The Scottish Government

Health Workforce
Pay, Practice and Partnership Division



Dear Colleague

REDUCTION IN THE WORKING WEEK FOR AGENDA FOR CHANGE STAFF IN NHS SCOTLAND

- 1. As part of the pay settlement for Agenda for Change staff in 2023-24, it was agreed to conduct a review of the Agenda for Change system in NHS Scotland. This work has been taken forward in partnership by a series of Working Groups created under the aegis of the Scottish Terms and Conditions Committee (STAC).
- 2. One of those Working Groups considered the reduction of the working week. This circular contains the guidance for this change to terms and conditions. It will remain a live document with additional elements added as and when these are deemed necessary or helpful following partnership discussion and agreement by STAC.
- 3. Attached are the following sections:
 - Annex A Overarching Guidance and Key Principles
 - Annex B Increase to Hourly Rates (Updated to take account of the 2024-25 AfC pay settlement)
 - Annex C Frequently Asked Questions
 - Annex D Backstop Date
 - Annex E Interim Approach in respect of Part-Time Staff (Updated following implementation of AfC pay settlement)
- 4. In this latest version, Annex B has been updated following the 2024-25 Agenda for Change pay settlement and Annex E has been updated to clarify that the interim approach agreed with regard to part-time staff will cease in tandem with that pay settlement.

22 March 2024 (Re-issued on: 16 April 2024, 9 May 2024 and 17 May 2024 to include revised and expanded FAQs. 18 June 2024 to include revisions to Annex A and the addition of Annex D covering Backstop Dates. 30 July 2024 for a further update to the FAQs and the addition of Annex E outlining an agreed approach around Part-Time staff. And 24 September 2024 updating Annex B and Annex E following the 24-25 AfC pay settlement)

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:

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Cabinet Secretary Approval

5. 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.

Action

6. NHS Boards and Special Health Boards should follow the procedures, advice and timescales set out in the guidance.

Enquiries

- 7. Employees should direct their personal enquiries to their employing NHS Board or Special Health Board.
- 8. Employers should make their own arrangements for obtaining additional copies of this circular, which can be viewed at:

https://www.publications.scot.nhs.uk/

Yours sincerely

JANE HAMILTON
Deputy Director

Jane Hamelton

Health Workforce: Pay, Practice and Partnership Division

The Scottish Government

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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 22 March 2024 – PCS(AFC)2024/2 – in respect of reduction of the working week for Agenda for Change staff in NHS Scotland are hereby approved for the purposes of the said Regulations.

JANE HAMILTON

Jane Hamelton

Deputy Director

Health Workforce: Pay, Practice and

Partnership Division 24 September 2024

REDUCTION IN THE WORKING WEEK FOR AGENDA FOR CHANGE STAFF IN NHS SCOTLAND OVERARCHING GUIDANCE AND KEY PRINCIPLES

As part of the collectively agreed 2023/24 Pay Deal for Agenda for Change staff, it was agreed that we would explore the feasibility of the reduction in working hours with the overall aim to reducing to 36 hours.

As set out by the Cabinet Secretary for NHS Recovery, Health and Social Care on 1 March 2024, it has now been agreed that as the first stage of this, from 1 April 2024, full-time hours for Agenda for Change staff will reduce to 37 per week (pro rata for part-time staff), without loss of earnings.

If, due to service pressures, safety or wellbeing issues determined within Boards, it is not possible at that time for a staff member or group of staff to receive their 30 minute reduction (pro rata number of minutes for part-time staff), they will be recompensed accordingly until such times as the reduction can be accommodated.

KEY PRINCIPLES

- Aim The overall aim is that Agenda for Change full-time staff will reduce from 37.5 to 37 hours from 1 April 2024 without loss of earnings (pro rata for part-time staff).
- 2. Transition It is expected that local decisions will be made within Area Partnership Forums in regard to which areas of the service can be reduced in the first instance. For those areas that cannot reduce in the first instance, staff will be recompensed for the 30 minutes, with an aim of reducing to 37 hours safely and effectively, and as soon as practically possible. The Reduced Working Week Group will discuss target dates for implementation and, if necessary, further advice will be provided.

Transitional arrangements will also apply to leave, sickness absences etc.

