

The Scottish Government
Health Workforce Directorate
Employment and Retention Division



Dear Colleague

MAINTAINING ROUND THE CLOCK SERVICES

Summary

1. This pay circular informs employers of the agreed arrangements for the remuneration of Agenda for Change staff working at unsocial times in standard hours. A new system of unsocial hours payments replaces the interim regime in Section 2 of the NHS Terms and Conditions of Service Handbook.
2. A new harmonised system of unsocial hours payments has been agreed to replace the interim regime in paragraphs 1 to 12 in Section 2 of the Handbook. Staff will receive pay enhancements for work in standard hours which is done at the times specified in the agreement. There are arrangements for phased transition to the new system of payments for staff who are moving to lower or higher levels of unsocial hours payments.
3. The new system of unsocial hours payments will not apply to staff employed in the Scottish Ambulance Service. These staff will continue on their current arrangements whilst discussions take place through the Scottish Terms and Conditions Committee on what arrangements should be put in place for Ambulance Service staff in Scotland.
4. The interim regime preserving local and national on-call arrangements is not affected by these new arrangements for unsocial hours payments. (The reference to "pathology" in paragraph 2.7 in Section 2 of the Handbook should be read to include all of laboratory medicine (e.g. biochemistry, haematology, microbiology, immunology, histopathology and cytology etc.) and is not restricted to histopathology.)

12 March 2008

Addresses

For action

Chairs, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)
Chief Executives, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)
Directors of Finance, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)
Directors of Human Resources, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)

For information

Members, Scottish Partnership Forum
Members, Scottish Terms and Conditions Committee
Members, Scottish Workforce and Governance Group

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Christmas and New Year holidays at weekends

5. The agreed arrangements applying when Christmas and New Year holidays fall at weekends, which were previously published on the NHS Employers web site, are in a new Annex Y in the Handbook.

6. Attached to this circular is an Annex listing the changes to the Agenda for Change Terms and Conditions flowing from this agreement. Revised sections containing these amendments are also attached for ease of reference.

Cabinet Secretary approval

7. Employers should implement this circular, which has been approved by the Cabinet Secretary under regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (S.I. 1991/537). A copy of the formal approval is attached.

Action

8. Employers should assimilate Agenda for Change staff onto the new system of unsocial hours payments with effect from 1 April 2008. Staff on national and other contracts described in paragraph 46. 1 of the Handbook who have not yet been assimilated onto the Agenda for Change pay system will continue to receive unsocial hours payments in accordance with the interim regime. When these staff are fully assimilated to Agenda for Change the new system of unsocial hours payments will apply to them with effect from 1 April 2008.

9. Employers should make their own arrangements for obtaining additional copies of this circular, which can be viewed at:

www.show.scot.nhs.uk/sehd/publications.asp

Yours sincerely



ALEX KILLICK

Deputy Director for Health Workforce
Employment and Retention

The Scottish Government
Health Workforce Directorate
Employment and Retention Division



**NATIONAL HEALTH SERVICE
APPROVAL OF REMUNERATION AND CONDITIONS OF SERVICE**

In accordance with regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (S.I. 1991/537) the remuneration and conditions of service set out in the attached Scottish Government Health Workforce Directorate circular of 12 March 2008 – PCS(AFC)2008/1 – in respect of Maintaining Round the Clock Services are hereby approved for the purposes of the said Regulations.

Elinor Mitchell

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12 March 2008

APPENDIX

Changes to the Agenda for Change NHS Terms and Conditions of Service Handbook

1 CONTENTS

In the list of contents "**Section 2 Working or providing emergency cover outside normal hours**" is deleted and replaced by "**Section 2 Maintaining round the clock services**".

"**Annex X: Working or providing emergency cover outside normal hours**" and "**Annex Y: Christmas and New Year holidays at weekends**" have also been added.

2. SECTION 2: MAINTAINING ROUND THE CLOCK SERVICES

The old **Section 2: Working or providing emergency cover outside normal hours** is replaced by the new **Section 2: Maintaining Round the Clock Services**.

The specific changes are:

- Existing paragraphs 2.1 to 2.12 are replaced by new paragraphs 2.1 to 2.30.
- Existing paragraphs 2.13 to 2.34 become paragraphs 2.31 to 2.51.
- References elsewhere in the Handbook to paragraphs in this Section are amended accordingly.
- The insertion of a new Table 2 means that the Tables which follow it are renumbered.

Employees called into work during an on-call period

The paragraph which was formerly 2.13 and is now 2.31 has had the following sentence inserted at line 4 – "**Annex D lists the relevant sections of the Whitley handbooks in relation to on-call**".

In the paragraph which was formerly 2.14 and is now 2.32 the words "**four year**" in line 2 are deleted.

The following words are added to the paragraph which was formerly 2.28 and is now 2.46 – "**In the former early implementer sites, where staff's effective date of assimilation was earlier than it was for staff elsewhere, the period of protection will end on 30 September 2008. This brings staff in the EI sites into line with staff employed in the rest of the NHS.**"

Christmas and New Year holidays at weekends

Paragraphs 2.32 and 2.33 are replaced by a new paragraph 2.50.

3. **SECTION 13: ANNUAL LEAVE AND GENERAL PUBLIC HOLIDAYS**

Paragraph 9 in Section 13 is amended so that it ends at “. . . **would have received had he/she been at work.**” All the following text, including the two bullet points are deleted.

4. **SECTION 14: SICKNESS ABSENCE**

The following text is deleted from paragraph 14 - “***During the interim regime (as described in Section 2) existing arrangements will be undisturbed for staff groups who already receive payments for working outside normal hours in respect of sick absence; staff groups who do not currently receive payment will do so by a calculation based on average pay in a reference period.***”

The following sentence is added at the end of this paragraph - “***Local partnerships can use virtual rotas showing what hours the employee would have worked in a reference period had he or she been at work.***”

5. **SECTION 34: FLEXIBLE WORKING ARRANGEMENTS**

In line 5 of paragraph 1 “***Section 2 Working outside normal hours***” is deleted and is replaced by – “***Section 2 Maintaining round the clock services***”.

6. **SECTION 46: TRANSITIONAL ARRANGEMENTS**

In the existing Table 7 (now Table 8), left-hand row 5, the words “***up to four years***” are deleted.

7. **ANNEX D: WORKING OR PROVIDING EMERGENCY COVER OUTSIDE NORMAL HOURS**

Where appropriate, references to unsocial hours in Annex D have been deleted. The existing paragraph 1 is deleted. The words “***for up to four years from the effective date of assimilation***” in the former paragraph 2 (now paragraph 1) are deleted.

8. **ANNEX X: WORKING OR PROVIDING EMERGENCY COVER OUTSIDE NORMAL HOURS**

This is a new Annex linked to new paragraphs 1 to 30 in Section 2.

9. **ANNEX Y: ARRANGEMENTS FOR GENERAL AND PUBLIC HOLIDAY OVER THE CHRISTMAS AND NEW YEAR HOLIDAY PERIODS**

This is a new Annex linked to the new paragraph 50 in Section 2.

