

**The Scottish Government**  
Health Workforce Directorate  
Employment and Retention Division



Dear Colleague

## PAYMENT DURING PERIODS OF ANNUAL LEAVE

### Summary

1. [NHS Circular PCS\(AFC\)2008/12](#) outlined new arrangements for paying staff during periods of annual leave. This resulted from changes in the Working Time Regulations which determined that staff could no longer be paid a percentage payment in lieu of annual leave but should be paid "as if at work" during periods of annual leave.
2. The new arrangements should have been in place on 1<sup>st</sup> April 2008 but, due to the late announcement of this change and the need to put relevant systems in place, it was agreed in partnership through the Scottish Terms and Conditions Committee that the new arrangements would start from 1<sup>st</sup> October 2008 in Scotland. It was also agreed that those staff who continued to receive the 11.59% payment during the period 1 April to 30 September 2008 should be compensated in some way for any detriment that they may have suffered as a result of the six month delay.
3. The Scottish Terms and Conditions Committee has now agreed that, for the period 1<sup>st</sup> April to 30 September 2008, all payments made at 11.59% should be increased by 0.91% to 12.5%, and that staff should be paid appropriately for relevant hours worked during this period. The new arrangements for paying staff during periods of annual leave took effect from 1<sup>st</sup> October 2008 and percentage payments discontinued from that date.

12 January 2009

### 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 Staff Governance Group

### Enquiries to:

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## **Cabinet Secretary Approval**

4. This circular has been approved by the Cabinet Secretary under regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (S.I. 1991/537). A copy of the formal approval is attached.

## **Action**

5. NHS Boards, Special Health Boards and NHS National Services Scotland (Common Services Agency) are asked review payments made during 1<sup>st</sup> April to 30 September 2008 under the previous arrangements and pay relevant staff the additional monies required to bring the rate up to the agreed 12.5%.

6. Employers should make their own arrangements for obtaining additional copies of this circular, which can be viewed at: [www.sehd.scot.nhs.uk](http://www.sehd.scot.nhs.uk).

Yours sincerely

**JACQUI JONES**

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Employment and Retention

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**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 12 January 2009 – PCS(AFC)2009/1 – in respect of payments during periods of annual leave are hereby approved for the purposes of the said Regulations.

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12 January 2009