- 3. **Earnings** New hourly rates based on 37 hours are set out at **ANNEX B**. Staff will see no loss of overall earnings as a result of the reduction in hours.
- 4. Reduction in hours and flexibility Decisions on how a staff member individually reduces their working week will be made locally. It is expected that changes will be made by mutual agreement, taking into account service requirements, supporting the aim of an effective work life balance and flexibility within the working week.
- 5. **Innovative thinking** Managers and staff are encouraged to think innovatively when reducing hours across all working patterns. There is no one size fits all model and each service is encouraged to find a solution that works for them, and provides all staff with the benefit from reducing the working week.

Note: The 30 minute reduction cannot be accumulated to be taken as extra annual leave however, where applicable, time can be taken back. The time, however, can be accumulated and taken from the roster/shift pattern where it is mutually agreed and on a pre-planned basis. It is not within the spirit of the agreement to reduce time in amounts that are so small that the member of staff does not benefit from an improved work life balance; or to extend unpaid breaks.

- 6. **Part-time staff** Will be reduced on a pro rata basis. Please refer to section 8a where this is not possible.
- 7. **System effects** National Guidance on how current national systems will operate must be followed. Advice has been issued and will continue to be updated. Local arrangements must be made for systems that are outwith the national platforms. National platforms are as follows:
 - a. eEss, ePayroll, SSTS, Allocate Optimia and Job Train.
- 8. **Inability to reduce** From 1 April 2024, for areas where there are service delivery pressures and staff cannot reduce in the first instance, following agreement with local partnership forums, the below will apply:
 - a. A RWW Transitional Allowance will be paid covering the gap between current working hours and the reduced working hours put in place by this agreement. Part-time staff will receive plain time up to 37 hours and full-time staff will receive time and a half for anything above 37 hours.
 - b. Contractual overtime will not apply as the move from 37.5 to 37 is transitional up to the point it is safe to fully reduce to 37 hours.
 - c. Unsocial hours will be calculated based on new hourly rates
- 9. Private Provider Staff Under NHS Scotland's Two-Tier Agreement, most recently issued as <u>STAC(TCS03)2018</u>, those staff working for private providers contracted to NHS Scotland Boards, and falling within the remit set out in the agreement, are entitled to terms and conditions no less favourable than directly employed staff. This being the case, those Boards where Two-Tier staff are working should take the necessary steps to facilitate the equivalent reduction in working hours for those staff also.

Annual and other Leave / Public Holidays – This will align with the current annual and other leave calculations as set out of the Agenda for Change Handbook and the online calculator - Annual leave calculator | NHS Workforce Policies.

REDUCTION IN THE WORKING WEEK FOR AGENDA FOR CHANGE STAFF IN NHS SCOTLAND INCREASE OF HOURLY RATES

From 1 April 2024, pay will be worked out with reference to the 37 hour rates. This will include unsocial hours enhancements and any other aspect of pay which is linked to hourly rates.

Band	Pay Point	Scottish Pay Settlement for 24/25	Hourly Rates for 37.5 Hour Contract	Hourly Rates for 37 Hour Contract	Hourly Rate for Work Beyond 37 Hours
Band 1	1	£24,518	£12.54	£12.71	£19.06
Band 2	1	£24,647	£12.60	£12.78	£19.16
	2	£26,763	£13.69	£13.87	£20.81
Band 3	1	£26,869	£13.74	£13.93	£20.89
	2	£28,998	£14.83	£15.03	£22.55
Band 4	1	£29,116	£14.89	£15.09	£22.64
	2	£31,670	£16.20	£16.42	£24.62
Band 5	1	£31,892	£16.31	£16.53	£24.80
	2	£34,077	£17.43	£17.66	£26.49
	3	£39,735	£20.32	£20.60	£30.89
Band 6	1	£39,912	£20.41	£20.69	£31.03
	2	£41,670	£21.31	£21.60	£32.40
	3	£48,635	£24.87	£25.21	£37.81
Band 7	1	£48,788	£24.95	£25.29	£37.93
	2	£50,651	£25.90	£26.25	£39.38
	3	£56,747	£29.02	£29.41	£44.12
Band 8a	1	£60,126	£30.75	£31.16	£46.75
	2	£64,906	£33.19	£33.64	£50.46
Band 8b	1	£70,986	£36.30	£36.79	£55.19
	2	£75,937	£38.84	£39.36	£59.04
Band 8c	1	£83,837	£42.88	£43.45	£65.18
	2	£89,866	£45.96	£46.58	£69.87
Band 8d	1	£99,534	£50.90	£51.59	£77.39
	2	£103,795	£53.08	£53.80	£80.70
Band 9	1	£117,732	£60.21	£61.02	£91.54
	2	£122,831	£62.82	£63.67	£95.50

Hourly rates on payslips are shown to 4 decimal places but have been rounded to 2 here for the sake of clarity.

