

**The Scottish Government**

Directorate for Health Workforce and Performance  
NHS Pay and Conditions



Dear Colleague

**REIMBURSEMENT OF EMPLOYEE NHS BUSINESS  
TRAVEL COSTS – CHANGE OF RATES FROM  
1 JULY 2014**

**Summary**

1. [PCS\(AFC\)2013/3](#) put in place a new system for reimbursing Agenda for Change staff for travel costs incurred in the course of their work. This was based on a UK Staff Council agreement.
2. Part of the agreement is a timetable for reviewing and changing those rates. This circular now alerts the service to the first such change. The new rates specified in this circular are effective from 1 July 2014.
3. The Annex to this circular provides a list of amendments to the Agenda for Change terms and conditions handbook as well as copies of the new sections which will become part of the handbook from the effective date.

**Background**

4. In line with provisions in the national collective agreement, the standard rate of reimbursement, the rates for miles travelled up to and over 3,500 miles in a year, and the motorcycle and reserve rates, are reduced.
5. These updated rates of reimbursement are produced by the NHS Staff Council's latest review of motoring costs. The Staff Council has referred to the information in the latest AA guides to Motoring Costs for 2014/15. Rates of reimbursement are changing because, in line with the national collective agreement, the change from the rates of reimbursement produced by the last review, in November 2013, is greater than five per cent (paragraph 17.13, table 17 and paragraphs 12 to 15 in Annex L).

1 September 2014

**Addressees**

For action

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

For information

Members, Scottish Partnership  
Forum  
Members, Scottish Terms and  
Conditions Committee  
Members, Scottish Workforce and  
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6. The next review, of fuel costs only, will take place in November 2014. Any changes to rates of reimbursement resulting from it will apply to all miles travelled from the following 1 January (Section 17, paragraph 14 and Annex L).

### **Overpayments**

7. As this circular is now retrospective, overpayments that have occurred since 1 July 2014 must be recovered and consideration given to the impact on Tax and National Insurance.

### **Action**

8. NHS Boards and Special Health Boards should ensure that the new provisions are put in place from 1 July 2014.

### **Cabinet Secretary Approval**

9. The provisions of this circular have been approved by 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.

### **Enquiries**

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

11. 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)

12. The changes contained in this circular will be incorporated shortly in the updated Agenda for Change terms and conditions handbook reflecting the position from 1 July 2014. The handbook can be viewed at:

[www.msg.scot.nhs.uk](http://www.msg.scot.nhs.uk)

Yours sincerely

**SHIRLEY ROGERS**  
**Health Workforce**  
Directorate for Health Workforce and Performance

**The Scottish Government**

Directorate for Health Workforce and Performance  
NHS Pay and Conditions



**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 1 September 2014 – PCS(AFC)2014/2 – in respect of reimbursement of employee NHS business travel costs are hereby approved for the purposes of the said Regulations.

The approval has effect from 1 July 2014.

**SHIRLEY ROGERS**

**Health Workforce**

Directorate for Health Workforce  
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1 September 2014

## NHS TERMS AND CONDITIONS OF SERVICE HANDBOOK: AMENDMENTS CONNECTED WITH THE CHANGE IN RATES FOR THE REIMBURSEMENT OF EMPLOYEE NHS BUSINESS TRAVEL COSTS

### Section 17: Reimbursement of travel costs

Paragraph 5: line 2: the words “Motoring organisation test (MOT) certificate” are deleted and replaced with **“Ministry of Transport (MOT) test certificate.”**

Paragraph 9: last sentence: the date “1 July 2013” is deleted and replaced with **“1 July 2014”**.

Paragraph 10: first sentence: the date “1 July 2013” is deleted and replaced with **“1 July 2014”**.

Paragraph 10: first sentence: the words “April/May 2013” is deleted and replaced with **“April/May 2014”**.

Paragraph 10: last sentence: the date “1 July 2013” is deleted and replaced with **“1 July 2014”**.

The existing Table 7 “Rates of reimbursement from 1 July 2013” is deleted and replaced with a new Table 7: **“Rates of reimbursement from 1 July 2014.”**

Paragraph 13: line 1: the date “1 July 2013” is deleted and replaced with **“implementation of the new system.”**

### Annex L: Motoring costs

Paragraph 4: line 1: the date “1 July 2013” is deleted and replaced with **“1 July 2014”**.