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As amended by PCS(AFC)2008/1

SECTION 2

MAINTAINING ROUND THE CLOCK SERVICES

Supporting staff who work evenings, at night, weekends and on general public holidays

- 2.1 The NHS delivers patient services around the clock. Where staff are required to work to cover services in the evening, at night, over weekends and on general public holidays the NHS Staff Council has agreed that percentage enhancements should be paid. Section 34 *Flexible working arrangements* and Section 35 *Balancing work and personal life* set out the principles underlying this.
- 2.2 This section is effective from 1 April 2008. It replaces paragraphs 2.1 to 2.12 of the previous agreement. It applies to all staff on Agenda for Change terms and conditions of service.
- 2.3 The pay of staff working evenings, nights or weekends on or after 1 April 2008 will be worked out in line with paragraphs 4 to 30 below. The incremental dates of staff paid under these arrangements will not change.
- 2.4 In recognition of the unique arrangements that apply in the former “Early Implementer” sites these organisations will be able to continue to use the Agenda for Change prototype system (Annexes E and F) for the first 12 months of operation of the new system. This will give these organisations time to collect the data needed to make comparisons between the old and new systems. In years two and three these organisations will move to the new system using Tables 21 and 22 in Annex X or by using their own arrangements, in partnership, for transferring staff from the Agenda for Change payment system to the new system of payments, subject to this being completed by 1 April 2011.
- 2.5 This agreement will not apply to ambulance staff who are employed by ambulance organisations in England and Northern Ireland. These are staff who would have been subject to the provisions of the Ambulance Whitley Council had they been employed on Whitley contracts before Agenda for Change. They will continue to receive unsocial hours payments in accordance with Annex E and Annex F. All other staff in ambulance organisations in England and Northern Ireland will move to the system in Annexes E and F by 1 April 2011. The arrangements will be worked out in partnership in ambulance organisations.
- 2.6 The arrangements which will apply to ambulance staff in Scotland and Wales will be discussed and agreed in partnership in each country.
- 2.7 During the interim regime staff have been able to retain their existing on-call provisions (both national and local). This has been a particular feature in NHS pathology departments. These arrangements remain unaffected by this agreement and all pathology out of hours working provisions will be regarded

As amended by PCS(AFC)2008/1

as included in these arrangements and the provisions outlined in paragraphs 8 to 30 below will not apply. Protection will continue for up to 4 years from the effective date of assimilation.

- 2.8 The standard hours of work are set out in Section 10, paragraph 1.
- 2.9 Staff will receive a percentage enhancement for their work in standard hours which is done at the times shown in Table 2. Annex X contains arrangements for a phased transition to these percentage enhancements for some staff. These are staff in pay bands 2, 3, 4 and 5 who are moving to lower rates of unsocial hours payments (Table 21) and other staff in pay bands 2 and 3 only who are moving to higher levels of unsocial hours payments (Table 22) under the new arrangements.
- 2.10 Staff in these categories covered by paragraph 46.2 (second bullet) who have deferred their decision to move to Agenda for Change will move to the percentage premium in Annex X applying at the time they transfer.
- 2.11 Premium payments will be worked out using basic salary. This will include any long term recruitment and retention premia. It will not include short-term recruitment and retention premiums, high cost area supplements or any other payment.
- 2.12 The basic hourly rate for staff working more or less than the standard week will be worked out using tables 9 and 10 in Section 46.
- 2.13 Any extra time worked in a week, above standard hours, will be treated as overtime and Section 3 will apply. The agreement on on-call and other extended service cover is unchanged. It is now in paragraphs 31 to 51. Staff cannot receive percentage enhancements for unsocial hours and payments for on-call and other extended service cover for the same hours of work.

Table 2

Pay band	Any time on Saturday (midnight to midnight) and any week day after 8 pm and before 6 am	All time on Sundays and Public Holidays (midnight to midnight)
1	Time plus 50%	Double Time
2	Time plus 44%	Time plus 88%
3	Time plus 37%	Time plus 74%
4 – 9	Time plus 30%	Time plus 60%

- 2.14 The enhanced rates shown in table 2, column 2 will be paid for all unsocial hours worked on a Saturday (midnight to midnight) or on weekdays between 8 pm and 6 am. The rates shown in column 3 will be paid for all hours worked on Sundays and public holidays (midnight to midnight).

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- 2.15 Where a continuous night shift or evening shift on a weekday (other than a public holiday) includes hours outside the period of 8 pm to 6 am, the enhancements in column 2 should be applied to the whole shift if more than half of the time falls between 8 pm and 6 am.
- 2.16 Staff will only receive one rate of percentage enhancement for each hour worked.

Promotion

- 2.17 If on promotion, the working pattern remains substantially the same, staff will move to the first incremental point producing an increase when basic pay, any long-term recruitment and retention premium and the percentage enhancement for unsocial hours are combined. If the working pattern changes on promotion paragraph 6.33 will apply.

Occupational sick pay

- 2.18 All percentage enhancements for unsocial hours will be pensionable and will count for occupational sick pay and contractual maternity pay in line with paragraph 4 in Section 14. They will not be included in any part of the calculation of overtime payments, on-call payments nor any other payment described in this Handbook.

Protection

- 2.19 On assimilation to the new unsocial hours system the overall level of pay will be recalculated using Table 8 and paragraphs 46.18 to 46.20. If the overall level of pay falls after assimilation to the new system of unsocial hours payments protection will apply in line with paragraphs 46.22 to 46.27. The period of protection will end on the dates in paragraph 46.25.

Annual leave

- 2.20 Pay during annual leave is set out in Section 13 paragraph 9.

Part time staff and other staff working non-standard hours

- 2.21 Part time staff working less than 37½ hours a week will be eligible for percentage enhancements for unsocial hours.
- 2.22 Staff whose basic week is more or less than 37½ hours, will be eligible for percentage enhancements for unsocial hours for all their basic hours as set out in Section 46 Tables 9 and 10.
- 2.23 Staff on annualised hours contracts will be eligible for percentage enhancements for unsocial hours on these terms.

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Staff working overtime

- 2.24 Staff working shifts which include overtime will be entitled to percentage enhancements for their work in standard hours. Their overtime will be paid in line with Section 3.

Self-rostering schemes

- 2.25 Where teams of staff agree rosters among themselves, including who covers unsocial hours shifts, it will be for the team to decide how these shifts are allocated, provided the team continue to provide satisfactory levels of service cover.

Prospective application

- 2.26 This agreement may be used retrospectively or prospectively. It will be for local partnerships to decide which option best meets local operational needs.
- 2.27 If this agreement is used prospectively it must comply with the principle of equal pay for work of equal value. It must produce broadly the same level of payments as a retrospective system, including for part-time staff. Local partnerships will need to agree a reference period that can be used to calculate the appropriate level of prospective payment.
- 2.28 Prospective systems are more likely to be satisfactory where work patterns are predictable. If rotas vary so much that it is not possible to predict working patterns accurately this is likely to be a good reason to choose to use the system retrospectively.
- 2.29 If operating the prospective system there will need to be periodic checks on the level of payments produced. These will need to be compared with the level of payments produced by the system in its retrospective form to ensure that the levels are broadly similar. This will allow early action to be taken in partnership if it does not.
- 2.30 Where the system is used prospectively an unforeseen change payment of £15 will be available. This will be used where it is necessary for employers to ask staff to change their shift within 24 hours of the scheduled work period. The payment is not applicable to shifts that staff agree to work as overtime, or that they swap with other staff members. It is not available in any circumstances in the retrospective system.

