

Section 2 and Annex 5 Comparison guidance

From 1 September 2018, existing ambulance staff in England will be able to choose whether they want their unsocial hours paid under [annex 5](#) (formerly annex E) or under [section 2](#).

From this date, new staff will automatically start on section 2 and people who accept promotion will also move to section 2 where this involves a new contract of employment.

Some principles have been agreed as part of the opening of section 2 to ambulance staff, such as:

- Staff have the right to move to section 2, but also the right to stay on annex 5.
- Staff can exercise this choice from 1 September 2018 onwards.
- Should a member of staff opt to be paid their unsocial hours payments under the provisions of section 2, they will not be able to switch back to having their unsocial hours paid under the provisions of annex 5.

To help staff make an informed decision, this guide summarises each scheme and the key differences.

Section 2	Annex 5
<p>Summary Section 2 adds an enhancement to pay based on each hour worked during unsocial hours. Rates vary by band and time worked (min 30 per cent, max 97 per cent). This is payable during sickness absence when due to work-related injury.</p>	<p>Summary Annex 5 adds a fixed enhancement to pay based on rota patterns. Rates are dependent on the average number of unsocial hours worked (min 9 per cent, max 25 per cent). Unsocial hours continue through periods of all sickness absence.</p>
<p>Details Only applies to working hours (standard 37.5 per week)</p>	<p>Details Only applies to working hours (standard 37.5 per week)</p>
<p>Unsocial hours period (all staff):</p>	<p>Unsocial hours period: For staff in pay bands 1 to 7</p>

<ul style="list-style-type: none"> • All time on Saturday (midnight to midnight) and any weekday after 8pm and before 6am. • All time on Sundays and public holidays (midnight to midnight). • Rates vary depending on AfC pay bands (see tables below). • Rates set to change over next three years (no change for staff in pay bands 4 to 9). 	<ul style="list-style-type: none"> • Any time worked before 7am or after 7pm Monday to Friday, and any time worked on Saturdays, Sundays or bank holidays. <p>For staff in pay bands 8 and 9</p> <ul style="list-style-type: none"> • Any time worked before 7am or after 10pm Monday to Friday, any time worked before 9am or after 1pm on Saturdays and Sundays, and any time worked on bank holidays.
<p>Calculation Unsocial hours payments is worked out using basic salary, including any long-term recruitment and retention premiums. It does not include short-term recruitment and retention premiums, high cost area supplements or any other payment.</p> <p>Where a continuous night shift or evening shift on a weekday (other than a public holiday) includes hours outside the period of 8pm to 6am, the enhancements will be applied to the whole shift if more than half of the time falls between 8pm and 6am.</p>	<p>Calculation The enhancement is paid as a percentage of basic salary each month. Basic salary includes any long-term recruitment and retention premium. It will not include short-term recruitment and retention premia, high cost area payments or any other payment.</p> <p>The pay enhancement is based on the average number of hours worked outside of normal hours and paid as a fixed percentage addition to basic pay in each pay period, based on an agreed reference period. Short meal breaks taken during each work period will be included.</p> <p>This is payable during short periods of leave or training. It will, however, be re-calculated if there is a significant change in working pattern.</p>
<p>Annual leave Payment during annual leave will include</p>	<p>Annual leave Payment continues during annual leave.</p>

<p>payments for work outside normal hours (unsocial hours). Pay is calculated on the basis of what the individual would have received had he/she been at work. This would be based on the previous three months at work or any other reference period that may be locally agreed.</p>	
<p>Sickness absence Unsocial hours payments will be payable during sickness absence for those absent due to injuries, diseases or other health conditions sustained or contracted in the discharge of their duties of employment, and who are not in receipt of injury allowance.</p>	<p>Sickness absence Unsocial hours will continue to be paid during a period of sickness absence.</p>
<p>Pension Unsocial hours payments are pensionable</p>	<p>Pension Unsocial hours payments are pensionable</p>
<p>Maternity Counts for contractual maternity pay, in line with section 15.</p>	<p>Maternity Counts for contractual maternity pay, in line with section 15.</p>
<p>Short notice changes Where the system is used prospectively, an unforeseen change payment of £15 will be available.</p> <p>This will be used where it is necessary for employers to ask staff to change their shift within 24 hours of the scheduled work period. It is not available, in any circumstances, in the retrospective system.</p>	<p>Short notice changes Where it is necessary for employers to ask staff to change their shift within 24 hours of the scheduled work period, such staff should receive an unforeseen change payment of £15 for doing so.</p>

Annex 5 unsocial hours payments

Average unsocial hours	Percentage of basic salary	
	Pay bands 1 - 7	Pay bands 8 and 9
Up to 5	Local agreement	Local agreement
More than 5 but not more than 9	9%	9%
More than 9 but not more than 13	13%	10%
More than 13 but not more than 17	17%	10%
More than 17 but not more than 21	21%	10%
More than 21	25%	10%

Section 2 unsocial hours payments from 1 July 2018

Column 1	Column 2	Column 3
Pay band	All time on Saturday (midnight to midnight) and any week day after 8pm and before 6am	All time on Sundays and public holidays (midnight to midnight)
1	Time plus 49%	Time plus 97%
2	Time plus 43%	Time plus 85%
3	Time plus 36%	Time plus 72%
4-9	Time plus 30%	Time plus 60%

Section 2 unsocial hours payments from 1 April 2019

Column 1	Column 2	Column 3
Pay band	All time on Saturday (midnight to midnight) and any week day after 8pm and before 6am	All time on Sundays and public holidays (midnight to midnight)
1	Time plus 48%	Time plus 95%
2	Time plus 42%	Time plus 84%
3	Time plus 35%	Time plus 70%
4-9	Time plus 30%	Time plus 60%

Section 2 unsocial hours payments from 1 April 2020 onwards

Column 1	Column 2	Column 3
Pay band	All time on Saturday (midnight to midnight) and any week day after 8pm and before 6am	All time on Sundays and public holidays (midnight to midnight)
1	Time plus 47%	Time plus 94%
2	Time plus 41%	Time plus 83%
3	Time plus 35%	Time plus 69%
4-9	Time plus 30%	Time plus 60%