Paragraph 4: line 3: the date “April/May 2013” is deleted and replaced with **“April/May 2014”**.

Paragraph 4: the last sentence is “Those rates will apply to all journeys undertaken on and after 1 July 2013.” It is changed to **“Those rates will apply to all journeys undertaken on and after 1 July 2014.”**

The existing Table 17 “Motoring costs as at 1 April 2013” is deleted and replaced with a new Table 17: **“Motoring costs as at 1 April 2014.”**

### Annex A2 and Annex A2(a) (England): guidance on frequently asked questions (FAQs)

The following FAQ is inserted into both of these Annexes:

#### Annexes: Annex M: Lease vehicle policies

##### Paragraph 3

##### Footnote number 1

#### **What happens if an employer's offer of a lease car is dependent on the employee also accepting a salary sacrifice scheme?**

The national agreement does not mention this situation in Annex M. Local partnerships looking to link lease cars and salary sacrifice schemes should consider carefully the future implications for pay and tax. Salary sacrifice depends on remuneration being given up before it is treated as received for tax and NICs and it must be that the employee receives lower cash remuneration and a benefit. Salary sacrifice may impact on an employee's pay and conditions such as maternity and paternity pay as well as sickness entitlement and pensionable pay. It can also affect state benefits, including pension and tax credits. Whilst there may be mutual benefits to employers and employees in agreeing salary sacrifice, due to their impact it would not be reasonable to treat a refusal to accept a lease car on such terms as an unreasonable refusal. In these circumstances staff should be reimbursed to the standard rate for miles travelled. Information about salary sacrifice is on the [HMRC](#) web site including the advice that local partnerships of employers and employees “. . . would be well advised to obtain legal advice on whether their proposed arrangements achieve their desired result”.

## Section 17: Reimbursement of travel costs

- 17.1 This Section deals with the reimbursement of costs incurred by employees who, with the agreement of their employer, use their own vehicles or pedal cycles, to make journeys in the performance of their duties. A summary of motoring costs which are taken into account is in Annex L.
- 17.2 Principles underpinning lease vehicle policies are in Annex M. If the employer withdraws the offer of a lease vehicle in line with the provisions of Annex M the employee is entitled to the appropriate rates of reimbursement in Table 7.
- 17.3 The reimbursement of travelling costs when employees are required to change their base of work as a result of a reorganisation or merger of NHS employers or when employees accept another post as an alternative to redundancy, will be for local partnerships to determine in line with Section 19 and Annex O, subject to a maximum period of reimbursement of four years from the date of transfer (see paragraph 17.17 for compulsory change of base).
- 17.4 **This Section is effective from 1 July 2014.** It replaces the previous Section 17 and all existing national agreements on protection. It applies to all employees on the terms and conditions of service in this Handbook who have been in receipt of the nationally agreed mileage payments. Where local partnerships of employers and trades unions have agreed alternative arrangements which may take account of local travel policies, e.g. "approved mileage allowance payments" (AMAP rates), it will be for the local parties to decide if they wish to maintain the local agreement or implement the new national system.
- 17.5 When using their vehicles in the performance of their duties employees must ensure they possess a valid driving licence, "Ministry of Transport (MOT) test certificate" and motor insurance which covers business travel, that he or she is fit to drive and drives safely and that they obey the relevant laws e.g. speed limits. The employee must inform the employer if there is a change in status.
- 17.6 When authorising the use of a vehicle, the employer must ensure that the driver has a valid driving licence and MOT certificate and has motor insurance which covers business travel.
- 17.7 The employer and employee will agree the most suitable means of transport for the routine journeys which employees have to make in the performance of their duties. If a particular journey is unusual, in terms of distance or purpose, the mode of travel will be agreed between the employer and employee, before it starts.

- 17.8 There may be circumstances where newly appointed or lower paid employees need assistance to obtain a vehicle to undertake business travel. Where the use of a vehicle is essential to the job the organisation may wish to assist by providing a lease or pool vehicle or a salary advance (see Annex M).

