

The Scottish Government
Health Workforce Directorate
Employment and Retention Division



27 June 2008

Dear Colleague

PAY AND CONDITIONS FOR NHS STAFF COVERED BY THE AGENDA FOR CHANGE AGREEMENT

Summary

1. This circular informs NHSScotland employers of changes in the pay and terms and conditions for all staff who are covered by the Agenda for Change agreement and terms and conditions handbook. A multi year pay settlement will apply to national pay bands which take effect from 1 April 2008, 1 April 2009 and 1 April 2010 respectively. The up-rated pay bands for 2008/9 are set out at **Annex A**.

2. A revised Section 25 of the handbook "Time Off and Facilities for Trade Union Representatives" will also apply, a copy of which is attached for ease of reference. Also attached is a new Annex A1 to the Agenda for Change Handbook entitled "Principles of Best Practice of Partnership Working".

3. The NHS Pay Review Body will continue to gather evidence throughout the period of the multi year pay settlement. In the event that the NHS Pay Review Body receives and identifies new evidence of a significant and material change in recruitment and retention and wider economic and labour market conditions, it may request a remit from the Secretary of State for Health in England and Ministers for Health in UK Devolved Administrations to review the increases set out in this agreement for 2009/10 and/or 2010/11.

Addresses

For action

Chairs, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)
Chief Executives, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)
Directors of Finance, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)
Directors of Human Resources, NHS Boards and Special Health Boards and NHS National Services Scotland (Common Services Agency)

For information

Members, Scottish Partnership Forum
Members, Scottish Terms and Conditions Committee
Members, Scottish Workforce and Governance Committee

Enquiries to:

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Rates of Pay for 2008/09

4. National rates of pay will be uplifted by 2.75% with effect from 1st April, 2008. The new rates are set out in Annex A of this circular. The new rates have been calculated on the basis of a cumulative uplift using Agenda for Change pay rates applicable on 1 October 2004 as the baseline figures to maintain relativity, and may therefore differ slightly from figures calculated by applying an uplift to 2007/08 figures.

National Recruitment and Retention Premia

5. The national recruitment and retention premium payable to qualified maintenance craftsmen and technicians under the terms of Annex R, paragraph 13 of the terms and conditions handbook shall increase to £3130 from 1st April, 2008.

6. The recruitment and retention premium payable to Healthcare Chaplains under the terms of Annex R, paragraph 15 shall increase by 2.75% from 1st April, 2008.

On Call Allowances

7. Where on call allowances continue to be paid in accordance with Section 2 of the terms and conditions handbook, these should be increased by 2.75% from 1st April, 2008.

Uplifts to national pay bands from 1 April 2009 and 1 April 2010

8. The Scottish Government will publish further circulars to confirm the published pay bands for 2009/10 and 2010/11, in time to allow payment in April 2009 and 2010 respectively.

Time off and Facilities for Trades Union Representatives

9. The NHS Staff Council has also reached agreement on a revised Section 25 of the handbook and also a new Annex A1. In Scotland, the Staff Governance Standard and Scottish PIN Guidelines are already in place which provide guidance on these issues but organisations should ensure that locally agreed arrangements are consistent with the principles set out in this new Section 25.

Cabinet Secretary approval

10. Employers should implement this agreement, which has been approved by the Scottish Ministers under Regulation 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (SI 1991 No 537). A copy of the formal approval is attached.

Action

11. NHS Boards and Special Health Boards should:
- implement the new rates as soon as possible; and
 - notify Scottish Public Pensions Agency of any increase in pensionable remuneration and contributions arising from the payment of arrears to former employees.

Enquiries

12. Employees should direct their personal enquiries to their employing NHS Board or Special Health Board.

13. Employers should make their own arrangements for obtaining additional copies of this circular, which can be viewed at:

www.show.scot.nhs.uk/sehd/publications.asp

Yours sincerely

COLIN MCGOWAN

Acting Deputy Director for Health Workforce
Employment and Retention

**NATIONAL HEALTH SERVICE
APPROVAL OF REMUNERATION AND CONDITIONS OF SERVICE**

In accordance with regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (S.I. 1991/537) the remuneration and conditions of service set out in the attached Scottish Government Health Workforce Directorate circular of 27 June 2008 – PCS(AFC)2008/3 – in respect of salary scales and allowances for NHSScotland staff covered by the Agenda for Change agreement and terms and conditions handbook are hereby approved for the purposes of the said Regulations.