On-call and other extended service cover

- 2.31 From 1 October 2004 groups of staff will be able to either retain their current on-call provisions (both national and local) where agreed locally, as set out in paragraph 2.46, or to use the on-call provisions set out below. Annex D lists the relevant sections of the Whitley handbooks in relation to on-call. Staff for whom there is currently no on-call provision will be entitled to the

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arrangements set out below. Those staff previously covered by the PTA Whitley Council on the new pay band 5 who were paid at a higher grade for unsupervised work on-call should be paid as a minimum on the fourth point of pay band 5 (pay spine point 20) when on-call.

- 2.32 The NHS Staff Council will review and may devise new harmonised arrangements during the period of protection for on-call, based on further monitoring of experience in early implementer sites and evidence from national roll-out.

Interim regime

- 2.33 Employees who are required to be available to provide on-call cover outside their normal working hours will be entitled to receive a pay enhancement. This enhancement recognises both their availability to provide cover and any advice given by telephone during periods of on-call availability.
- 2.34 Subject to the provision for retention of current on-call provisions under the protection arrangements set out in paragraph 2.46, this enhancement will be based on the proportion of on-call periods in the rota when on-call cover is required. The on-call period in each week should be divided into nine periods of at least 12 hours. The enhancement for an individual staff member will be based on the proportion of these periods in which they are required to be on-call, as set out in paragraphs 2.35 to 2.40 below.

Pay enhancements for on-call cover

- 2.35 An enhancement of 9.5 per cent will be paid to staff who are required to be on-call an average of one in three of the defined periods or more frequently.
- 2.36 An enhancement of 4.5 per cent will be paid to staff who are required to be on-call an average of between one in six and less than one in three of the defined periods.
- 2.37 An enhancement of 3 per cent will be paid to staff who are required to be on-call an average of between one in nine and less than one in six of the defined periods.
- 2.38 An enhancement of 2 per cent will be paid to staff who are required to be on-call an average of between one in nine and less than one in 12 of the defined periods.
- 2.39 For these purposes, the average availability required will be measured over a full rota, or over a 13-week period if no standard pattern is applicable. The reference period will not include any periods when the employee is absent from work on either annual leave or sickness absence.
- 2.40 Where on-call cover is limited or very irregular (averaging less than one in 12) pay enhancements will be agreed locally. These may be fixed or variable, and

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based on actual or estimated frequencies of on-call work worked, subject to local agreement. To ensure fairness to all staff qualifying under the national rules set out above, locally agreed payments may not exceed the minimum percentage in the national provisions.

Table 3

Frequency of on-call	Value of enhancements as percentage of basic pay
1 in 3 or more frequent	9.5%
1 in 6 or more but less than 1 in 3	4.5%
1 in 9 or more but less than 1 in 6	3.0%
1 in 12 or more but less than 1 in 9	2.0%
Less frequent than 1 in 12	By local agreement

On-call payments for part-time staff or other staff working non-standard hours

- 2.41 For part-time staff and other staff working other than 37½ hours a week excluding meal breaks, the percentage added to basic pay on account of on-call availability will be adjusted to ensure that they are paid a fair percentage enhancement of salary for on-call working. This will be done by adjusting the payment in proportion to their part-time salary so that they receive the same payment for the same length of availability on-call as full-time staff.

Employees called into work during an on-call period

- 2.42 Employees who are called into work during a period of on-call will receive payment for the period they are required to attend, including any travel time. Alternatively, staff may choose to take time off in lieu. However, if for operational reasons time off in lieu cannot be taken within three months, the hours worked must be paid for.
- 2.43 For work (including travel time) as a result of being called out the employee will receive a payment at time and a half, with the exception of work on general public holidays which will be at double time. Time off in lieu should be at plain time. There is no disqualification from this payment for bands 8 and 9, as a result of being called out.
- 2.44 By agreement between employers and staff, there may be local arrangements whereby the payment for hours worked during a given period of on-call is subject to a fixed minimum level, in place of separately recognising travel time.
- 2.45 In addition, where employers and staff agree it is appropriate, the amount paid for work and travel time during periods of on-call may be decided on a prospective basis (e.g. for a forward period of three months) based on the average work carried out during a prior reference period (e.g. of three months). Where these arrangements are agreed, the actual work carried out during a given period would be monitored and, if the average amount

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assumed in the calculation of the payment is significantly different, the level of payment should be adjusted for the next period; there should be no retrospective adjustment to the amount paid in the previous period.

- 2.46 Where agreed locally, all current on-call arrangements may be protected for groups of employees for up to four years from the effective date of assimilation, irrespective of whether they were nationally or locally agreed. This extended protection will apply to existing staff and new staff during the period of protection. In the former early implementer sites, where staff's effective date of assimilation was earlier than it was for staff elsewhere, the period of protection will end on 30 September 2008. This brings staff in the former EI sites into line with staff employed in the rest of the NHS.
- 2.47 On-call payments made under such arrangements should be excluded from the pre and post assimilation pay used in the calculation of any protected level of pay (see Section 46).

Other arrangements to provide extended service cover

- 2.48 Some staff are required to be on the premises to provide emergency cover but are allowed to rest except for the times when they are required to carry out emergency work. Where employers consider this an essential arrangement to provide service cover, there should be an agreed local arrangement, at least equivalent to on-call payments, to recognise the type of cover provided.
- 2.49 A further group of staff, often in community services such as learning disabilities, have "sleeping-in arrangements" where they sleep on work premises but are seldom required to attend an incident during the night. In these circumstances, appropriate arrangements should be agreed locally.

Christmas and New Year holidays at weekends

- 2.50 General and public holiday entitlements are in Section 13. These include Christmas Day, Boxing Day (26 December) and New Year's Day. When any of these holidays falls on a Saturday or Sunday arrangements will need to be made to ensure that the right of staff to three public holidays in the Christmas and New Year holiday period is preserved. Annex Y sets out what applies when staff work on general and public holidays in this holiday period. In Scotland there are four public holidays over the Christmas/New Year period. Further information is available from paymodernisation.scot.nhs.uk.

Transitional arrangements

- 2.51 See Section 46 for further information on assimilation and protection.

As amended by PCS(AFC)2008/1

SECTION 13

ANNUAL LEAVE AND GENERAL PUBLIC HOLIDAYS

- 13.1 Staff will receive the entitlement to annual leave and general public holidays as set out in Table 7 below (see Section 12 for provisions governing reckonable service).

