

DRAFT

Section 2: Maintaining round the clock services

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

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. This section is effective from 1 October 2007. 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.
3. The pay of staff working evenings, nights or weekends on or after 1 October 2007 will be worked out in line with paragraphs 4 to 26 below. The incremental dates of staff paid under these arrangements will not change.
4. In recognition of the unique arrangements that apply in ambulance trusts and 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 6 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 W 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 2010.
5. The standard hours of work are set out in Section 10, paragraph 1.
6. Staff will receive a percentage enhancement for their work in standard hours which is done at the times shown in Table 2. Annex W contains arrangements for a phased transition to these percentage enhancements for staff in pay bands 2 and 3. These are staff who are either moving to lower rates of unsocial hours payments (Table 21) or to higher levels of unsocial hours payments (Table 22) under the new arrangements.
7. 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 W applying at the time they transfer.

8. 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.
9. The basic hourly rate for staff working more or less than the standard week will be worked out using tables 8 and 9 in Section 46.
10. 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 25 to 43. 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

Column 1	Column 2	Column 3
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%

11. 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).
12. 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.
13. Staff will only receive one rate of percentage enhancement for the hours worked.

Promotion

14. 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

15. 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

16. 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 pay system 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

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

Part time staff and other staff working non-standard hours

18. Part time staff working less than 37½ hours a week will be eligible for percentage enhancements for unsocial hours.
19. 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 8 and 9.
20. Staff on annualised hours contracts will be eligible for percentage enhancements for unsocial hours on these terms.

Staff working overtime

21. 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

22. 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

23. This agreement may be used retrospectively or prospectively. It will be for local partnerships to decide which option best meets local operational needs.
24. 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.
25. 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.
26. 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.

Annex W: Working or providing emergency cover outside normal hours

1. During the first two and a half years of the new system of payments transitional rates will apply to all staff in pay bands 2 and 3. The percentage enhancements applicable to these staff will change in the second and third year of operation of the new system. ***[For all/some staff in higher pay bands whose percentage enhancements will change transitional arrangements should be agreed locally in partnership. DN This is a point on which we would particularly value views in partnership].*** From 1 April 2010 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 and 3, 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 and 3

Column 1	Column 2	Column 3	Column 4
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 October 2007 to 31 March 2008	2	Time plus 50%	Double Time
	3	Time plus 50%	Double Time
1 April 2008 to 31 March 2009	2	Time plus 48%	Time plus 96%
	3	Time plus 46%	Time plus 92%
1 April 2009 to 31 March 2010	2	Time plus 46%	Time plus 92%
	3	Time plus 42%	Time plus 84%

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.

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

Column 1	Column 2	Column 3	Column 4
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 October 2007 to 31 March 2008	2	Time plus 39%	Time plus 78%
	3	Time plus 35%	Time plus 70%
1 April 2008 to 31 March 2009	2	Time plus 42%	Time plus 84%
	3	Time plus 36%	Time plus 72%
1 April 2009 to 31 March 2010	2	Time plus 43%	Time plus 86%
	3	Time plus 37%	Time plus 74%

The following suggests the consequential changes to other Sections and Annexes in the Handbook which would need to be made.

Section 2: Working or providing emergency cover outside normal hours

- 2.13. From 1 October 2004 groups of staff will be able either to retain their current on-call provisions (both national and local) where agreed locally, as set out in paragraph 2.28, or to use the on-call provisions set out below. Annex D indicates where on-call provisions can be found in the Whitley handbooks. Staff for whom there is currently no on-call provision will be entitled to the 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.

Section 13: Annual leave and general public holidays

Pay during annual leave

- 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.
- 13.10 Existing arrangements will be undisturbed for staff groups who already receive payments for working outside normal hours in respect of annual leave. Staff groups who do not currently receive full payment will do so by means of the standard formula based mechanism used to pay unsocial hours in respect of the statutory leave entitlement. The formula is 11.59 per cent of unsocial hours payments in each pay period.

Section 14: Sickness Absence

Pay during sickness absence – definition of full pay

- 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. Existing arrangements in respect of sickness absence will be undisturbed for staff groups who already receive payments for working outside normal hours; staff groups who do not currently receive payment will do so by a calculation based on average pay in a reference period. 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.

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 for up to four years from the effective date of assimilation, irrespective of whether they were nationally or locally agreed (see paragraph 13 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)

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.

Clinical psychologists and child psychotherapists:

No provision: see Section 2.

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

Annex E, “Provisions for unsocial hours payments for ambulance staff and available to early implementer sites” and Annex F, “Examples of special cases” should stay in the Handbook until the end of the “convergence” period.