### Rates of reimbursement

- 17.9 Employees who use their vehicles to make journeys in the performance of their duties e.g. to provide care in the patient's home, will be reimbursed their motoring costs at the appropriate rates shown in Table 7. These rates of reimbursement apply to journeys undertaken on and after 1 July 2014.
- 17.10 The rates of reimbursement implemented on 1 July 2014 are those resulting from the review which followed the publication of the new AA guides in April/May 2014. Those rates apply to all journeys undertaken on and after 1 July 2014.
- 17.11 The rates of reimbursement in Table 7 are obtained by referring to costs for the average private vehicle user included in the AA guides to motoring costs (see Annex L).
- 17.12 The rate of reimbursement for motorcyclists in column 4 in Table 7 and the reserve rate in column 4 will move in line with the rate for car users in column 2 (see Annex L).

Table 7  
Rates of reimbursement from 1 July 2014

Column 1	Column 2	Column 3	Column 4
Type of vehicle/allowance	Annual mileage up to 3,500 miles (standard rate)	Annual mileage over 3,500 miles (standard rate)	All eligible miles travelled (see paragraph 17.15 and Table 8)
Car (all types of fuel)	56 pence per mile	20 pence per mile	
Motor cycle			28 pence per mile
Pedal cycle			20 pence per mile

Passenger allowance			5 pence per mile
Reserve rate			28 pence per mile
Carrying heavy or bulky equipment			3 pence per mile

## Review

- 17.13 After implementation of the new system the NHS Staff Council will continue to review the standard rate of reimbursement in Column 2 in Table 7 each year, soon after the new AA guides to Motoring Costs are published, normally in April or May. Any changes to the standard rate of reimbursement, the reserve rate and the rate for motorcycle users in Table 7, resulting from this review, will apply to all miles travelled from the following 1 July, in line with the provisions in this Section (see also Annex L).
- 17.14 A second review will be conducted in November each year to ensure the rate in Column 2 in Table 7 (the standard rate) continues to reimburse employees in line with motoring costs. Any changes to the standard rate of reimbursement, the reserve rate and the rate for motorcycle users in Table 7, resulting from this review, will apply to all miles travelled from the following 1 January, in line with the provisions in this Section (see also Annex L).

## Eligible mileage

- 17.15 Employees will be reimbursed for miles travelled in the performance of their duties which are in excess of the home to agreed work base return journey. Normally, the miles eligible for reimbursement are those travelled from the agreed work base and back. However, when the journey being reimbursed starts at a location other than the agreed work base, for example home, the mileage eligible for reimbursement will be as set out in the example in Table 8.

Table 8

### Eligible mileage

Eligible mileage – illustrative example		
In this example the distance from the employee's home to the agreed base is 15 miles		
Journey (outward)	Distance	Eligible miles
Home to base	15 miles	None
Home to first call	Less than 15 miles	Eligible mileage starts after 15 miles have been travelled
Home to first call	More than 15 miles	Eligible mileage starts from home, less 15 miles
Journey (return)		
Last call to base		Eligible mileage ends at base

Last call to home	Less than 15 miles	Eligible mileage ends 15 miles from home
Last call to home	More than 15 miles	Eligible mileage ends 15 miles from home

### Passenger rate

17.16 With the exception of lease, pool or hire vehicle users, where other employees or members of an NHS organisation are conveyed in the same vehicle on NHS business and their fares would otherwise be payable by the employer, the passenger allowance in Table 7 will be payable to the vehicle driver.

### Reserve rate of reimbursement

17.17 A reserve rate of reimbursement, as in Table 7, will apply to employees using their own vehicles for business purposes in the following situations:

- if an employee unreasonably declines the employers' offer of a lease vehicle:
  - in determining reasonableness the employer and employee should seek to reach a joint agreement as to whether a lease vehicle is appropriate and the timeframe by which the new arrangements will apply. All the relevant circumstances of the employee and employer will be considered including an employees' personal need for a particular type of car and the employers' need to provide a cost effective option for business travel;
  - if the employee's circumstances subsequently change the original decision will be reviewed. The agreed principles underlying local lease vehicle policies are in Annex M;
- when employees are required to return to work or work overtime in line with Section 3 on any day, and incur additional travel to work expenses on that day. This provision will apply if the employee chooses to be paid for the extra hours or takes time off in lieu (TOIL – see Section 3);
- when a claim for excess mileage is made in situations where there is a compulsory change of base, either permanent or temporary, resulting in extra daily travelling expenses. The period of payment will be for local partnerships to determine, subject to a maximum period of 4 years from the date of transfer. (For those employees using public transport see paragraph 17.25);



- if an employee uses his or her own vehicle when suitable public transport is available and appropriate in the circumstances, subject to a maximum of the public transport cost which would have been incurred (see paragraph 17.7) and the rules on eligible miles in paragraph 17.15 and Table 8.