Table 7
Leave entitlements

Length of service	Annual leave and general public holidays
On appointment	27 days + 8 days
After five years' service	29 days + 8 days
After ten years' service	33 days + 8 days

- 13.2 Local arrangements to consolidate some or all of the general public holidays into annual leave may operate, subject to agreement at local level.
- 13.3 These leave entitlements include the two extra-statutory days available in England and Wales in the past, therefore any local arrangements to add days on account of extra-statutory days will no longer apply. In Scotland this entitlement includes the two additional days that could previously be designated as either statutory days or annual leave. In Northern Ireland this entitlement also contains the two extra statutory days, however there are ten general public holidays.
- 13.4 Staff required to work or to be on-call 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 Section 2).
- 13.5 Where staff work standard shifts other than 7½ hours excluding meal breaks, annual leave and general public holiday entitlements should be calculated on an hourly basis to prevent staff on these shifts receiving greater or less leave than colleagues on standard shifts.
- 13.6 Part-time workers will be entitled to paid bank holidays no less than pro-rata to the number of bank holidays for a full-time worker, rounded up to the nearest half day.
- 13.7 Part-time workers' bank holiday entitlement shall be added to their annual leave entitlement, and they shall take bank holidays they would normally work as annual leave.
- 13.8 An existing part-time worker who, prior to 1 October 2004, was in receipt of a bank holiday entitlement in excess of pro-rata to a full-time worker, shall have their excess entitlement protected for a period of five years from the date of assimilation onto the new system.

As amended by PCS(AFC)2008/1

- 13.9 Pay during annual leave will include regularly paid supplements including any recruitment and retention premia, payments for work outside normal hours and high cost area supplements. Pay is calculated on the basis of what the individual would have received had he/she been at work.

Transitional arrangements

- 13.10 Further information on the assimilation to these leave entitlements during the transition to the new system is set out in Part 7.

As amended by PCS(AFC)2008/1

SECTION 14

SICKNESS ABSENCE

- 14.1 These arrangements are intended to supplement statutory sick pay to provide additional payment during absence due to illness, injury or other disability.

Scale of allowances

- 14.2 Employees absent from work owing to illness will be entitled, subject to the conditions of this agreement, to receive sick pay in accordance with the scale below (see Section 12 for provisions governing reckonable service):
- during the first year of service – one month's full pay and two months' half pay;
 - during the second year of service – two months' full pay and two months' half pay;
 - during the third year of service – four months' full pay and four months' half pay;
 - during the fourth and fifth years of service – five months' full pay and five months' half pay;
 - after completing five years of service – six months' full pay and six months' half pay.
- 14.3 In the event of employment coming to an end, entitlement to sick pay ceases from the last day of employment.
- 14.4 The definition of full pay will include regularly paid supplements, including any recruitment and retention premia, payments for work outside normal hours and high cost area supplements. Sick pay is calculated on the basis of what the individual would have received had he/she been at work. This would be based on the previous three months at work or any other reference period that may be locally agreed. Local partnerships can use virtual rotas showing what hours the employee would have worked in a reference period had he or she been at work.
- 14.5 Full pay needs to be inclusive of any statutory benefits (so as not to make sick pay greater than normal working pay). The combined addition of statutory sick pay to half pay must not exceed full pay.

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Calculation of allowances

- 14.6 The period during which sick pay should be paid and the rate of sick pay for any period of absence is calculated by deducting from the employee's entitlement on the first day of sickness the aggregate periods of paid sickness absence during the 12 months immediately preceding that day. In aggregating periods of absence due to illness no account will be taken of:
- unpaid sick absence;
 - injuries or diseases sustained to members of staff in the actual discharge of their duties through no fault of their own;
 - injury resulting from a crime of violence not sustained on duty but connected with or arising from the employee's employment where the injury has been the subject of payment by the Criminal Injuries Compensation Board;
 - as above, but an injury which has not been the subject of payment by the Board on grounds that it has not given rise to more than three weeks' loss of earnings or was not one for which compensation above the minimum would arise.
- 14.7 Sick pay paid to an employee under this scheme when added to any statutory sickness, injuries or compensation benefits, including any allowances for adult or child dependants, must not exceed full pay (see paragraph 14.4 above).

Conditions for contractual sick pay

- 14.8 Employees will not be entitled to an additional day off if sick on a statutory holiday.
- 14.9 Employers have discretion to extend the period of sick pay on full or half pay beyond the scale set out above in exceptional circumstances.
- 14.10 To aid rehabilitation employers have discretion to allow employees to return to work on reduced hours or to be encouraged to work from home without loss of pay. Any such arrangements need to be consistent with statutory sick pay rules.
- 14.11 Sick pay is not normally payable for an absence caused by an accident due to active participation in sport as a profession, or where contributable negligence is proved.
- 14.12 An employee who is absent as a result of an accident is not entitled to sick pay if damages are received from a third party. Employers will advance to an employee a sum not exceeding the amount of sick pay payable under this scheme providing the employee repays the full amount of sickness allowance to the employer when damages are received. Once received the absence shall not be taken into account for the purposes of the scale set out in paragraph 14.2 above.

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- 14.13 Employers may at any time require an employee absent from work due to illness to attend an examination by a medical practitioner. Furthermore, staff do not need to be off sick to be referred by their employer for a medical. The employer will meet the cost of any medical examination.
- 14.14 After investigation, consultation and consideration of other alternative posts, and where there is no reasonable prospect of the employee returning to work, employers will have the option to terminate employment before the employee has reached the end of the contractual paid sick absence period, subject to the employers' agreed sickness absence policies and procedures.
- 14.15 Notification procedures and payment of sick absence pay when injuries are connected with other insured employment will be for local determination.

As amended by PCS(AFC)2008/1

SECTION 34

FLEXIBLE WORKING ARRANGEMENTS

General

- 34.1 NHS employers in partnership with staff organisations will develop positive flexible working arrangements which allow people to balance work responsibilities with other aspects of their lives. In considering the provisions of this paragraph employers should also have regard to the provisions in Section 2 *Maintaining round the clock services*
- 34.2 Employers are required to consider flexible working options as part of their duty to make reasonable adjustments for disabled staff and job applicants under the Disability Discrimination Act, and staff returning from maternity leave (see Section 15).
- 34.3 New working arrangements should only be introduced by mutual agreement, whether sought by the employee or the employer.
- 34.4 Flexible working should be part of an integrated approach to the organisation of work and the healthy work/life balance of staff.
- 34.5 Policies for flexible working should be made clear to all employees.
- 34.6 Employers should develop policies on flexible working which, as far as is practicable, should include:
- part-time working, where a person works to a pattern and number of hours by mutual agreement;
 - job sharing, where two or more people share the responsibilities of one or more full-time job(s), dividing the hours, duties and pay between them;
 - flexi-time, where employees can choose their own start and finish time around fixed core hours;
 - annual hours contracts, where people work a specific number of hours each year, with the hours being unevenly distributed throughout the year;
 - flexible rostering, using periods of work of differing lengths within an agreed overall period;
 - term-time working, where people work during the school term but not during school holidays;
 - school-time contracts;
 - tele-working, where people work from home for all or part of their hours with a computer or telecommunication link to their organisation;

As amended by PCS(AFC)2008/1

- voluntary reduced working time, where people work reduced hours by agreement at a reduced salary;
- fixed work patterns, where, by agreement, days off can be irregular to enable, for example, access by separated parents to their children and flexible rostering;
- flexible retirement.

34.7 Flexible working arrangements should be available to all employees.

34.8 All jobs should be considered for flexible working; if this is not possible the employer must provide written, objectively justifiable reasons for this and give a clear, demonstrable operational reason why this is not practicable.

34.9 There should be a clear procedure for application for flexible working, agreed by employers and local staff representatives.