The approval has effect from 1st April, 2008

COLIN MCGOWAN
Acting Deputy Director for Health Workforce
Employment and Retention
Scottish Government
Health Directorates
St Andrew's House
EDINBURGH
EH1 3DG
27 June 2008

Pay Bands and Pay Points on Second and Third Pay Spines from 1 April 2008

Point	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6	Band 7	Band 8				Band 9
								Range A	Range B	Range C	Range D	
1	12,517											
2	12,922	12,922										
3	13,269	13,269										
4	13,617	13,617										
5		14,023										
6		14,428										
7		14,834	14,834									
8		15,356	15,356									
9		15,950	15,950									
10			16,307									
11			16,781									
12			17,316	17,316								
13			17,732	17,732								
14				18,385								
15				19,038								
16				19,631								
17				20,225	20,225							
18				20,818	20,818							
19					21,373							
20					22,085							
21					22,797							
22					23,450							
23					24,103	24,103						
24					25,054	25,054						
25					26,123	26,123						
26						27,191						
27						28,141						
28						29,091	29,091					
29						30,041	30,041					
30						31,109	31,109					
31						32,653	32,653					
32							33,603					
33							34,672					
34							35,859					
35							37,106	37,106				
36							38,352	38,352				
37								39,896				
38								41,439				
39								43,221	43,221			
40								44,527	44,527			
41									46,782			
42									49,394			
43									52,007	52,007		
44									53,432	53,432		
45										55,806		
46										58,419		
47										62,337	62,337	
48										64,118	64,118	
49											66,790	
50											70,055	
51											73,617	73,617
52											77,179	77,179
53												80,883
54												84,765
55												88,835
56												93,098

SECTION 25

TIME OFF AND FACILITIES FOR TRADE UNION REPRESENTATIVES

Introduction

- 25.1 The NHS Staff Council is committed to the principles of partnership working and staff involvement. Partnership underpins and facilitates the development of sound and effective employee relations throughout the NHS. The national partners recognise that the participation of trade union representatives in the partnership process can contribute to delivering improved services to patients and users.
- 25.2 Further information about the partnership approach to the implementation of pay modernisation is set out in Part 1 of this handbook, including the importance of ensuring that the representatives of trade unions recognised for purposes of collective bargaining at local level are released appropriately to participate in local partnership arrangements. The principles of partnership working are set out in the annex to this section.
- 25.3 It is for employers and representatives of locally recognised trade unions to agree in partnership local arrangements and procedures on time off and facilities that are appropriate meet local circumstances. Local arrangements are expected to be consistent with the principles set out below.

Time Off for Accredited Trade Union Representatives

Accredited Representatives

- 25.4 Local arrangements should apply to accredited representatives of trade unions recognised by local NHS organisations. Accreditation will only be given to employees of the organisation who have been duly elected or appointed in accordance with the rules of the respective trade unions.
- 25.5 Accredited representatives of trade unions will:
- Abide by the rules of their trade union and the policies and procedures of the employing organisation.
 - Represent their members on matters that are of concern to the employing organisation and/or its employees.
- 25.6 It will be for the relevant trade unions to discuss and agree with the local employer an appropriate number of representatives. Local discussions should have regard to the size and location of the unions' membership and the expected workload associated with the role. The unions would be required to issue written credentials and notify the human resources department of the number and location of work groups for which each representative will be responsible.

25.7 Subject to the needs of the service and adequate notification, accredited representatives should be permitted paid time off, including time to prepare for meetings and disseminate information and outcomes to members, during working hours to carry out duties that are concerned with any aspect of:

- Negotiation and/or consultation on matters relating to terms and conditions of employment or agreed partnership processes – examples include:
 - terms and conditions of employment;
 - engagement or termination of employment;
 - allocation of work;
 - matters of discipline;
 - grievances and disputes;
 - union membership or non-membership;
 - facilities for trade union representatives;
 - machinery for negotiation or consultation or other procedures.
- Meetings with members;
- Meetings with other lay officials or full time officers;
- Appearing on behalf of members before internal or external bodies;
- All joint policy implementation and partnership working;
- Other matters relating to employee relations and partnership working.

