

The Scottish Government
Health Workforce Directorate
Workforce, Employment and Retention Division¹



Dear Colleague

AGENDA FOR CHANGE: PAYMENT OF ON-CALL ALLOWANCES AND CALL OUTS DURING PERIODS OF SICK LEAVE

Summary

1. Following discussions under the aegis of the Scottish Terms and Conditions Committee (STAC), an agreement has been reached around the interpretation of Paragraph 14.4 of the Agenda for Change Handbook in respect of payment of on-call allowances and call outs during periods of sick leave. The Appendix to this circular sets out this agreement in full.

Cabinet Secretary Approval

2. 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

3. NHS Boards, Special Health Boards and NHS National Services Scotland (Common Services Agency) should note the information in this circular and ensure that their policies are in line with these provisions.

4. 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

JOHN COWIE
Deputy Director
Health Workforce Directorate

11 January 2011

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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**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 11 January 2011 – PCS(AFC)2011/1 – in respect of the payment of on-call and call outs during periods of sick leave are hereby approved for the purposes of the said Regulations.

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11 January 2011

PAYMENT OF ON-CALL ALLOWANCES AND CALL OUTS DURING PERIODS OF SICK LEAVE

The Scottish Terms and Conditions Committee (STAC) recently discussed the issue of pay during sick leave in relation to compliance with the Agenda for Change Terms and Conditions of Service Handbook. Paragraph 14.4 of the Handbook reads as follows:

“The definition of full pay will include regularly paid supplements, including any recruitment and retention premia, payments for work outside normal hours and high cost area supplements. Sick 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. Local partnerships can use virtual rotas showing what hours the employee would have worked in a reference period had he or she been at work”.

It is noted that there are different interpretations of this across Boards in relation to the payment of on-call allowance and call outs when on sick leave. Following discussion with NHS Staff Council colleagues, Scottish advice is that on-call allowance and payment for call outs (i.e. payments both for availability and for work done) should be included in pay during sick leave regardless of whether staff are on the Agenda for Change on-call arrangement or a protected on-call arrangement. Boards should therefore include these payments in sick pay effective from 1 October 2010. Retrospective application of this advice dates from no earlier than 1 October 2004 and is a matter for Boards to consider locally and resolve through their partnership mechanisms.