34.10 All people with flexible working arrangements should have access to standard terms and conditions of employment, on an equal or pro-rata basis, unless different treatment can be justified for operational reasons.

Monitoring and review

34.11 Applications and outcomes should be monitored annually, in partnership with local staff representatives.

34.12 Monitoring information should be analysed and used to review and revise policies and procedures to ensure their continuing effectiveness.

34.13 Applications and outcomes, from both employer and employees, should be recorded and kept for a minimum of one year

As amended by PCS(AFC)2008/1

SECTION 46

ASSIMILATION AND PROTECTION

Assimilation to new pay structure

- 46.1 Staff on national contracts and other contracts which incorporate, or permit employers to incorporate, national agreements on pay and conditions of service will assimilate to the new pay system on the effective date determined below.
- 46.2 Staff on local contracts not incorporating national agreements on pay and conditions of service will be offered the opportunity to assimilate to the new pay system with the same effective date, subject to them giving their employer reasonable notice of their decision. If these staff do not exercise this right within the initial notice period, they may:
- do so later and the effective date of assimilation will be the start of the next pay period after they have notified the employer of their decision;
 - or
 - defer their decision on moving to the new pay system until the outcome of the review of unsocial hours payments is known and providing they have given their employer reasonable notice their effective date of assimilation will be the effective date of the new arrangements.
- 46.3 Staff on local contracts may move on to the new pay system after this when their effective date will be the start of the next pay period after they have notified the employer of their decision.
- 46.4 Where organisations have normally adopted senior manager pay contracts, these should be regarded as “national agreements” for the purposes of this provision.
- 46.5 Newly appointed or promoted staff should be appointed or promoted on the new terms. However, if during the implementation phase employees are recruited after 1 October 2004 on pre-Agenda for Change terms and conditions pending assimilation of their posts to the new pay system, then the protection arrangements set out in this agreement will apply.

Effective dates and operational dates

- 46.6 The operational date for national roll out will be 1 December 2004, with an effective date for any changes in pay and conditions of 1 October 2004, except for hours of the working week where staff will retain their existing hours until 30 November 2004, after which the new hours will apply subject to the transitional arrangements set out in paragraphs 46.30 to 46.32 below.
- 46.7 For staff returning from secondment to their substantive post on the same contract of employment after the time of assimilation the protection

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arrangements set out in this section will apply. For example, staff currently working less than 37½ hours will have their hours protected for a phased protection period as set out in Table 10.

- 46.8 To support the smooth transfer of staff onto new contracts, employers may agree locally, through their joint negotiating machinery, a series of operational dates for staff to move in practice to the new system. These operational dates may vary for different categories of staff. Where this provision is used locally, the aim should be to have matched most staff to their new pay bands by 31 March 2005 and to have completed the assimilation of staff no later than the end of September 2005. Any member of staff whose assimilation to the new system is deferred for operational reasons under this provision will have any pay increase and any other improvement in terms and conditions back-dated to the effective date, subject to the qualification in relation to the retention of existing hours until 30 November 2004 set out in paragraph 46.6 above.

Assimilation to new pay spines and bands

- 46.9 Employee's current pay for the purpose of assimilation to the new pay spines and bands, referred to below as "basic pay before assimilation", is their annual full-time equivalent basic pay on the effective assimilation date plus the annual value of any job evaluation related allowances (see Annex Q) plus the average value of any bonus payments under schemes which are discontinued (see paragraph 46.42 below).
- 46.10 Where the employee's basic pay is already subject to protection at the point of assimilation, the protected level of basic pay should be used in this calculation.
- 46.11 For staff returning from career breaks, maternity leave or other special leave, current pay shall be calculated as in paragraph 46.9 above but by reference to the current values of the pay and allowances received in the post they held prior to the break.
- 46.12 The rules for assimilating staff to the new pay bands are as follows:
- where basic pay before assimilation is between the new minimum and maximum of the new pay band, staff will assimilate to the next equal or higher pay point in the new pay band;
 - in pay band 1, where basic pay before assimilation is below the new minimum, staff in pay band 1 will all move straight onto the minimum. Most staff in other pay bands will assimilate either at the new minimum or, if they are significantly below the minimum, on to special transitional points. Staff will then progress automatically through the special transitional points in annual steps until they reach the minimum of their new pay band, when the normal rules on pay progression will apply, subject to the special provision in Section 6, paragraph 22. Special arrangements for staff approaching retirement age are set out below in paragraph 46.17;
 - in a minority of cases, basic pay before assimilation will be above the maximum of the new pay band. In some instances this situation has been

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addressed by agreeing that it is appropriate to pay a recruitment and retention premium (see Section 5 and Annex R) from the outset. Where a difference remains, pay protection will apply;

- in the case of staff with an incremental date of 1 October 2004 under their pre-Agenda for Change pay arrangements, their basic pay for the purpose of any assimilation calculation will include the incremental increase payable on that date.

46.13 The special transitional points referred to above are set out in Annex B and Annex C. These special transitional points can only be used during assimilation and will be removed once assimilation is complete.

46.14 Subject to paragraph 46.15 below, special transitional points will be available for use as follows:

- for staff in early implementer sites the minimum transitional points available are:
 - from 1 June 2003 to 31 May 2004 the lowest point
 - from 1 June 2004 to 31 May 2005 the second lowest point
 - from 1 June 2005 to 31 May 2006 the highest transitional point.
- for all other NHS staff the dates are as follows:
 - from 1 October 2004 to 30 September 2005 the lowest point
 - from 1 October 2005 to 30 September 2006 the second lowest point
 - from 1 October 2006 to 30 September 2007 the highest transitional point.

46.15 During any period when the special transitional points are in use in respect of any member of staff in a given unit or equivalent work area, new appointees to the same pay band in that unit or work area, who would normally join at the minimum pay for the job, should be appointed on the lowest special transitional point currently in use.

46.16 Where a special transitional point is in use:

- all new appointees appointed on it during the year will move up a point on the 1 October following appointment and their incremental date will be 1 October regardless of when in the year they were appointed;
- where existing staff assimilate to a special transitional point, they will progress on their normal incremental date to the next point.

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Staff approaching retirement age

46.17 During the period of assimilation the following rules will apply for staff approaching retirement age¹ whose basic pay before assimilation is below their new minimum:

- assimilation for staff two years or less from their normal retirement age on the effective date of assimilation should be no lower than the normal minimum;
- for staff three years or less from their normal retirement age on the effective date, assimilation should be to a point no lower than the highest special transitional point;
- for staff four years or less from their normal retirement age on the effective date, assimilation should be to a point no lower than the second highest special transitional point;
- for staff five years or less from their normal retirement age on the effective date, assimilation should be to a point no lower than the lowest special transitional point.

Pay protection

Calculating pay before and after assimilation

46.18 In the case of the minority of individual staff whose regular pay might otherwise be lower under the new system, the following arrangements will apply to ensure that any such staff will be no worse off on assimilation.

46.19 The level of pay before and after assimilation should be calculated taking account of the payments set out in Table 8 below, subject to the qualifications set out in paragraph 46.20.

¹ In accordance with the relevant NHS pension provisions, including those relating to any special classes. (In Scotland information about pensions is in Superannuation (Health Services) Circular No 1995/4).