25.8 The expectation is that it is good practice that staff representatives should indicate the general nature of the business for which time off is required, where they can be contacted if required. Requests should be made as far in advance as possible as is reasonable in the circumstances. Wherever possible, the representatives should indicate the anticipated period of absence. The expectation is that requests for paid time off for trade union representatives will not be unreasonably refused.

Training

25.9 Accredited trade union representatives should be given adequate time off to allow them to attend trade union approved training courses or events. Time off should not be regarded as automatic, as employers have responsibilities to take account of the needs of service delivery. However, the expectation is that requests for paid time off to attend training courses should not be unreasonably refused as long as locally agreed processes are followed.

25.10 The expectation is that requests for release for training should be made with reasonable notice to the appropriate manager. Any training course should be relevant to their duties approved by their trade union. Local representatives should provide details of the course to local management.

Payment Arrangements

25.11 Where time with pay has been approved, the payment due will equate to the earnings the employee would otherwise have received had he/she been at work.

25.12 Where meetings called by management are held on matters covered by paragraph 25.7 where staff representatives have to attend outside their normal working hours, equivalent time off will be granted or appropriate payment should be made by local agreement.

25.13 There should be local agreement on when travelling and subsistence expenses will be reimbursed to accredited representatives who are undertaking approved work in relation to the partnership process and/or joint policy implementations (as listed in paragraph 25.7).

Trades Union Activities

25.14 It is the responsibility of the recognised local trade unions to ensure that the time and resources provided in this context are used appropriately.

25.15 NHS organisations are encouraged to support partnership working, by giving reasonable time off, during working hours to enable trade union members or representatives for:

- executive committee meetings or annual conference or regional union meetings;
- voting in properly conducted ballots on industrial relations;
- voting in union elections;
- meetings to discuss urgent matters relating to the workplace;
- recruitment and organisation of members.

25.16 Local arrangements should specify the circumstances when time off may be refused for either representatives or members. These may include:-

- unreasonable notice periods on behalf of the representatives;
- activities which do not fall within the any of the categories in paragraphs 25.7, 25.10 and 25.15;
- activities are not authorised by the union;
- service needs;

25.17 Locally, it may be agreed that it is appropriate in the interests of partnership working and good industrial relations for trade union representatives to be released from work for regular defined periods each week.

Trade Union Learning Representatives

25.18 Trade Union Learning representatives are accredited by their unions to support organisations in identifying training needs and ensuring staff access to training. Learning representatives also have the right to reasonable paid time off for undertaking these duties and for relevant training.

Health and Safety Representatives

25.19 The Safety Representatives and Safety Committee Regulations 1977 provides a legal entitlement for trade union appointed safety representatives to have paid time from their normal work to carry out their functions and undergo training.

Facilities for Trades Union Representatives

25.20 The local partnership should agree the facilities that are provided to representatives of recognised trade unions. It is recommended that local employers provide the following facilities:

- Access to appropriate private accommodation, with storage facilities for documentation, appropriate administrative facilities and access to meeting rooms.
- Access to internal and external telephones with due regard given for the need for privacy and confidentiality.
- Access to appropriate internal & external mail systems.
- Appropriate access to the employer's intranet and email systems.
- Access to appropriate computer facilities
- Access to sufficient notice boards at all major locations for the display of trade union literature and information.
- Access for staff representatives to all joint documents relating to the local partnership process.
- Based on the geographical nature of the organisation consideration may need to be given to access to suitable transport facilities.
- Backfilling of posts where practical. The extent to which practical would inevitably be dependent on such factors as the numbers of representatives needing time off and the work areas that would need to be covered and the needs of the service.

25.21 Within NHS Scotland the Staff Governance Standard (which includes the PIN on facilities arrangements) applies. Further information is available at:

www.staffgovernance.scot.nhs.uk

ANNEX A1

Principles and Best Practice of Partnership Working

1. To deliver partnership working successfully it is important to develop good formal and informal working relations that build trust and share responsibility, whilst respecting difference. To facilitate this, all parties commit to adopt the following principles in their dealings with each other:
 - Building trust and a mutual respect for each other's roles and responsibilities;
 - Openness, honesty and transparency in communications;
 - Top level commitment;
 - A positive and constructive approach;
 - Commitment to work with and learn from each other;
 - Early discussion of emerging issues and maintaining dialogue on policy and priorities;
 - Commitment to ensuring high quality outcomes;
 - Where appropriate, confidentiality and agreed external positions;
 - Making the best use of resources;
 - Ensuring a no surprise culture.

