

08 Apr 20

Review Due: 3 months

CMP OVERTIME AND ON-CALL WORKING ARRANGEMENTS DURING COVID-19 RESPONSE

REFERENCES:

- A. HQ DPHC COVID-19 FRAGO 005**
- B. 20080407-PERMANENT ALLOWANCES CMP V1-U**
- C. 2019 BUSINESS TRAVEL GUIDE**
- D. 20071001-WORKING TIME REGULATIONS WITHIN THE DEFENCE MEDICAL SERVICES V1 2007-U**

ISSUE

1. The exponential growth of COVID-19 cases is likely to place a huge burden on the NHS and DMS. DPHC FRAGO 005 identified that Medical Treatment Facilities (MTFs) should be prepared to provide 24/7 cover. Manning this capability will be a significant challenge with current ways of working. CMPs may be able to assist with providing 24/7 cover if a temporary agreement to their working conditions can be agreed.

RECOMMENDATION

2. DAGP agrees that:

- a. In the event that extended working hours, or 24/7 cover is provided by MTFs, that all CMPs are invited to work flexible hours, overtime and to join their MTF's on-call rota.
- b. CMPs should be enabled to voluntarily work in line with the European Working Time Directive (EWTd). CMPs may also exercise their right to opt out of this ceiling, particularly to allow 24/7 cover to be achieved.
- c. CMPs should be paid the pre-existing rate of on-call allowance if joining on-call rotas, and the pre-existing rate of overtime pay (aligned to standard B2 pay) if working overtime hours.
- d. Where home visits or travel to locations away from the CMP's Base Medical Facility is required, that DPHC will authorise reimbursement of additional mileage¹. CMPs will need to ensure that they have Business Insurance if using personal vehicles.
- e. Any changes to working pattern, working hours or on-call entitlement should be agreed in writing by the CMP's Line Manager prior to commencement.

¹ The difference in mileage may be claimed where the travel involved is further than the daily commute to the CMP's usual place of work.

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TIMING

3. Due to the rapidly evolving nature of the Pandemic there is unusual urgency to develop these services. Agreement is requested by 07 Apr 2020.

BACKGROUND

4. COVID-19 causes minor illnesses in most but can cause severe or critical illnesses in others. The severity of infection is unpredictable. As more of the Population At Risk (PAR) become infected with COVID-19 it is expected there will be a need for the PAR to seek medical advice 24/7. This may be achieved either through remote means such as by telephone or internet-based applications such as eConsult, or during face to face assessments either in DPHC facilities or through home visits.

5. Manning this capability will be a significant challenge within current ways of working. CMPs may well be able to assist their MTF as well as other Regional MTFs by amending their current working pattern. This may include working the same number of hours but across a different pattern (flexible working), working overtime and joining the MTF's on-call rota. CMPs may also be able to work in different locations and may be able to undertake home visits.

6. Current Government restrictions on everyday life will mean that some CMPs will struggle to balance their childcare or other caring responsibilities with working different patterns or hours. It is strongly recommended that CMPs are asked to **volunteer** to work different patterns, additional hours or on-call rotas rather than mandating them.

IMPLEMENTATION

7. **Flexible Working.** CMPs who wish to volunteer to work flexibly to help meet the needs of Defence during the COVID-19 Pandemic should agree this locally with their LM.

8. **Additional Hours For LTFT CMPs Up To 37 Hours Per Week.** CMPs who currently work Less Than Full Time (LTFT) and wish to temporarily work up to full time (37 working hours per week) should inform their LM at the earliest opportunity. Line Managers must ensure financial approval is sought via their RCD. CMPs should record all of their hours worked onto HR Form 1948 on a weekly basis ([link](#)). This should then be submitted to DBS using HRMS. If CMPs are unable to submit their HR Form 1948 then forms should be collated and posted monthly to the Cheadle address on the form. Both pages 1 and 2 **must** be sent. It is recognised that this administrative task can be time-consuming particularly during this time of high demand for internet and MODNET services. RCDs and SMOs are requested to allow CMPs 30 mins of administrative time per week to complete this task. Additional Hours will accrue Annual Leave and is pensionable.