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Table 8

Payment before assimilation	Payment after assimilation
<p>Basic pay, including any contractual overtime: plus</p> <p>Leads and allowances measured in the Job Evaluation Scheme, or taken into account in any recruitment and retention premia (see Annex Q): plus</p> <p>London weighting, fringe allowances and cost of living supplements: plus</p> <p>Shift allowances and other payments related to unsocial hours (see Annex Q): plus</p> <p>On-call payments (unless special transitional arrangements are in force – see paragraph 2.46) (That is where it is agreed locally to retain existing on-call arrangements for a transitional period from the effective date of assimilation. In such cases, on-call payments should be excluded from the calculation): plus</p> <p>Bonus payments from schemes discontinued following implementation of the new pay system: plus</p> <p>Other leads and allowances paid as part of regular pay which will cease on assimilation (see paragraph 46.40 below).</p>	<p>Basic pay, including any contractual overtime: plus</p> <p>Recruitment and retention premia: plus</p> <p>High cost area supplements: plus</p> <p>Shift allowances and other payments related to working outside normal hours (see Section 2 and Annex Q): plus</p> <p>On-call payments (unless special transitional arrangements are in force – see paragraph 2.46): plus</p> <p>Any new bonus schemes authorised under the new system.</p>
Total	Total

As amended by PCS(AFC)2008/1

46.20 The level of pay before assimilation for the purpose of this calculation will be the average level of the payments in the left-hand column of Table 8 over a reference period of 12 weeks or three months ending at the assimilation date, except:

- where this period includes the annual pay award due in April 2005 or an annual increment, the protected amount should be adjusted as if that award or increment had applied throughout the reference period;
- where the shift allowances or payments for working outside normal hours vary over a rota which is longer than three months, the average over the full rota should be used;
- where bonuses are paid less frequently than monthly an average over the last 12 months should be used.

Accelerated progression for staff in high cost areas

46.21 In the case of staff in high cost areas, as defined in Section 4, where the combined value of the payments before assimilation is greater than the combined value of payments after assimilation, the latter should be recalculated using the first or second available higher pay point within the pay band to that indicated in paragraph 46.12 if that will obviate the need for protection. In such cases the employee's next incremental increase will be payable on 1 October 2005 and 1 October will be the employee's incremental date.

Pay protection arrangements

46.22 Where the combined value of the payments before assimilation remains greater than the combined value of the payments after assimilation, the former level of pay will be protected. These protection arrangements apply to the combined value of payments before and after assimilation, not to individual pay components, excepting the provisions relating to retention of existing on-call arrangements (see Table 8 above and paragraph 46 in Section 2).

46.23 The level of protected pay will be re-calculated for staff assimilating after April 2004 taking into account the 3.225 per cent uplift in April 2005 in respect of all payments to which it applies.

46.24 If standard hours change during the period of protection, other than under the rules for assimilation to new standard hours below (for example, where a member of staff changes from full-time to part-time employment), or if a staff member reduces his or her hours of work or level of unsocial hours working, the protected level of pay will be re-calculated.

46.25 The period of protection will end when the total level of payments under the new system exceeds the level of protected pay, or when the protected person changes job voluntarily, or at the latest on 30 September 2009 for staff in early implementer sites and 31 March 2011 for staff in national roll-out. For

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protection arrangements in NHSScotland, please refer to the pay protection section of the pay and modernisation website:

www.show.scot.nhs.uk/sehd/paymodernisation/afc.htm

- 46.26 As soon as possible during the period of protection, the skills, knowledge and role of staff subject to protection will be reviewed to establish whether they could be re-assigned to a higher weighted job or offered development and training to fit them for a higher weighted job.
- 46.27 Staff with pay protection arising from changes unrelated to this agreement who are also eligible for protection under this agreement may, at the time of assimilation, elect either to continue with their existing protection agreement or to move to this protection agreement. When the agreement concerned expires they will move onto the normal terms and conditions under this agreement.

Incremental dates

- 46.28 Subject to the special provisions set out in Section 6, paragraph 32 relating to temporary movement into a higher pay band, paragraph 46.16 for staff on special transitional points and paragraph 46.21 in relation to accelerated progression for staff in high cost areas, incremental dates will be determined as follows:
- for existing staff on spot salaries (i.e. in posts with a single salary rate and no increments) or staff who are on or above the maximum of their current pay scale the incremental date will be the anniversary of the effective date of assimilation;
 - for newly appointed or promoted staff the incremental date will be the date they take up their post.
- 46.29 All other staff will retain their current incremental date.

Assimilation to new conditioned hours

- 46.30 For staff who currently work more than 37½ hours, excluding meal breaks, there is a two year transitional period during which the new contracted hours will be phased in, as set out in Table 9 below, and during which staff may be required to work up to their old contracted hours with overtime payable for any hours in excess of their standard hours. Pro-rata arrangements will apply to part-time staff.

As amended by PCS(AFC)2008/1

**Table 9:
Assimilation of working hours for those currently working more than 37½ hours**

Current standard hours	New standard hours
Up to 39	37½ from 1 December 2004
More than 39, up to 41	39 from 1 December 2004 37½ from 1 December 2005
More than 41	40½ from 1 December 2004 39 from 1 December 2005 37½ from 1 December 2006

- 46.31 Staff currently working less than 37½ hours, excluding meal breaks, will have their hours protected for a phased protection period as set out in Table 10, below. These protection arrangements will continue to apply where staff move to a post with the same hours under the old pay system during the protection period.
- 46.32 Part-time staff whose hours of work change under Agenda for Change may opt to either retain the same number of hours they currently work or have their part-time hours altered to represent the same percentage of full time hours as is currently the case.

**Table 10:
Assimilation of working hours for those currently working less than 37½ hours**

Current full-time standard hours	New standard hours (years from 1 December 2004)
37 hours	<ul style="list-style-type: none"> • Three years on 37 hours
36½ hours	<ul style="list-style-type: none"> • Three years on 36½ hours • One year on 37 hours
36 hours	<ul style="list-style-type: none"> • Three years on 36 hours • Two years on 37 hours
35 hours	<ul style="list-style-type: none"> • Four years on 35 hours • Two years on 36 hours • One year on 37 hours
33 hours	<ul style="list-style-type: none"> • Four years on 33 hours • Two years on 35 hours • One year on 37 hours

As amended by PCS(AFC)2008/1

Assimilation to new annual leave or general public holiday arrangements

- 46.33 Any additional leave and general public holiday entitlements set out in Section 13 will begin to accrue from the effective date of assimilation. This will be 1 October 2004 for national roll-out sites. If the staff member remains in post for the remainder of the leave year, the additional leave available in that year will be calculated pro-rata to the proportion of the leave year falling after the date of assimilation.
- 46.34 Any member of staff whose leave entitlement is reduced under Agenda for Change will have their existing entitlement protected for five years from the date of assimilation onto the new system. During this period staff may continue to claim existing entitlements.
- 46.35 Length of service for the purposes of calculating the additional leave entitlements set out in Section 13 includes service prior to the effective date of assimilation (see Section 12 for provisions governing reckonable service).

