

**The Scottish Government**

Directorate for Health Workforce, Leadership and Service Reform  
NHS Pay and Conditions



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

Dear Colleague

**ADDITIONAL STATEMENT AND Q&A RE  
ORGANISATIONAL CHANGE PAY PROTECTION**

1. Following the publication of [PCS\(AFC\)2019/5](#), the Scottish Terms and Conditions Committee (STAC) received a number of queries and requests for clarification. In response to these, STAC have agreed a statement covering situations where staff on organisational change pay protection prior to 1 April 2019 secure promotion, as well as a further Q&A document. These are attached as Annex A and B respectively.

**Cabinet Secretary Approval**

2. The provisions of this circular have been approved by Scottish Ministers under Regulations 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**

3. Employees should direct their personal enquiries regarding this matter to their employing NHS Board or Special Health Board. This circular can be found online at:

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

Yours sincerely

SHIRLEY ROGERS  
Director of EU Exit and Transition,  
NHS Scotland Chief People Officer & Director of  
Health Workforce, Leadership & Reform

12 September 2019

**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  
Governance Committee

**Enquiries to:**

Colin Cowie  
Scottish Government Health  
Directorates  
Health Workforce  
Ground Floor Rear  
St Andrew's House  
EDINBURGH EH1 3DG

Tel: 0131-244 3778  
Fax: 0131-244 2837

E-mail:  
[Colin.cowie@gov.scot](mailto:Colin.cowie@gov.scot)



**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 September 2019 – PCS(AFC)2019/8 – in respect of Organisational Change Pay Protection are hereby approved for the purposes of the said Regulations.



**SHIRLEY ROGERS**

NHS Scotland Chief People Officer &  
Director of EU Exit and Transition,  
NHS Scotland Chief People Officer & Director of  
Health Workforce, Leadership & Reform  
Scottish Government  
St Andrew's House  
EDINBURGH  
EH1 3DG  
12 September 2019

**STATEMENT ON PROMOTION FOR STAFF ON ORGANISATIONAL  
CHANGE PAY PROTECTION PRIOR TO 1 APRIL 2019**

Following further discussions between Staff Side and Employers, it has been agreed that employees on organisational change pay protection prior to 1 April 2019 can also access the provision set out in [PCS\(AFC\)2019/5](#), Annex A Section 3 (xiii). This states that:

*“If employees secure a promoted post or their post is subsequently re-graded (in the same role) they will be placed on a pay point that takes into account their protected earnings to ensure no detriment. If the protected earnings exceed the top of the new pay scale they will move to the top and the balance of protected earnings will be paid on a mark time basis”.*

The opening of this provision to staff on organisational change pay protection prior to 1 April 2019 is effective from the date of this circular.

## ADDITIONAL Q&A ON NEW ARRANGEMENTS FOR THE PROTECTION OF EARNINGS

See [PCS\(AFC\)2019/5](#) for Q&A 1 to 13 associated with this policy.

**Q14: My current role is changing from a post with core hours during Monday to Friday and a requirement to work on-call to a post where I will be expected to work shifts:**

- a) What are my entitlements in regard to protection?
- b) What if I cannot work shifts?

**A14:** a) If your earnings in the shift post are less than what you earned working on-call, your shift allowance will be off set against your on-call payments and you will be entitled to receive organisational change pay protection on the shortfall. This is covered in section 5 in Annex A of the organisational change circular.

b) If you are unable to work shifts, you need to discuss this with your manager during the redeployment process in order to explore what other suitable alternative arrangements may be available.

**Q15: In the pay circular PCS(AFC)2019/1, paragraph 6, it states “Staff on organisational change pay protection as at 31 March will have their protected earnings increased in line with the headline uplift for their pay level, 2.8% for those earning less than £80,000 and £1600 for those earning £80,000 and above”. However, with the changes in some of the incremental points my increment changes by more than 2.8%. Under organisational change protection, should I not get the benefit of this increase?**

**A15:** Yes. In this scenario you are entitled to receive the benefit of the increase.

**Q16: Prior to going onto organisational change pay protection, I asked for the grade of my post to be reviewed. What happens if that changes?**

**A16:** If your post moves to a higher band, your organisational change pay protection will be recalculated to take your new salary into account.

**Q17: If the post I have been redeployed into is subsequently regraded, am I still entitled to organisational change protection?**

**Q17:** Yes. If the post is regraded and your earnings are still less than your protected earnings you will still receive protection to ensure you suffer no detriment.