9. **Overtime - Hours Over 37 Hours Per Week.** MOD Civilian HR have exceptionally agreed that Overtime can be claimed by CMPs for the duration of the COVID-19 response. Line Managers must ensure financial approval is sought via their RCD. CMPs who wish to work over 37 net hours per week should agree the number of Additional Hours with their LM to ensure that they remain compliant with the European Working Time Directive (EWTD). CMPs may opt out of the current ceiling of 48 hours per week if they wish to but again, this should be agreed in writing with their LM prior to commencement. CMPs should record all of their hours worked onto HR Form 260 ([link](#)) which should be retained by the CMP until the process for payment is formalised (expected in 1-2 weeks, with the

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first payment to CMPs anticipated in 2 months). 30 mins of administrative time per week should be allowed for CMPs to complete this task.

10. On-Call Allowances. CMPs may be requested to join local MOD on-call rotas to help provide 24-hour cover. CMPs may claim 3%, 5% or 8% of basic pay depending on the on-call frequency ([link](#)). On-call work is generally accepted to be situations where a CMP is waiting at home to be contacted by telephone. If the CMP is subsequently required to undertake work, this should be recorded in 30 minute blocks as per Reference D (para 3.6) ([link](#)). Overtime pay may be claimed for this work as above. HR Form 005 should be completed ([link](#)) using the appropriate reference from the NSOG (Non-Standard Occupational Groups) Pay Allowance Table ([link](#)) and sent to DBS for approval of the on-call allowance via the DBS Remedy Portal. The duration of the on-call allowance should be 6 months in the first instance².

11. Travelling to Different Locations. CMPs who volunteer to work across sites distant to their usual Medical Facility should ensure that they have Business Insurance if they are to use their personal vehicles. CMPs may claim the additional mileage according to the pre-existing Business Travel Guide ([MOD Business Travel Guide](#)). Additional travel time should also be incorporated into the CMP's working hours.

12. Rates of Pay. Additional hours (for LTFT time working up to 37 net hours per week) will be paid at the at the equivalent rate for full-time CMPs. Overtime (over 37 net hours per week) will be paid at the Broader B2 Band level³. It is paid at the rate dependent on the day when Overtime is worked:

Weekdays	Paid at 1.5 times plain-time (non-pensionable)
Saturdays	Paid at 1.5 times plain-time (non-pensionable), plus a 0.5 times plain-time pensionable premium
Sunday	Paid at plain-time (non-pensionable), plus a plain-time pensionable premium

Plain time hourly rate is calculated as follows:

$$\frac{\text{Salary and reckonable* element of London Weighting plus reckonable allowances}}{52 \times \text{weekly conditioned hours}}$$

* Reckonable - count towards pension

13. Record Keeping. CMPs are to keep copies of all timesheets for a 3-year period and should be prepared to be audited to prove that all claims for additional payments are appropriate and not fraudulent⁴.

² There is an obligation on the employee to inform DBS if this commitment ceases earlier.

³ The rate of pay and pension for Additional Hours or Overtime hours is a pre-existing Civil Service agreement.

⁴ CMPs are Crown Servants and must demonstrate the highest standards of financial propriety. If irregular or fraudulent action is identified CMPs may face dismissal or criminal proceedings.

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14. Revoking Working Patterns. CMPs may opt to revoke or amend their voluntary changes to their working pattern at any time and are encouraged to liaise early with their LM to minimise the impact of this.

15. Identification of Staff. Line Managers are requested to identify CMPs who would be willing to work flexible working patterns, overtime and on-call at the earliest opportunity and seek consent for their contact details and intended nature of working pattern to be passed to their Regional Clinical Director.

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