### Attendance on training courses

- 17.18 Additional travel costs incurred when attending courses, conferences or events at the employer's instigation will be reimbursed at the standard rates in Table 7 when the employer agrees that travel costs should be reimbursed.
- 17.19 Subject to the prior agreement of the employer, travel costs incurred when staff attend training courses or conferences and events, in circumstances when the attendance is not required by the employer, will be reimbursed at the reserve rate in Table 7, in line with the rules on eligible mileage in paragraph 17.15 and Table 8.

### "Out of pocket" expenses in respect of business travel

- 17.20 This paragraph applies to employees for whom regular travel in a motor vehicle is an essential part of their duties. During a period when the employee's vehicle is temporarily "off the road" for repairs, "out of pocket" expenses in respect of business travel by other appropriate forms of transport, should be borne by the employer. Reimbursement of these expenses will be subject to the rule on eligible mileage in paragraph 17.15 and Table 8.

### Other allowances

- 17.21 Employees who necessarily incur charges in the performance of their duties, in relation to parking, garage costs, tolls and ferries shall be refunded these expenses on production of receipts, whenever these are available. Charges for overnight garaging or parking, however, shall not be reimbursed unless the employee is entitled to night subsistence. This does not include reimbursement of parking charges incurred as a result of attendance at the employee's normal place of work.

### Transporting equipment

- 17.22 Employees who use their vehicles in the performance of their duties may be required to take equipment with them. Employers have a duty of care under the Health and Safety at Work Act 1974 and related legislation, to ensure that this does not cause a risk to the health and safety of the employee. Employees should not be allowed to carry equipment which is

heavy or bulky, unless a risk assessment has been carried out beforehand. When, after the necessary assessment has demonstrated it is safe to carry equipment, an allowance (see Table 7) shall be paid for all eligible miles (see paragraph 17.15 and Table 8) for which the equipment is carried, provided that either:

- the equipment exceeds a weight which could reasonably be carried by hand; or
- the equipment cannot be carried in the boot of the vehicle and is so bulky as to reduce the seating capacity of the vehicle.

### Pedal cyclists

17.23 Employees who use pedal cycles to make journeys in the performance of their duties will be reimbursed for eligible miles travelled at the rate in Table 7 (see paragraph 17.15 and Table 8 for eligible miles).

### Public transport

17.24 If an employee uses public transport for business purposes, the cost of bus fares and standard rail fares should be reimbursed.

17.25 Where there is a compulsory change of base, either permanent or temporary, resulting in extra public transport costs for the employee, these extra costs will be reimbursed, subject to a maximum period of four years from the date of transfer. (For those employees using their own vehicles for business purposes and incurring additional costs see paragraph 17.17).

## Annex L: Motoring costs

1. **This annex is effective from 1 July 2014.** Each year the Automobile Association Trust (AA) produces illustrative guides of motoring costs. These set out the elements of costs involved in running a car for a typical car owner using his or her vehicle for normal “domestic” purposes e.g. travel to and from work, shopping trips and holidays. The NHS Staff Council has used this as the source of its estimates of the costs of business mileage.
2. Table 17 shows the costs at the time the rates in Table 7 in Section 17 were last set.
3. The AA guides provide different illustrative costs for private car use based on a range of different annual mileages and cars in different price ranges. In order to obtain the figures in Table 17 the NHS Staff Council has taken the figures in the guides for cars in the middle price range and an assumed annual combined private and business mileage of 10,000 miles, on which all the cost items in Table 17 are based.
4. The rates of reimbursement implemented on 1 July 2014 will be those resulting from the review which will be done following the publication of the new AA guides in April/May 2014. Those rates will apply to all journeys undertaken on and after 1 July 2014.
5. In line with the AA guides the annual values for “*standing charges*” in Table 17 are shown as whole numbers. This means that the value in row six for “total annual cost of standing charges,” which is calculated on unrounded numbers, is not the sum of the values in rows one to five in Table 17.
6. In line with the AA guides the values in the costs per mile of “*running costs*” in rows seven to ten in Table 17 and the “*total of running costs*” in row 11 are calculated to two decimal places. (See the notes on rounding in row 12).
7. The average price of fuel in row 7 in Table 17 is a calculation of the combined average price of petrol and diesel which is in line with the method used by the AA to take account of fluctuations in fuel prices.

