract’ that they liaise with the direct Line Manager and attempt to identify a mutually suitable resolution.

A failure to comply with your ‘Availability Contract’ may be treated as a failure to comply with the terms and conditions of your employment and as such can be dealt with under the disciplinary procedure.

**Managers Responsibility**

It is the responsibility of all managers to review the performance of employees in all aspects of their work and this includes ensuring that individuals comply with process and the hours of availability documented on the ‘Availability Contract’.

Managers must monitor attendance in order to identify problems at the earliest possible opportunity.

When situations change and employees feel that they are unable to continue with their existing hours of availability then the employee must submit a ‘change in circumstances’ request. Managers must consider ‘change in circumstances’ requests in light of:

* The reason for the request
* Whether the request will have a negative impact on Station availability

**Employee Responsibility**

Employees are expected to adhere to the hours specified on the document ‘Availability Contract’. This document formulates a vital part of the employment contract and the basis against which entitlements are paid and hours of availability are discharged.

It is entirely the responsibility of the employee to ensure that they are able to meet the requirements of their ‘Availability Contract’.

In situations where on call personnel have other employment they must have an employer consent form from their primary employer in order to be available to respond to incidents during their working hours with that employer.

Where employees experience difficulty in undertaking the hours of availability to which they have committed then they must speak to their Line Manager at the earliest opportunity.

On call employees are an essential resource in enabling Cumbria Fire and Rescue Service to provide a professional service and turn out in the event of an emergency, therefore failing to attend a call out may be dealt with as a disciplinary offence.

**People Management**

It is the role of the People Management team to ensure that Managers are provided with appropriate advice in relation to the management of issues relating to the ‘Availability Contract’ availability document.

Where difficulties or situations arise People Management will provide procedural support and guidance to Managers so that they are equipped to assess and deal with the issue in hand.

The Service Centre team will deal with:

* Inputting the number of availability onto the system
* Recording and processing leave and sick payments in respect of the availability shown on the document ‘Availability Contract’.
* Record information/amendments relating to ‘number of hours of cover and administer monitoring ’paperwork where hours have been changed.
* It is therefore essential that ‘Availability Contract’ information is accurate and up to date.
* HR and Managers must hold current and precise information relating to availability at all times.

**Change of Circumstances Application Process**

It is reasonable to expect that at times individuals may need to review their hours of availability, in these circumstances a change in circumstances request must be submitted to the Station Manager at which point they will consider the feasibility of the request and determine a period of monitoring if necessary. This ensures that the individual is able to meet their revised contractual obligation and that there is no adverse impact on service delivery.

Where it is clear that the request does not meet organisational need, a period of monitoring will not be offered and the procedure for managing unsuitable availability will be followed.

Employees must follow the correct process and recognise that any request to change availability has to be approved by the Station Manager before it is implemented.

When employees change their hours of availability, primary employer or base location, Station Managers may put in place a review period of 3 months to ensure that the new hours or arrangements are being adhered to and are not causing any concerns.

Situations where monitoring may be put in place include:

* Where the employee moves house
* When availability hours increase or decrease
* When the times when cover is being offered changes significantly
* Where the employees primary employment changes and h/she had been providing on call cover based the work base address of the previous employer

It is not acceptable for employees to withdraw or cease availability without submission of a change in circumstances request and approval from the Station Manager.

If it is identified that an employee’s availability has dropped below the number of hours stated on the ‘Availability Contract’ the Station Manager will request a formal meeting.

**Equalities**

When managing availability, managers should be mindful of circumstances where the employee may be defined as having a disability and therefore is protected from discrimination at work under the Equality Act.

In such cases the Service has a statutory obligation to consider, and where possible provide, ‘reasonable adjustments’ to help maintain the individual’s employment. For this reason it is important to identify and understand why an employee may wish to change their hours of availability so that their request can be fully considered in light of all information.

In these circumstances guidance and support should be sought from the People Management team.

**Procedure for Managing Unsuitable Availability**

There may be times when the ‘availability’ which an on call employee is able to offer is unsuitable.

Managers need to consider the requirements and the impact on the service when considering hours of on call availability.

In circumstances where it has been decided that the ‘availability’ cannot be accommodated the Manager must meet with the employee who may be accompanied by a Trade Union Representative or co-worker and explain that because the availability offered cannot be accommodated details of the case will be referred as a performance issue within stage 3 of the grey nook disciplinary procedure.

The Group Manager with involvement from the Station Manager will prepare a case file containing the following information in advance of the hearing:

* A summary of the situation, how it has arisen and the current position.
* Evidence that availability cannot be accommodated;
* Evidence of impact on turn out times
* Evidence of current staffing levels within the Station
* Evidence of Staffing levels at particular times
* Details of the reasons why the original hours of availability have changed
* Details of any attempts which have been made to enable/support the employee to work

During this process Managers may liaise with People Management for advice and support as needed.

When the report has been completed the Group Manager will submit a copy of the file and any attachments to the employee and the appropriate Area/Brigade Manager and consideration will be given to proceedings with the case to a stage 3 disciplinary hearing.

If it is determined that a stage 3 disciplinary hearing is appropriate then arrangements will be made in accordance grey book disciplinary procedure requirements.