REDUCTION IN THE WORKING WEEK FOR AGENDA FOR CHANGE STAFF IN NHS SCOTLAND FREQUENTLY ASKED QUESTIONS

(Revised and expanded most recently on 30 July 2024)

From 1 April 2024, full-time hours for Agenda for Change staff will be reduced from 37.5 to 37 hours, without loss of earnings.

This document has been created in order to answer questions that have been raised.

This is a live document which will be updated on an ongoing basis as required. If there are any questions you feel could be added to this then please email hwfpaytermsandconditions@gov.scot, or speak to your local HR Department or union representative.

Reduction in hours and flexibility

Q1: What will happen to my pay on 1 April if I am on an Agenda for Change contract?

A: There will be no detriment to basic pay. However, the reduction in hours represents a 1.35% increase in hourly rates.

Q2: What happens to my hours if I am part-time?

A: Hours will be reduced pro rata from 1 April 2024. New part-time hours should be calculated in the following way (current part-time hours/37.5)x37 = new part-time hours.

You may however be able to retain your original part-time hours following discussions with your line manager. This will be subject to service requirements. If this is agreed, you will be paid the improved hourly rate.

Q3: What happens if I start working on an Agenda for Change contract on 1 April?

A: The whole-time contractual hours will be 37. However, you may be required to work an additional half hour in the first instance, if the department you are joining has not yet reduced to the 37 hour working week.

Any member of staff who joins part-time will be paid as per the new hourly rate based on the new whole-time equivalent of 37 hours but again may need to work extra hours up to the original part-time hours of the post if the department you are joining has not yet reduced to the new 37 hour working week.

Q4: What happens if my service area cannot reduce my working hours in the first instance?

A: The standard working week for AfC staff in NHS Scotland from 1 April 2024 is 37 hours. It is however recognised that this change may impact on service delivery and patient safety if not carefully managed. It has therefore been agreed as part of the

collective agreement that in the limited circumstances where a service cannot implement from 1 April, staff who are required to work their existing contracted hours during the local transition period will be recompensed by way of a temporary RWW Transitional Allowance at the following rates:

- Additional time worked, in respect of the RWW Transitional Allowance will be paid in a manner consistent with the rates agreed for overtime in the Agenda for Change Handbook. Part-time staff will receive plain time up to 37 hours and full-time staff will receive time and a half for anything above 37 hours.
- 2. Contractual overtime will not apply as the move from 37.5 to 37 is transitional up to the point it is safe to fully reduce to 37 hours.
- 3. Unsocial hours will be calculated based on new hourly rates.

Q5: Will all adverts posted after 1 April 2024 show a full-time working week of 37 hours?

A: Yes. See above answer where required.

Q6: What is the new whole-time for NHS Agenda for Change staff in the tax year 2024/25?

A: 37 hours.

Q7: I am a Bank worker only and don't work regular hours – will the increase in the hourly rate apply to me as well?

A: Yes.

Q8: What happens if my manager and I can't agree on how the working time is reduced?

A: Any disputes should be resolved through local partnership arrangements. You will be entitled to be represented by your trade union or professional organisation.

Q9: Will my Pension be affected?

A: No. The NHS Scotland Pension scheme is based on pensionable pay and because this will not fall as a result of this change your pension arrangements will stay the same.

Q10: What will happen to my current annual leave entitlement?

A: There will be no change to annual leave entitlement as outlined in the Agenda for Change handbook. Calculations in hours will now reflect the normal hours for a working day, which will now be 7.4 hours (37/5) instead of as current 7.5 hours (37.5/5).

Entitlement can be worked out using the online annual leave calculator - https://workforce.nhs.scot/calculators/annual-leave-calculator.

Staff wishing to ascertain their leave entitlement for the 1 April 2024 to 31 March

2025 leave year should be careful to enter the correct hours under these new provisions, to ensure the calculator provides an accurate response. Any staff

unsure of what their working hours are in the 2024-25 leave year may wish to check with their manager or HR department.

Q11: Does this apply to all NHS Contracts?

A: No, this agreement is for Agenda for Change staff only.