Table 17  
Motoring costs as at 1 April 2014

Rows	Items of cost	Annual cost (£)	Cost per mile (pence)
	<b>Standing charges</b>		
Row 1	Road tax	180	

Row 2	Insurance	496	
Row 3	Cost of capital at 50%	196	
Row 4	Depreciation (based on 10,000 miles per year)	2,615	
Row 5	Breakdown cover	50	
Row 6	Total annual cost of standing charges	3,537	35.37
	<b>Running costs</b>		
Row 7	Fuel		13.87
Row 8	Tyres		2.00
Row 9	Service labour costs		2.19
Row 10	Replacement parts		2.39
Row 11	Total of running costs		20.45
Row 12	<b>Total of standing charges and running costs up to 3,500 miles per year</b>		55.81 (56 pence rounded; i.e. to obtain the whole pence values in Table 8 in Section 17, 0.5 pence and above is rounded up. Lower figures are rounded down).
Row 13	<b>After 3,500 miles per year</b>		20.45 (20 pence rounded; see note above).

8. There are two types of motoring costs:
- standing charges:- the costs of keeping a vehicle on the road including depreciation, tax, insurance, breakdown cover and the loss of interest on capital (money) which may otherwise be invested if it had not been spent on the vehicle; and
  - running costs:- fuel, tyres, servicing and repair costs, parking and tolls.
9. The figures in the AA guides are:
- based on how much it is likely to cost the average private car user to run a petrol or diesel powered car;

- based on the purchase price of a new car, which is replaced after 5 years;
- based on an analysis of the running costs of the 60 top selling models in the UK car market.

### Motor cycles

10. The NHS Staff Council has agreed that the standard rate of reimbursement for motor cycle users in Table 7 will be 50 per cent of the unrounded rate for car users in row 12 in Table 17. This rate will apply to all eligible miles travelled (see paragraph 17.15 and Table 8). Paragraphs 12 to 15 explain how rates will be reviewed.

### Reserve rate

11. The NHS Staff Council has agreed that the reserve rate in column 4 of Table 7 will be 50 per cent of the unrounded value of the standard rate for car users in row 12 in Table 17. This rate will apply to all eligible miles travelled (see paragraph 17.15 and Table 8). Paragraphs 12 to 15 explain how rates will be reviewed.

### Review

12. The NHS Staff Council will review the standard rate in Column 2 in Table 7 twice each year. The first review will take place soon after the new AA guides to motoring costs are published, normally in April or May. Each item of cost in Table 17 will be updated using the appropriate new values in the latest AA guides. The new unrounded value in row 12 in Table 17 will be compared with the unrounded value in the same row at the time of the last change in the standard rate of reimbursement (Column 2, in Table 7 in Section 17). If the difference between these two values is 5 per cent or greater, up or down, the standard rate of reimbursement will change in line with the new value in row 12 in Table 17. Rounding, as described in row 12 in Table 17, to obtain the new whole number values for Table 7, will be the last procedure to be performed. If a change in the standard rate of reimbursement is produced by this procedure the rate for motor-cyclists in Column 4, in Table 7 in Section 17 and the reserve rate will also be reviewed, in line with the provisions in Section 17.
13. If there is a change in the standard rate of reimbursement (Column 2 in Table 7) the rate in column 3, for mileage over 3,500 miles per year, will be adjusted in line with the new value in row 13 in Table 17 and the provisions in Section 17. Rounding, as described in row 12 in Table 17, to obtain the new whole number values for Table 7, will be the last procedure to be performed.
14. A second review of the rate in Column 2 in Table 7 will take place in November each year. This check will look at the average fuel price in the