Leads and allowances

- 46.36 Within the new pay structure all leads and allowances will be replaced by higher basic pay for the majority of staff. This supports simplification of the pay system and is consistent with the principle of equal pay for work of equal value. Employers may use their discretion, subject to partnership arrangements, to reward staff undertaking statutory, regulatory duties performed outside of those required by the job description and/or measured by the NHS Job Evaluation Scheme. Current examples of such statutory regulatory duties include midwifery supervision.
- 46.37 The current value of national leads and allowances or other special payments, which compensate staff for elements of their work which are valued within the NHS Job Evaluation Scheme, have been taken into account in setting levels of basic pay in the new system. The allowances it is agreed fall in this category are listed at Annex Q.
- 46.38 The current value of national leads and allowances and other special payments which reflect continuing special recruitment and retention needs such as London allowances, the chaplains' accommodation allowance, the special hospital lead and the regional secure unit allowance, have been taken into account in either new payments in high cost areas or in new recruitment and retention payments (see Section 4 and Annex Q).
- 46.39 Local allowances and other special local payments intended to enable NHS employers to respond to high market wages for staff in particular occupations or with particular skills will be reviewed under the rules for recruitment and retention premia in Agenda for Change. Where they continue to be justified, the resources concerned will be taken into account in new recruitment and retention premia under the new system. See Section 5 and Annex Q.

As amended by PCS(AFC)2008/1

46.40 All other leads and allowances paid when staff are assimilated onto the new system, whether agreed nationally or locally, will cease. The value of any such payments made as part of regular pay before assimilation will, however, be taken into account in assimilation and in the calculation of any pay protection for the minority of individual staff whose regular pay may otherwise be lower under the new system. See the pay protection provisions above in paragraphs 46.22 to 46.27.

Trainees

46.41 The arrangements for the pay and banding of trainees are set out in Annex U.

Bonus payments

46.42 Agenda for Change does not preclude bonus schemes, provided they are related to genuinely measurable targets (and not part of regular pay) and provide fair and equal opportunities for all staff in the organisation or unit or work area concerned to participate. However, it is agreed that most existing bonus schemes/performance agreements are unlikely to be compatible with these principles. All existing schemes, excepting any local schemes that do meet these requirements will, therefore, cease at the date of assimilation. If they cease then the value of the bonus payments should be included in the calculation of regular pay for assimilation purposes or, if agreement can be reached locally, the resources reinvested in a properly constituted scheme offering fair access to all staff.

High cost area supplements

46.43 Current payments for London weighting, fringe allowances and cost of living supplements will be discontinued once the new arrangements are in force.

46.44 For existing staff, where the new level of supplement falls short of the combined entitlement to these former payments, the former level of payment will be included in the calculation of any protected level of pay (see the pay protection provisions above), provided they remain in a job in which they would have received the former payment.

46.45 Current entitlements for cost of living supplements in areas outside London and fringe zones will continue but will be re-expressed as long-term recruitment and retention premia.

As amended by PCS(AFC)2008/1

Nationally agreed recruitment and retention premia

- 46.46 The use of job evaluation to ensure fair pay between NHS jobs has revealed a number of jobs with relatively high levels of pay in relation to job weight which appear to reflect past responses to external labour market pressures. In some cases these market pressures require continuing special measures.
- 46.47 Table 11, below, lists a number of jobs for which there is prima facie evidence from both the work on the job evaluation scheme and consultation with management and staff representatives that a premium is necessary to ensure the position of the NHS is maintained during the transitional period.

**Table 11:
Jobs subject to nationally agreed recruitment premia**

Chaplains
Clinical coding officers
Cytology screeners
Dental nurses, technicians, therapists and hygienists
Estates officers/works officers
Financial accountants
Invoice clerks
Biomedical scientists
Payroll team leaders
Pharmacists
Qualified maintenance craftspersons
Qualified maintenance technicians
Qualified medical technical officers
Qualified midwives (new entrant)
Qualified perfusionists

- 46.48 Initial guidance to employers in setting appropriate levels of premia in these cases and the arrangements for their review is included at Annex R. It requires the level of premium payable to be set locally on assimilation in cash terms at a level at least sufficient to ensure that at assimilation an existing member of staff will be no worse off than now, and that these premia should be uprated by 3.225 per cent in April 2005. The guidance may be revised by the NHS Staff Council and any uprating of these premia beyond 2005 will be by agreement at national or local level.

Career and pay progression

- 46.49 The gateway system set out in Section 6 will only become fully operational when an employer has put in place reasonable arrangements to ensure that staff have access to development reviews, personal development plans and appropriate support for training and development to meet the applied knowledge and skills required at the gateway concerned. This must be done for all posts covered by this agreement no later than October 2006.

As amended by PCS(AFC)2008/1

46.50 Existing staff with at least 12 months' experience in post will be assumed to have met the criteria for passing through the foundation gateway. Where the gateway system is operational, they will, however, be subject to the normal operation of the new system at the second gateway.

As amended by PCS(AFC)2008/1



ANNEX D**WORKING OR PROVIDING EMERGENCY COVER OUTSIDE NORMAL HOURS****On-call and other extended service cover**

1. From 1 October 2004, where agreed locally, all current on-call arrangements may be protected for groups of employees irrespective of whether they were nationally or locally agreed (see paragraph 31 in Section 2).
2. In order to assist local partnerships who have already opted to stay with Whitley the location of each of the Whitley on-call systems, in the Handbooks and Advance Letters of the functional Whitley Councils, is indicated below.

Nurses and midwives:	Section 5: Stand-by and On-Call allowances – Emergency Duties Nursing and Midwifery Staffs Negotiating Council Handbook
Professions allied to Medicine (PAMS):	Section 3: Emergency Duty Payments: Professions Allied to Medicine and Related Grades of Staff (PTA) Council Handbook
NHS staff covered by the Maintenance Advisory Panel (MAP):	Section 4: On-call Duty: Maintenance Staff Pay and Conditions of Service Handbook:- Working week, overtime and other enhanced payments: shift allowances, night duty allowance and unsocial hours
Administrative and Clerical staff:	Section 22: Emergency Duty Payments: Administrative and Clerical Staffs Council Pay and Conditions of Service Handbook
Ancillary staff:	Section II: On-call Duty: Ancillary Staffs Council Handbook
Professional and technical Staff (estate officers; MTOs; ATOs; biomedical scientists; pathology support and dental auxiliaries):	Section 4: Emergency Duties PTB Council Handbook (the “green” book)

As amended by PCS(AFC)2008/1

Scientific and professional staff

Whole-time healthcare chaplains and whole-time healthcare chaplains' assistants:	Appendix E to Advance Letter (SP) 3/2002: local out of hours arrangements
Speech and language Therapists:	No provision: see Section 2, paragraph 31
Clinical psychologists and child psychotherapists:	No provision: see Section 2, paragraph 31
Healthcare pharmacists:	Advance Letter (PH) 1/86 Paragraph 4: emergency duty service and Appendix C to Advance Letter (PH) 1/2004 emergency duty commitment allowance
Healthcare scientists and Optometrists:	Appendix D to Advance Letter (SP) 2/2002

As amended by PCS(AFC)2008/1

ANNEX X**WORKING OR PROVIDING EMERGENCY COVER OUTSIDE NORMAL HOURS**

1. During the first three years of the new system of payments transitional rates will apply to some staff in pay bands 2, 3, 4 and 5. The percentage enhancements applicable to these staff will change in the second and third year of operation of the new system. From 1 April 2011 the percentage enhancements for these staff will be the same as those for all other staff, as set out in Table 2 in Section 2.
2. Table 21 below shows the transitional rates for staff in pay bands 2, 3, 4 and 5. who were previously in the remit of the Ancillary Staffs Whitley Council (ASC), staff previously in the remit of the Maintenance Staffs Advisory Panel (MAP) and those previously in the Administrative and Clerical Staffs Council who are moving to lower levels of unsocial hours payments.

