

Pay Circular (AforC) 1/2008

Maintaining round the clock services

To: All NHS employers

Summary

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.

Action

- 1 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.
- 2 The new system of unsocial hours payments will apply to staff who move to Agenda for Change in line with the first and second bullet points in paragraph 46.2.

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- 3 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 their 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.
4. The new system of unsocial hours payments will not apply to staff employed in ambulance trusts in England who will be paid in accordance with Annex E and Annex F in the Handbook. The new system of unsocial hours payments does not apply to staff employed in pathology departments where out of hours provisions are all defined as “*on-call*” arrangements. The systems of remuneration for these staff are being looked at as part of a review of on-call payments.
5. 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.

Christmas and New Year holidays at weekends

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

Protection of current on-call arrangements in the former Agenda for Change “early implementer” sites

7. The NHS Staff Council has agreed that the period of protection for on-call in former EI sites is extended to 30 September 2008 to bring staff in these sites into line with staff employed in the rest of the NHS.

Enquiries

8. Employers should direct enquiries to: agendaforchange@nhsemployers.org

Further copies

9. Copies of this circular can be downloaded from: www.nhsemployers.org
10. A copy of the NHS Terms and Conditions of Service handbook can be downloaded from the NHS Employers website at the following web address
www.nhsemployers.org/payandconditions/agendaforchange.asp

Issued by



Director of pay, pensions and employment relations
and deputy director
NHS Employers

Appendix

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NHS Terms and Conditions of Service Handbook

- 1 The Changes made effective by this circular are:

Contents

2. 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**

Implementation annexes

3. The following are new entries:

Annex X: Working or providing emergency cover outside normal hours

Annex Y: Arrangements for general and public holidays over the Christmas and New Year holiday periods

Section 2: Maintaining round the clock services: supporting staff who work evenings, at night, weekends and on general public holidays

4. 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 removed pages should be archived as they will continue to be used temporarily for staff not yet assimilated to Agenda for Change.

5. The detailed 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 new Table 2 means that the Tables which follow it are renumbered.

Employees called into work during an on-call period

6. In the old paragraph 2.13 (now paragraph 2.31) the following sentence has been inserted at line 4:

Annex D lists the relevant sections of the Whitley handbooks in relation to on-call.

In the existing paragraph 2.14 (now paragraph 2.32) the words *four year* in line 2 are deleted.

The following words are added to the existing paragraph 2.28 (now paragraph 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

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

Section 13: Annual leave and general public holidays

8. 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.

Section 14: Sickness absence

9. The following text is deleted from paragraph 14.4:

“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.”

Section 34: Flexible working arrangements

10. 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.**

Section 46

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

Annex D

12. All references to unsocial hours in Annex D have been deleted. The existing paragraphs 1 and 3 are deleted. The words *for up to four years from the effective date of assimilation* in the existing paragraph 2 (now paragraph 1) are deleted. There is new paragraph **2**.

Annex X: Working or providing emergency cover outside normal hours

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

Annex Y: Arrangements for general and public holidays over the Christmas and New Year holiday periods.

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