

The Scottish Government
Health Workforce Directorate
Employment and Retention Division¹



Dear Colleague

PAYMENT OF AGENDA FOR CHANGE HOURLY RATES FOR WORK DONE WHILST ON-CALL

Summary

1. It has been agreed in partnership that Agenda for Change (AfC) pay scales should be used to calculate pay for staff who are called into work whilst on-call. The practice to date has been to pay the previous Whitley Council or agreed local rate to those staff who opted to retain protected on-call arrangements when AfC was introduced. These new provisions should be applied retrospectively from 1 April 2006 with appropriate pay uplifts or local rates, on a mark time protected basis, if higher.

2. This will be an easier change to make where staff are paid according to their hourly rate for on-call working. However, a number of issues have arisen due to the complex nature of some on-call working patterns across NHS Scotland.

3. The Question and Answer sheet attached as an Annex to this circular has therefore been prepared in partnership, including input from payroll colleagues, and has been agreed by the Scottish Terms and Conditions Committee. It is hoped that this will address a range of issues and ease the introduction of this change.

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.

5 August 2009

Addresses

For action

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 Committee

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Action

5. NHS Boards, Special Health Boards and NHS National Services Scotland (Common Services Agency) should ensure that staff are paid according to the provisions set out in this circular.
6. Employers should make their own arrangements for obtaining additional copies of this circular, which can be viewed at - www.sehd.scot.nhs.uk.

Yours sincerely

JACQUI JONES

Deputy Director for Health Workforce
Employment and Retention

The Scottish Government
Health Workforce Directorate
Employment and Retention Division¹



**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 5 August 2009 – PCS(AFC)2009/6 – in respect of payment of Agenda for Change hourly rates for work done whilst on-call are hereby approved for the purposes of the said Regulations.

JACQUI JONES
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5 August 2009

PAYMENT OF AGENDA FOR CHANGE HOURLY RATES FOR WORK DONE WHILST ON-CALL: QUESTIONS AND ANSWERS

Q.1. What happens if staff work an on-call system which is an agreed sum, inclusive of the on-call allowance and payment for any call outs worked?

A. Recent pay circulars have increased on-call allowances so you should check to see if the agreed sum was uplifted in accordance with the AfC pay uplifts. If this is the case then no further uplifts should be applied. If no increase was applied then these rates should be increased in line with pay awards applied since last updated.

Q.2. What happens if staff work an on-call system for which there is an allowance payment and a separate agreed sum for any call outs worked?

A. Recent pay circulars will have increased the on-call allowance part of such arrangements but that part of the arrangement covering payment for any call outs worked will need to be increased in line with the pay awards.

Q.3. Does this change affect other principles in protected arrangements, eg minimum call out periods, enhancements, etc.

A. No. It is only the pay rates that are changing, other parts of agreements remain protected.

Q.4. What is paid if the minimum of the higher AfC band, payable under certain on-call agreements, is lower than the salary the employee is on due to the overlaps in pay bands?

A In such cases, the employee should be paid at their normal AfC pay rate.

Q.5. Is there protection for any staff member who finds that their earnings are reduced as a result of moving to AfC rates?

A It is not expected that this will happen in many cases but should it arise the employee would move to the new AfC pay rate but continue to receive the current level of payment on a mark time protection basis. The employee will therefore continue to receive their current level of earnings until the AfC pay rate exceeds the protected level.

Q.6. What happens when staff have elected to move across to the interim AfC on-call system when the choice was based on the previous protected rate?

A. This needs to be considered locally in partnership and staff groups who have moved across should consider what their earnings on the previous protected system would have been with the new AfC rates applied and uplifted. Thereafter they should be given the option to stay with interim AfC or revert back to the protected arrangement. Such decisions must be taken by the staff group who elected to move to the interim AfC system, not by individual employees.

If other issues arise and further Q&A is required, please contact Janis Millar at janis.millar@scotland.gsi.gov.uk or janismillar@nhs.net.