twelve month period ending in October. The value of the entry in row 7 in Table 17 will be updated using information published by the AA on the average price of fuel in the twelve month period ending in October. The new unrounded value in row 12 in Table 17 will be compared with the unrounded value in row 12 at the time of the last change in the standard rate of reimbursement (Column 2, in Table 7, in Section 17). If the difference between these two values is 5 per cent or greater, up or down, the standard rate of reimbursement will change in line with the new value in row 12 in Table 17. If a change in the standard rate of reimbursement is produced by this procedure the rate for motor-cyclists in Column 4 in Table 7 and the reserve rate in Column 4 will also be reviewed, in line with the provisions in Section 17. Rounding, as described in row 12 in Table 17, to obtain the new whole number values for Table 7, will be the last procedure to be performed.

15. If there is a change in the standard rate of reimbursement (Column 2 in Table 7) as a result of this second review, the rate in column 3 for mileage over 3,500 miles per year will be reviewed in line with the provisions in Section 17. Rounding, in line with the note in row 12 in Table 17, will be the last procedure to be performed.

## Annex A2

### Guidance on frequently asked questions (faqs)

1. The Agenda for Change partners will make every effort to continue to support, encourage and promote a partnership approach to the operation of the pay system at local level.
1. The agreement to work in partnership to deliver an NHS pay system which supports NHS service modernisation and meets the reasonable aspirations of staff should, therefore, be replicated at local level.
2. This guidance has been jointly agreed in partnership by the NHS Staff Council Executive and is intended to help in situations where, locally, the joint partners have not so far been able to agree a suitable way forward. These answers reflect the final Agenda for Change agreement. They were previously published on the Agenda for Change website.
4. Questions relating to the NHS job evaluation scheme are in the NHS Job Evaluation Handbook.

#### Part 2: Pay

##### Part 2: Section 1: Pay Structure

###### Paragraph 6

###### Footnote number 2

**Where a post holder's role has been determined (based on one contract of employment) and it includes specialist responsibilities – is it permissible for an employee to be paid at the specialist pay band on days when they do specialist duties and at a lower pay band when they do not?**

No, the higher specialist pay band applies for all of their service.

##### Part 2: Section 1: Pay Structure

###### Paragraph 7

###### Footnote number 3

**Which senior managers are covered by Agenda for Change?**

The NHS Terms and Conditions of Service Handbook makes clear that there will be separate arrangements for senior managers working in the NHS. The Agenda for Change provisions will be available to all other managers.

**In Scotland, the Executive and Senior Management Cohorts have their own Terms and Conditions which are set out in HDL(2006)59 - [http://www.sehd.scot.nhs.uk/mels/HDL2006\\_59.pdf](http://www.sehd.scot.nhs.uk/mels/HDL2006_59.pdf).**

## Part 2: Section 2: Maintaining round the clock services

Paragraph 4

Footnote number 1

### **Do the provisions for unsocial hours payments in Annex E apply just to staff working on ambulances or to all staff?**

Paragraph 2.4 makes clear that the arrangements in Annex E should apply to ambulance staff (i.e. those who would have been subject to the provisions of the Ambulance Whitley Council had they been on national contracts).

## Part 2: Section 3: Overtime payments

Paragraph 3

Footnote number 1

### **Under Agenda for Change when does overtime start for a part-time member of staff?**

For staff working a portion of the standard 37½ hours, overtime starts when these staff work over 37½ hours (paragraph 3.3).

## Part 2: Section 4: Pay in high cost areas

Paragraph 7

Footnote number 1

### **Where a member of staff is in receipt of a COLs based RRP (4.7) and is promoted within the same Trust does he or she retain the RRP?**

Yes, providing the person is still in a staff group meeting the eligibility criteria.

## Part 3: Terms and conditions

### Part 3: Section 12: Contractual continuity of service

Paragraph 4

Footnote number 1

### **When calculating entitlements to annual leave should I take account of a single period of previous service or should I aggregate several periods?**

An employer must include all reckonable service when calculating annual leave entitlement (12.3). 12.2 gives discretion to employers to decide what previous (non-NHS) employment can count towards annual leave entitlement.

