



Dear Colleague

OVERTIME FOR BAND 8 AND 9 STAFF

1. At the beginning of the pandemic in 2020, the Scottish Government issued a variation to the existing Agenda for Change terms and conditions allowing Band 8 and 9 staff to access overtime.
 2. This variation was originally put in place until 31 March 2023. As part of the 2022-23 Agenda for Change pay settlement, however, it has been agreed that this provision will be retained on a permanent basis and that overtime can be paid to Band 8 and 9 staff in line with local Board arrangements.
 3. The first sentence of paragraph 3.1 of the Scottish Agenda for Change Handbook will therefore be changed from:
“All staff in pay bands 1 to 7 will be eligible for overtime payments.”
To:
“All staff in pay bands 1 to 9 will be eligible for overtime payments.”
- And the existing paragraph 3.6 will be removed.
4. A revised version of Section 3 is attached for information and the Scottish Handbook available on the [Management Steering Group website](#) will be updated to reflect this change.

Action

5. NHS Boards and Special Health Boards should note this change to Agenda for Change terms and conditions.
6. This circular is available online at:
www.publications.scot.nhs.uk.

Yours sincerely

LAURA ZEBALLOS
Deputy Director, Health Workforce
Pay, Practice and Partnership Division

9 February 2023

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

E-mail:
hwfpaytermsandconditions@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 9 February 2023 – PCS(AFC)2023/1 – in respect of Overtime for Band 8 and 9 Staff are hereby approved for the purposes of the said Regulations.

A handwritten signature in black ink, appearing to read 'Laura Zeballos'.

LAURA ZEBALLOS
Deputy Director
Health Workforce
Pay, Practice and Partnership Division
Scottish Government
St Andrew's House
EDINBURGH
EH1 3DG
9 February 2023

Section 3: Overtime payments

- 3.1 All staff in pay bands 1 to 9 will be eligible for overtime payments. There is a single harmonised rate of time-and-a-half for all overtime, with the exception of work on general public holidays, which will be paid at double time.
- 3.2 Overtime payments will be based on the hourly rate provided by basic pay plus any long-term recruitment and retention premia.
- 3.3 Part-time employees will receive payments for the additional hours at plain time rates until their hours exceed standard hours of 37½ hours a week.
- 3.4 The single overtime rate will apply whenever excess hours are worked over full-time hours, unless time off in lieu is taken, provided the employee's line manager or team leader has agreed with the employee to this work being performed outside the standard hours.
- 3.5 Staff may request to take time off in lieu as an alternative to overtime payments.¹ However, staff who, for operational reasons, are unable to take time off in lieu within three months must be paid at the overtime rate.
- 3.6 Time off in lieu of overtime payments will be at plain time rates.

¹ See [PCS\(AFC\)2019/4](#) for more information on Scotland Time Off In Lieu (TOIL) policy.