Table 21:

Ancillary staff, healthcare maintenance staff and administrative and clerical staff in pay bands 2, 3, 4 and 5

Year	Pay band(s)	Any time on Saturday (midnight to midnight) and any week day after 8 pm and before 6 am	All time on Sundays and Public Holidays (midnight to midnight)
1 April 2008 to 31 March 2009	2 to 5 inclusive	Time plus 50%	Double Time
1 April 2009 to 31 March 2010	2	Time plus 48%	Time plus 96%
	3	Time plus 46%	Time plus 92%
	4 and 5	Time plus 44%	Time plus 88%
1 April 2010 to 31 March 2011	2	Time plus 46%	Time plus 92%
	3	Time plus 42%	Time plus 84%
	4 and 5	Time plus 37%	Time plus 74%

3. Support staff in pay bands 2 and 3 transferring from the nurses' and midwives' Whitley system of unsocial hours payments will move to the new payment system in accordance with Table 22 below.

As amended by PCS(AFC)2008/1

Table 22:
Support staff in pay bands 2 and 3 transferring from the nurses' and midwives' Whitley system of unsocial hours payments

Year	Pay band	Any time on Saturday (midnight to midnight) and any week day after 8 pm and before 6 am	All time on Sundays and Public Holidays (midnight to midnight)
1 April 2008 to 31 March 2009	2	Time plus 39%	Time plus 78%
	3	Time plus 35%	Time plus 70%
1 April 2009 to 31 March 2010	2	Time plus 42%	Time plus 84%
	3	Time plus 36%	Time plus 72%
1 April 2010 to 31 March 2011	2	Time plus 43%	Time plus 86%
	3	Time plus 37%	Time plus 74%

4. In the interim regime staff who were previously employed on Whitley terms and conditions, without provision for unsocial hours payments, normally received entitlements according to the rules applicable to nurses and midwives. Exceptionally, some staff remained on local arrangements. In these cases local partnerships will need to decide if these staff should move to the new system of payments or retain their existing entitlements pending full implementation of paragraphs 2.31 to 2.49 of the Terms and Conditions of Service Handbook. If it is decided to transfer these staff to the new system this may be by moving them immediately to the new levels of payments in Table 2 in Section 2 on the effective date. Alternatively, local partnerships may decide to use tables 21 and 22 in this Annex or design their own arrangements for transferring these staff from their existing entitlements to the new system of payments. This should be completed by 1 April 2011.
5. The shift allowances paid to Ancillary (ASC) staff, health service maintenance staff previously in the remit of the Maintenance Staff's Advisory Panel (MAP) and Administrative and Clerical (A&C) Staff during the "*interim regime*" have been replaced by the allowances in Table 2 in Section 2.
6. Ancillary (ASC) Staff working alternating shifts as defined in paragraph 168 (a) of the Ancillary Staffs Whitley Council Handbook who were regularly receiving the annual alternating shift allowance of £581 during the six months ending on 31 December 2007 and who are still employed on 1 April 2008, will receive a single payment of £3,000.

As amended by PCS(AFC)2008/1

7. Paragraph 107.2 of the Maintenance Staff's Handbook sets out the conditions for the payment of "Alternative Shift Allowance" of thirty five pence per hour. Maintenance staff who were regularly receiving this allowance during the six months ending on 31 December 2007 and who are still employed on 1 April 2008, will receive a single payment of £3,000.
8. Some Administrative and Clerical (A and C) Staff working alternating shifts as defined in paragraph 741 of the Administrative and Clerical Staffs Whitley Council Handbook have been receiving the 10 per cent addition to basic pay in paragraph 742 (iii). A and C staff regularly receiving this allowance during the six months ending on 31 December 2007 and who are still employed on 1 April 2008 will receive a single payment of 30% of their basic pay, calculated on the rate effective from 1 April 2008.
9. The provisions for pay protection in paragraph 2.19 will not apply to staff who receive one of the single payments in paragraphs 6, 7 and 8 of this Annex. Part-time employees will receive the single payments on a pro-rata basis to full-time colleagues.

As amended by PCS(AFC)2008/1

ANNEX Y**ARRANGEMENTS FOR GENERAL AND PUBLIC HOLIDAYS OVER
THE CHRISTMAS AND NEW YEAR HOLIDAY PERIODS****Table 23**

When 25 December falls on a Friday		
Friday 25 December	The provisions for work on a public holiday apply	Except that any employee working on 25, 26 and 28 December will be entitled to two public holidays. Any employee working on all four of these days will be entitled to a maximum of two public holidays and one "Sunday".
Saturday 26 December	The provisions for work on a public holiday apply	
Sunday 27 December	The provisions for work on a Sunday apply	
Monday 28 December	The provisions for work on a public holiday apply	
Friday 1 January	The provisions for work on a public holiday apply	

As amended by PCS(AFC)2008/1

Table 24

When 25 December falls on a Saturday		
Saturday 25 December	The provisions for work on a public holiday apply	Except that any employee working on 25, 27 and 28 December will be entitled to a maximum of two public holidays. Any employee working on 25, 26 and 27 December or on 26, 27 and 28 December or on all four of these days will be entitled to a maximum of two public holidays and one "Sunday".
Sunday 26 December	The provisions for work on a public holiday apply	
Monday 27 December	The provisions for work on a public holiday apply	
Tuesday 28 December	The provisions for work on a public holiday apply	
Saturday 1 January	The provisions for work on a public holiday apply	Except that an employee working on 1 and 3 January will be entitled to a maximum of one public holiday. Any Employee working on all three of these days will be entitled to one public holiday and one "Sunday".
Sunday 2 January	The provisions for work on a Sunday apply	
Monday 3 January	The provisions for work on a public holiday apply	

As amended by PCS(AFC)2008/1

Table 25

When 25 December falls on a Sunday		
Saturday 24 December	The normal provisions for work on a Saturday apply	
Sunday 25 December	The provisions for work on a public holiday apply	Any employee working on all three of these days will be entitled to a maximum of two public holidays and one "Sunday".
Monday 26 December	The provisions for work on a public holiday apply	
Tuesday 27 December	The provisions for work on a public holiday apply	
Sunday 1 January	The provisions for work on a public holiday apply	Except that any employee working on both of these days will be entitled to a maximum of one public holiday and one "Sunday".
Monday 2 January	The provisions for work on a public holiday apply	

1. Staff will be entitled to the rate of pay which would normally apply to public holiday working.
2. Local partnerships are free to vary these provisions to meet local operational needs so long as there are no more than three public holidays in the combined Christmas and New year holiday period

As amended by PCS(AFC)2008/1