### Part 3: Section 13: Annual leave and general public holidays

Paragraph 1, Table 6: Leave entitlements

Footnote number 1

### **What happens to my two public holiday days when Easter is in March and when, therefore, if Easter was in April the previous year, I have already had two days for Easter in the current twelve-month period?**

The Agenda for Change annual leave and general public holiday entitlements are set out in Section 13. In normal circumstances all staff are entitled to 8 general public holidays in a twelve-month period. Sometimes Easter will fall in March. This may mean that in some organisations there will, in effect, be two Easter holidays in the same twelve-month period. In such circumstances the local partners will need to decide on the appropriate action to take. Pragmatically, this might mean anticipating the two public holidays falling in the next twelve-month period.

## Part 3: Section 13: Annual leave and general public holidays



Paragraph 4

Footnote number 2

**Does paragraph 13.4 provide an entitlement to equivalent time off at plain time rates, plus the appropriate payment, on top of the standard entitlement to 8 general and public holidays (see table 6)?**

No – paragraph 13.4 preserves the right to 8 general public holidays. It does not provide additional entitlements.

### Part 3: Section 13: Annual leave and general public holidays

Paragraph 4

Footnote number 2

**How is pay and time off in lieu (TOIL) calculated when staff work on general public holidays?**

Staff required to work or to be on-call on a general public holiday are entitled to time off in lieu at plain time rate in addition to the appropriate payment for the duties undertaken (paragraph 13.4).

Staff who are required to work more than 60 hours (8x7½ hours) on general public holidays, in their personal leave year, will receive TOIL at plain time rate for all of the hours worked and the appropriate payment for all of the hours worked. The 60 hour threshold will be set on a pro-rata basis for part-time staff. E.g. if staff were required to work 70 hours per year on public holidays they would receive 70 hours TOIL, plus the appropriate payment.

Staff who volunteer to work more than 60 hours in their personal leave year will receive TOIL at plain time rate up to the 60 hour threshold and the appropriate payment for the duties they undertake. For any time worked over the 60 hour threshold they will receive payment only.

Guidance on what to do when Easter falls in March and entitlements to public holiday leave exceed 8 days in a leave year is in another Q and A.

### Part 3: Section 13: Annual leave and general public holidays

Paragraph 5

Footnote number 3

**Which staff (working non-standard shifts), under 13.5, would require their annual leave to be calculated in hours?**

*“Where staff work standard shifts other than 7½ hours excluding meal breaks, annual leave and general public holiday entitlements should be calculated on an hourly basis to prevent staff on these shifts receiving more or less leave than colleagues on standard shifts.”* This applies to all staff working standard shifts other than 7½ hours, excluding meal breaks.

**Further guidance with regard to Annual Leave policy in Scotland can be found in NHSScotland Circular CEL(2011)31 which can be found at:**

[www.sehd.scot.nhs.uk/mels/CEL2011\\_31.pdf](http://www.sehd.scot.nhs.uk/mels/CEL2011_31.pdf)

**Pay and terms and conditions circulars for Scotland can also be accessed through the Management Steering Group website -**

[www.msg.scot.nhs.uk](http://www.msg.scot.nhs.uk) – where a wide range of other information relevant to employment in NHSScotland can be found.

### Part 3: Section 14: Sickness absence

Paragraph 4

Footnote number 1

#### **Are on-call allowances and on-call payments included in pay during sickness absence?**

Paragraph 14.4 allows regularly paid supplements to be included in pay during sickness absence. This will include on-call allowances and on-call payments where these are normally paid at regular intervals. An allowance which is paid only occasionally will not count.

### Part 3: Section 14: Sickness absence

Paragraph 4

Footnote number 2

#### **How is the reference period for calculating sick pay determined under Section 14?**

This is the average pay for the three month period ending on the day before an employee commences sickness absence – or any other locally agreed reference period.

### Part 3: Section 19: Other terms and conditions

Paragraph 1

Footnote number 1

#### **What happens to “MUFTI” allowances in Agenda for Change?**

There is no national provision for this within Agenda for Change. MUFTI is not part of the evaluation scheme and is, therefore, not an allowance replaced by the scheme. It is our view that any discussion on the provisions of MUFTI allowances are for local partnerships. The partners to any such discussion should give careful consideration to the equal pay implications of any MUFTI provisions that they might contemplate.

