

## **Testing draft provisions for a new system of unsocial hours payments on NHS organisations**

### **Questions and Answers for managers and staff**

#### **This exercise**

Why are we doing this?

The NHS Staff Council thinks that it is vital that the arrangements which are eventually put in place take account of the views of NHS organisations in partnership between management and staff side.

What are we asking comments on?

Draft provisions for a new system of unsocial hours payments for Agenda for Change staff.

What is the last date for submitting comments?

Friday 20 April 2007

How do I respond?

By emailing Max Liversuch, project Lead in NHS Employers, at [Max.liversuch@nhsemployers.org](mailto:Max.liversuch@nhsemployers.org) or your trade union.

Who is being asked to make comments?

Managers and staff sides in NHS organisations employing Agenda for Change staff.

What happens after 20 April?

The NHS Staff Council will review the draft provisions in the light of the comments received before they are finalised in provisional form ready to go to the Department of Health for approval. Following the Department's approval there will be a formal trades union consultation process before the provisions could be implemented.

#### **Agenda for Change (A for C) prototype unsocial hours system**

What happened to the prototype A for C unsocial hours payment system?

This has continued to be used in ambulance trusts and for some staff in the former Early Implementer (EI) sites. However issues which emerged when it was tested in the EIs showed that it was not a satisfactory system for the whole of the NHS non-medical workforce.

What was wrong with the A for C prototype system?

The A for C prototype system was prospective and in acute settings it was difficult to accurately forecast what the appropriate level of payments should be. Its use would have meant that too many staff would have needed pay protection.

### **Interim Regime**

Why can't we stick with the interim unsocial hours system long-term?

The interim regime was intended to be a temporary measure until a new system of payments was developed. We cannot leave the interim regime in place permanently because it is not consistent with the principle of equal pay for work of equal value.

How long will the interim regime continue?

Until payments under the new system start.

### **The draft provisions**

Under the draft provisions, shifts starting on week days would be paid at the rate which applies to the majority of the hours worked as part of the shift, while Sunday enhancements would apply to the twenty four hours from midnight to midnight. The effect of this for shifts starting at 7.00 pm and ending at 6.00 am, for example, would be:

- shifts starting on Monday, Tuesday, Wednesday or Thursday:- all of the shift would be paid at the enhanced rate;
- shifts starting on Friday and ending on Saturday morning:- all of the shift would be at the enhanced rate;
- shifts starting on Saturday and ending on Sunday morning:- the Monday to Saturday rate of enhancement for the hours 7.00 pm to 12.00 midnight and the Sunday rate of enhancement for the rest of the shift; and
- shifts starting on Sunday and ending on Monday morning:- Sunday rate of enhancement for the hours 7.00 pm to 12.00 midnight and Monday to Saturday rate of enhancement for the rest of the shift.

Would this new system apply to overtime?

No – the new unsocial hours payments would apply to work done in standard hours between the hours specified. Unsocial hours payments at time plus one half and at double time on general public holidays would be unaffected.

What would happen if I was promoted to a pay band with a lower percentage premium?

So long as your working pattern remained substantially the same in the higher pay band you would go to the first pay point which produced an increase in pay when your basic pay, any long-term recruitment and retention premium and the unsocial hours enhancement were combined. If your working pattern changed the normal Agenda for Change rules for pay on promotion in Section 6 would apply.

What would I get when I was away from work because I was sick?

The level of unsocial hours payments you normally receive when you are at work would be used to calculate your pay while you were sick.

What would I get when I was on annual leave?

Your pay would be calculated on the basis of what you would have received had you been at work.

Would my incremental date change?

No

Would my long-term recruitment and retention premium be included in my basic pay for calculating my unsocial hours payments?

Yes

Would my high cost area allowance be included in my basic pay for calculating my unsocial hours payments?

No

What would happen if I did overtime in unsocial hours?

You would receive overtime pay at time plus one half or double time if it was work on a general public holiday.

What would happen to other shift allowances?

These would be replaced by the new system of payments.

If I was in pay protection as a result of this change how long would this last?

The system and its introduction is being designed so that few staff should need pay protection. In the few cases where this would be necessary the protection would last until the overall level of pay overtakes the protected pay or until 31 March 2011.

My shifts change a lot. How would this affect my unsocial hours earnings?

The system would be retrospective and payments would be made for each hour worked. Every hour or part of an hour which you worked after 8 pm and before 6 am would be paid at time plus the appropriate percentage.

Would on-call, standby and sleeping-in payments be part of these draft provisions?

No. We will be looking at these later and separately from unsocial hours payments

Why has it taken so long to produce a new system of payments?

The Agenda for Change agreement stipulated that we needed to develop a new system which was consistent with the principle of equal pay for work of equal value, created the incentives necessary for the provision of a high standard of service to patients, avoided staff protection and was affordable. In addition the interim arrangements include a wide range of different and complex payments based upon former Whitley Council provisions. It has been difficult to meet all of these requirements in one harmonised system for all Agenda for Change staff.

When would payments under the new system start?

The proposals will be subject to approval by the Department of Health and then formal trades union consultation. Depending on the outcome of these processes the aim is to implement the proposals in October 2007.

Would payments under the new system be backdated?

No

### **Convergence/transition**

Why isn't the proposal for everyone to go onto the new percentage enhancements straight away?

Convergence, in stages over three years, provides a gradual transition to the new percentage enhancements which is affordable and it avoids the need for pay protection for most staff.

### **Background**

These are draft provisions for a new system of enhancements to basic pay for Agenda for Change staff whose standard working week includes work in the evenings, early in the morning, at weekends, bank holidays and at night.

The testing of a prototype system of unsocial hours payments in selected "Early Implementer" (EI) sites showed that there were some issues with the prototype system which meant it was not a satisfactory system for the whole of the NHS non-medical workforce. Consequently an interim regime was put in place allowing the previous Whitley and local systems of unsocial hours payments to continue until a new system of unsocial hours payments is implemented.

A sub-group of the Executive of the NHS Staff Council has been working to a remit agreed in November 2004 as part of the agreement on Agenda for Change. The remit said that employer and staff representatives should

develop a harmonised system of unsocial hours payments consistent with the principle of equal pay for work of equal value, creating the incentives necessary for a high standard of service to patients, seeking to avoid the need for pay protection and which is affordable. Developing a single set of draft provisions which meet all of the requirements in the remit has been challenging and the work has taken longer than was first expected.

The draft proposals are intended to apply to all Agenda for Change staff. Some of the former “Early Implementer” sites and all ambulance organisations have continued to use the first Agenda for Change prototype unsocial hours system and so are in a different position to the rest of the NHS. The proposals include special arrangements for the EIs and ambulance trusts to move to the new arrangements in stages, over a number of years.

There are also draft arrangements for certain staff in other organisations to move to the new percentage enhancements in stages over three years in a way which is affordable and which avoids the need for pay protection for most staff.

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