

**Annex 6 - Provisions for
unsocial hours payments
for ambulance staff
(Examples)**

Eligibility

This annex only applies to ambulance staff who receive their unsocial hours payments via the provisions of Annex 5 under this agreement.

The below sections show examples of special cases under the provisions for work outside normal hours.

Example of application to part-time staff

1. A person in a job in pay band 1 works half-standard hours (18¾ hours a week) and regularly does three day shifts each week (including a half hour meal break) between 10am and 4:45pm on Thursdays, Fridays and Saturdays.
2. In this case only the shift worked on Saturday is outside the normal hours set out in paragraph 2 of Annex 5. The hours worked outside normal hours each week are, therefore, seven hours (including for this purpose the short meal break). Because the pattern is regular, this is also the average. If this person had worked full-time standard hours of 37.5 hours a week, with the same proportion of hours outside normal hours, they would have worked double the number of hours outside normal hours. The figure of 14 hours a week is, therefore, used in Table 11 in Annex 5 to determine that the appropriate enhancement to the part-time salary is 17 per cent.
3. The enhancement would only need to be re-estimated if the average number of hours outside normal hours increased by three hours a week to 17 hours or more, or fell by more than one hour a week to under 13 hours. Neither is likely, however, unless the shift pattern changes.

Example of application to a self-rostering scheme (where the team agree to equalise enhancements)

4. A team of staff provide services to patients in their homes. Most visits take place during the day, but a limited number of patients require an evening visit to settle them for the night. In the past this has been covered by a shift pattern of four weeks of early shifts and one week of late shifts.

5. In this case, the team, who work well together, ask their manager if they can agree among themselves each month who will cover the evening work. They also ask if they can control the timing of late shifts to better balance work and home life and allow more patients to be settled at a time they prefer, and if they can share the unsocial hours payments to avoid money being an issue in the rostering.

6. In this case the employer and team agree that the previous shift pattern satisfactorily defines the degree of unsocial hours working necessary to provide a satisfactory level of patient care. The unsocial hours enhancement due under these rules would then be calculated on the basis that each team member worked the number of hours outside normal hours implied by the four-early one-late shift system, and a percentage enhancement is paid on that basis to each team member irrespective of the actual rostering, provided the team continue to provide satisfactory levels of patient care.

Example of application to annual hours agreements

7. A number of staff members ask if they can work variable hours to allow them to better combine work and care responsibilities, subject to working an agreed number of hours annually.

8. In order to allow for the fact that standard hours are variable under this agreement, the employer and employee agree to estimate the average hours worked outside normal hours on the basis of the average for colleagues in the same role in the same work area, subject to a retrospective adjustment if there were evidence that the actual average hours worked outside normal hours over the year as a whole had varied significantly from this level.

Example of application to bank staff

9. A member of staff in pay band 6 works full-time on alternate early and late shifts Monday to Friday. No hours are worked outside normal hours during the early shift. But four hours per day are worked outside normal hours during each late shift. This results in an average of ten hours per

week being worked outside normal hours, and the staff member receives an enhancement of 13 per cent of salary under the normal rules.

10. However, they also work an eight-hour bank shift once a fortnight on average during a weekend period. This is treated as a separate contract under these rules. So the enhancement for working outside normal hours for their bank work is calculated as if they were a part-time worker working all their hours outside normal hours.

11. In this case the hours worked for the bank each week are four hours, all of which fall outside normal hours. Under the rule for part-time workers in paragraph 8 of Annex 5, if the person had worked full-time for the bank with the same proportion of hours outside normal hours they would have worked 37.5 hours a week outside normal hours. This figure is therefore used to determine the appropriate enhancement to the income from the bank, which in this case is 25 per cent.

12. In this case the enhancement to bank earnings does not need to be re-calculated, however many hours are actually worked for the bank at weekends, since they are all outside normal hours. If, however, the person started doing significant bank work in normal hours, the enhancement might need to be re-estimated if the proportion worked outside normal hours fell to 21 hours out of every 37.5 or below, as the enhancement would then fall into a different band.

Example of application to staff working rostered overtime

13. A person works on a maintenance team which deploys staff on alternate weeks of early and late nine hour shifts, 7:00am to 4:00pm and 1:00pm to 10:00pm Monday to Friday, with a half hour meal break. Their regular shift pattern therefore covers 42½ hours a week, excluding meal breaks and always includes five hours of overtime.

14. Because their shift pattern always includes a fixed amount of overtime, this is treated as rostered overtime within a non-standard working week. As a result all the hours may count towards the total of hours outside normal hours, but this is then adjusted for the longer week.

15. In this example an average of 7½ hours a week are worked outside normal hours over the whole rota. If, however, they had worked the same proportion of hours outside normal hours in a standard week, the total would have been just under 6.7 hours a week. This qualifies for a payment of 9 per cent of basic pay for working outside normal hours, in addition to the normal overtime payment for the overtime hours.

Amendment number 39: NHS TCS Advisory Notice 01/2018