

NHS Terms and Conditions of Service Handbook

This is Volume 4 of the record of amendments

This is a chronological record of amendments to the Handbook starting on 1 January 2012.

Changes to terms and conditions in the NHS Terms and Conditions of Service Handbook are notified to employers by pay circulars and notices in the NHS Workforce Bulletin. The Handbook is on the NHS Employers website at:

www.nhsemployers.org/pay-conditions/agenda-for-change.cfm

Amendment Number	Section(s)/ Annex(es) Number(s)	Section(s) Title	Amendment(s)	Date Amended	Circular Number
25		Title page	The reference to amendment number 24 is changed to: Amendment number 25 Pay circular (AforC) 3/2011 is changed to Pay circular (AforC) 1/2012	1 February 2012	1/2012
	6	Career and pay progression	Paragraph 6.26: in bullet point 7: line 3: the word " disability " is inserted. In line 4 delete the word "disability and insert the words " or belief ".		
	16	Redundancy	Paragraph 16.1: The final sentence is deleted. The paragraph is amended to read: <ul style="list-style-type: none"> • "This section sets out the arrangements for redundancy pay for employees dismissed by reason of redundancy who, at the date of termination of their contract, have at least 104 weeks of continuous full-time or part-time service. These take effect from 1 October 2006. It also sets out the arrangements for early retirement on grounds of redundancy and in the interests of the service, for those who are members of the NHS Pension Scheme and have at least two years of continuous full-time or part-time service and two years of qualifying membership in the NHS Pension Scheme. Pension changes take effect from 1 December 2006". 		

			<p>In Section 16: to take account of consultations that have now ceased 2 Footnotes have been deleted:</p> <ul style="list-style-type: none"> • In Paragraph 16.1 Footnote no 1: “There is currently a consultation underway on the NHS Pension Scheme. It is expected that new pension arrangements will be in place effective from December 2007. Once final agreement has been reached the Agenda for Change redundancy arrangements will be amended to take into consideration the new arrangements” is deleted. • In paragraph 16.10 Footnote no 2: “Subject to consultation, for those who are in the new pension scheme (with a normal pension age of 65), minimum pension age will be 55 from when the scheme is set up” is deleted. <p>All subsequent Footnotes in Section 16 have been re-numbered.</p> <p>Paragraph 16.26: in line 10 delete the word “sex” and insert the words “gender” and “gender identity or gender” and in line 11 insert the words “expression, pregnancy or maternity, marriage or civil partnership,” In line 12 insert the words “belief, and “or sexual orientation”.</p> <p>Paragraph 16.27: at the end of line 6 the following new words are inserted: “including reasonable adjustments to an existing role or potential suitable alternatives”</p> <p>At the beginning of paragraph 16.30 to 16.43 the header: “Transitional arrangements: 1 October 2006 to 30 September 2011” is deleted.</p> <p>Paragraphs 16.30 to 16 43 at the end of Section 16 are deleted – Section 16 in this circular replaces Section 16 in the Handbook.</p>		
	30	General equality and diversity statement	<p>Paragraph 30.2: in bullet point 5: line 4: the words “pregnancy or maternity, marriage or civil partnership” are inserted.</p> <p>Paragraph 30.5: in bullet point 1: Line 1: insert the word “gender”, delete the words “sex, age” and insert the words “sexual orientation”. In line 2 insert the words “religion or belief, age”.</p>		

			Paragraph 30.5: in bullet point 3: line 1: insert the word “ gender ”, delete the words “sex, age” and insert the word “ sexual ”. In line 2 insert the words “ orientation, religion or belief, age ”		
	31	Recruitment, promotion and staff development	<p>Paragraph 31.15: in line 2 insert the word “equality” .</p> <p>Paragraph 31.22: in line 2 insert the words “or reasonable adjustments”.</p> <p>Paragraph 31.23: the following new paragraph is inserted: “Applicants must not be asked about their health status prior to an offer of employment”.</p> <p>The existing paragraphs 31.23 to 31.34 are re-numbered and are now: 31.24 to 31.35.</p>		
	32	Dignity at work	Paragraph 32.9: in line 1 insert the words “ gender, pregnancy ”. In line 2 insert the words “ or maternity, marriage or civil partnership ” and delete the word “sex”. In line 3 delete the words “colour, language” and insert the word “ or ”. In line 4 insert the word “ belief ” and delete the words “or belief”.		
	33	Caring for children and adults	<p>Paragraph 33.5: in line 2 insert the words “including the needs of dependant young people over” and in line 3 insert the words “the age of 14”.</p> <p>Paragraph 33.7: in line 1 delete the word “childcare”. In line 2 insert the word “support”. In line 3 insert the word “help”, delete the word “support” and insert the word “caring” and delete the word “childcare”.</p>		
	34	Flexible working arrangements	<p>Paragraph 34.2: is amended to read:</p> <ul style="list-style-type: none"> • “Employers are required to consider flexible working options as part of their duty to make reasonable adjustments for disabled staff, staff with dependants and job applications under the Equality Act and staff who are returning from maternity leave (see Section 15).” 		