### Part 3: Section 19: Other terms and conditions

Paragraph 1

Footnote number 1

#### **What happens when local partnerships are not able to reach agreement on “other” terms and conditions of service not covered in the NHS Terms and Conditions of Service Handbook (see paragraph 19.1)?**

Paragraph 19.1 of the Handbook states “*Other terms and conditions not covered in this Handbook will be determined locally following consultation with staff representatives with a view to reaching agreement on such terms and conditions or any changes to them (see Annex O).*” In the absence of a local agreement the previous contractual arrangements for those on national contracts will apply.

### Part 3: Section 22: Injury allowance

Paragraph 4

Footnote number 2

#### **What guidance will be produced on how sickness and injury is judged to be work related?**

Section 22 of the NHS terms and conditions of service handbook says that *the attribution of injury, illness or other health condition will be determined by the employer who should seek appropriate medical advice. Accompanying Section 22 the Staff Council has published Supporting guidance for the introduction of the new injury allowance.*

## Annexes: Annexe M: Lease vehicle policies

### Paragraph 3

#### Footnote number 1

#### **What happens if an employer's offer of a lease car is dependent on the employee also accepting a salary sacrifice scheme?**

The national agreement does not mention this situation in Annex M. Local partnerships looking to link lease cars and salary sacrifice schemes should consider carefully the future implications for pay and tax. Salary sacrifice depends on remuneration being given up before it is treated as received for tax and NICs and it must be that the employee receives lower cash remuneration and a benefit. Salary sacrifice may impact on an employee's pay and conditions such as maternity and paternity pay as well as sickness entitlement and pensionable pay. It can also affect state benefits, including pension and tax credits. Whilst there may be mutual benefits to employers and employees in agreeing salary sacrifice, due to their impact it would not be reasonable to treat a refusal to accept a lease car on such terms as an unreasonable refusal. In these circumstances staff should be reimbursed to the standard rate for miles travelled. Information about salary sacrifice is on the [HMRC](#) web site including the advice that local partnerships of employers and employees ". . . would be well advised to obtain legal advice on whether their proposed arrangements achieve their desired result".

## Implementation annexes: Annex T: Development of professional roles

### Paragraph 3

#### Footnote number 1

#### **Does the provision for movement into pay band 6 apply to staff groups other than midwives?**

This provision is not restricted to midwives. Annex T applies to all staff groups meeting the criteria in paragraph 3. In the circumstances described, job size should be reviewed no earlier than one year and no later than two years from the date of qualification, using the NHS Job Evaluation Scheme.

## Implementation annexes: Annex T: Development of professional roles

### Paragraph 3

#### Footnote number 1

#### **Will guidance be provided (in partnership) in respect of the application of paragraph 3 other than that which is already described?**

There are no plans for further guidance on Annex T.

## Implementation annexes: Annex U: Arrangements for pay and banding of trainees

### Paragraph 2 (iii)

#### Footnote number 1

#### **Are trainees who are covered by Annex U (paragraph 2 (iii)) subject to the foundation and second gateway?**

There are no agreed pay bands or pay scales for trainees under 2 (iii). It follows that there is no point identified in their pay where there is an agreed second gateway. All staff who have served less than one year in their post are subject to the foundation gateway.

## Implementation annexes: Annex A3: Principles for harmonised on-call arrangements

Interim regime

Paragraph 48

Footnote number 1

**Does the protection for on-call arrangements include protection for the “rate of pay”. For example, if the local protected agreement says that Sunday is double time is this protected under 2.48.**

Yes, all current on-call arrangements may be protected for groups of employees irrespective of whether they were nationally or locally agreed (paragraph 2.48). It is the totality of the local national on-call agreement that is protected. Pay circular (AforC) 1/2009 announced that where flat rate on-call allowances continue to be paid in accordance with the former interim regime in Annex A3 these should be increased by 2.4%. This protection does not prevent local agreements on alterations to working patterns to meet changing service needs.

## Implementation annexes: Annex A3: Principles for harmonised on-call arrangements

Interim regime

Paragraph 48

Footnote number 1

**On what date does the period of protection of current on-call arrangements start?**  
It starts from 1 October 2004.