	35	Balancing work and personal life	<p>Paragraph 35.4: line 1: delete the word “or” and “partner or”. In line 2 insert the words “or a partner (whether opposite or same sex)”.</p> <p>Paragraph 35.11 to 35. 17 are deleted and have been amended to read:</p> <p>Maternity support (paternity) leave and pay and ante-natal leave</p> <p>35.11 This will apply to the father of the child (including adoptive fathers), the mother’s husband or partner (whether opposite or same sex), or nominated carer.</p> <p>35.12 NHS organisations have scope for agreeing locally more favourable arrangements where they consider it necessary, or further periods of unpaid leave.</p> <p>Maternity support (paternity) leave</p> <p>35.13 All employees are entitled to two weeks’ of ordinary maternity support (paternity) leave which can be taken around the time of the birth or the placement of the child for adoption.</p> <p>35.14 In addition, employees may be entitled to take up to twenty six weeks of additional maternity support (paternity) leave if their partner has returned to work, the leave can be taken between 20 weeks and one year after the child is born or placed for adoption.</p> <p>35.15 To qualify for additional maternity support (paternity) leave the employee and their partner must first meet certain qualification criteria. Details of the qualifying conditions and the notification requirements can be found on the http://www.direct.gov.uk/en/employment/index.htm</p> <p>Occupational pay during maternity support (paternity) leave</p> <p>35.16 There will be an entitlement to two weeks’ occupational ordinary maternity support (paternity) pay. Full pay will be calculated on the basis of the average weekly earnings rules used for calculating occupational maternity pay entitlements. The employee will receive full pay less any statutory paternity pay receivable. Only</p>		
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			<p>one period of occupational maternity support (paternity) pay is ordinarily available when there is a multiple birth.</p> <p>35.17 Eligibility for the two weeks of occupational maternity support (paternity) pay will be 12 months' continuous service with one or more NHS employer at the beginning of the week in which the baby is due.</p> <p>35.18 Employees who are not eligible for the two weeks of occupational maternity support (paternity) pay may still be entitled to statutory paternity pay subject to meeting the qualifying conditions. Details of the qualifying conditions can be found on the (http://www.direct.gov.uk/en/employment/index.htm)</p> <p>Statutory pay during maternity support (paternity) leave</p> <p>35.19 To qualify for statutory pay in the additional maternity support (paternity) leave period, the employee and their partner must first meet certain qualifying conditions. Details of the criteria and the notification requirements can be found on the (http://www.direct.gov.uk/en/employment/index.htm)</p> <p>Rights during additional maternity support (paternity) leave</p> <p>35.20 Employees who are entitled to additional maternity support (paternity) leave/pay will be entitled to take up to 10 keeping in touch days during the course of the additional maternity support (paternity) leave period. The criteria for keeping in touch days is set out in Section 15 and is based on those used for statutory maternity leave and pay.</p> <p>35.21 Employees who have taken additional maternity support (paternity) leave will have the right to return to the same job under their original contract and on no less favourable terms and conditions.</p> <p>Ante-natal leave</p> <p>35.22 Reasonable paid time off to attend ante-natal classes will also be given.</p>		
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			<p>Five new paragraphs have been inserted and</p> <p>The existing paragraphs 35.18 to 35.37 are re-numbered and are now: 35.23 to 35.42</p> <p>Section 35 in this circular replaces Section 35 in the Handbook.</p>		
	36	Employment break scheme	Paragraph 36.22: at the end of line 2 a new sentence is inserted: “This will include consideration of diversity data”		
26	Title page		<p>The reference to amendment number 25 is changed to Amendment number 26</p> <p>Pay circular (AforC)1/2012 is changed to Pay circular (AforC) 2/2012</p>	16 March 2012	2/2012
	Annex B	Table 12	Annex B is a chronological record of pay rates since 1 October 2004. Therefore the existing Table 12 in Annex C becomes Table 12h in Annex B. A new Table 12 in Annex C contains the new pay point values and pay bands which are effective from 1 April 2012 .		
27	Title page		<p>“Amendment number 26” is deleted and replaced by “Amendment number 27”</p> <p>“Pay Circular (AforC) 2/2012” is changed to “Pay Circular (AforC) 3/2012”.</p>	10 September 2012	3/2012
	Annex A	NHS Employers	<p>The heading “Early implementer sites (since June 2003)” and the list of early implementer sites:</p> <p>“James Paget Healthcare NHS Trust Guy’s and St Thomas’ Hospital NHS Trust City Hospitals Sunderland NHS Trust Papworth Hospital NHS Trust Aintree Hospitals NHS Trust Avon and Wiltshire Mental Health Partnership NHS Trust South West London and St George’s Mental Health NHS Trust West Kent NHS and Social Care Trust Herefordshire NHS Primary Care Trust Central Cheshire Primary Care Trust North East Ambulance Service NHS Trust” East Anglian Ambulance NHS Trust” are deleted.</p>		

			<p>The heading “National roll-out – from December 2004” is deleted.</p> <p>In the list of employers in England the words “(Until 31 March 2013)” are added after the words “Primary care trusts”.</p> <p>The words “(Until 31 March 2013)” are added after the words “Strategic health authorities.”</p> <p>The following employers are added to the list of employers in England:</p> <p>NHS Commissioning Board</p> <p>Clinical commissioning groups</p>		
	Annex E	Provisions for unsocial hours payments for ambulance staff and available to early implementer sites	In paragraph 1: line 4: the words “(see Annex A)” are deleted.		