Q12: Will staff be issued with a change in contract as a result of the change in working hours?

A: No, a change in contract will not be required. However, the Agenda for Change handbook will reflect the new whole-time equivalent.

Q13: I am currently in receipt of pay protection. If the reduction in the working week is not implemented in my department from 1 April 2024 and a Temporary RWW Transitional Allowance needs to be paid, will this be offset against my pay protection?

A: No, this temporary RWW Transitional Allowance will be paid in addition to any pay protection already in place.

Q14: Does it attract organisational change protection if my service changes?

A: No. This is a negotiated national change to terms and conditions and not a service change being made by your employer. However, the expectation is that in circumstances where services are changed, the requirement to comply with the new standard working week will be resolved as part of the planned change.

Q15: What happens if I currently work contractual overtime?

A: Contractual overtime that you currently are required to work will not be affected by this additional half hour that may be required in the interim.

Q16: What are the plans for ultimately reducing the working week to 36 hours and timescales?

A: The reduction in the working week from 37.5 to 36 hours has an overall aim of reducing to 36 hours by 1 April 2026. The Reduced Working Week Group will work to consider how this can be safely achieved through a full evaluation of the first 30 minute reduction.

Q17: I regularly do overruns. How does the reduction work and how does the payment work?

A: There will be a number of areas across the Health Service that work alternate arrangements/rosters where overruns occur. Please contact your manager or local HR department on how this is being managed at a local level.

Q18: Will the "RWW Transitional Allowance" appear on my payslip?

A: No. Whilst staff will be paid as per the agreed approach until such time as hours can be reduced to 37, it will not appear on payslips as a separate payment.

[Questions 19 to 22 added on 16 April following discussion by Implementation Group]

Q19: I have annual leave which has been carried over from the 2023-24 leave year. Will these hours be reduced proportionately in line with the 2024-25 leave allocation?

A: No. Any hours carried over from 2023-24 should simply be added to the 2024-25 entitlement.

Q20: If my employer is not able to reduce my working week from 1 April, what will my leave entitlement be until this happens?

[Response updated again on 17 May following further discussion by Implementation Group] A: A staff member's leave entitlement should be based on a 37.5 hour working week (prorata for part time staff) until such time as their hours are reduced to 37 (or the pro-rata equivalent) on the system.

Q21: What is the length of a normal day now? Is it now 6 minutes shorter?

A: Whilst technically as a result of this change a day will reduce from from 7.5 to 7.4 hours, it should be emphasised that simply reducing a working day by 6 minutes should not be the default approach. How shifts are re-arranged to accommodate the reduction will require local discussion. In doing so, the service will need to bear in mind that the intention is to implement the change in a way that allows staff to improve their work life balance.

Q22: What happens if shifts are re-arranged, and people end up earning less because they are doing fewer unsocial hours?

A. Managers will be expected to re organise shifts in a way that minimises this possibility. However, where staff suspect this has happened, they should bring it to the attention of their manager and local payroll department so that it can be looked into and mark time pay protection will be applied where this proves to be the case.

[Questions 23 & 24 added on 9 May following discussion by Implementation Group]

Q23: What happens if my benefits are impacted by the Reduction in the Working Week?

A: Please discuss any financial impact that reducing your contracted hours may have on appropriate benefits. The purpose of the RWW is to improve work life balance. If your benefits are affected, please discuss this with your local line manager in the first instance, it is expected that Boards will take a supportive approach in such instances (subject to service delivery needs). The existing provision for part time workers to keep their current hours and benefit from the small increase in hourly rates is an approach mechanism to facilitate a positive solution.

Q24: Should I be involved in how the introduction of the Reduced Working Week is implemented in my service area i.e how my working pattern is arranged?

A: Yes, you should be consulted. Agreement should be reached within the spirit of partnership working ensuring the existing collective agreement to the new contractual hours.

[Questions 25 to 27 added on 17 May following discussion by Implementation Group]

Q25: Do I get paid the Transitional Allowance when I am on annual / sick / special / compassionate leave?

A: Yes, staff should be "paid as if at work" when on leave so if your leave occurs at a time when you are still receiving the Transitional Allowance then that should be reflected in your holiday pay.

Q26: How should long shifts, over variable roster periods, be managed in the context of the reduction?

A: The reduction should be the priority and occur within the working week where it is possible to do so. In circumstances where it is agreed that patient care would be adversely affected, local partnerships and services have some flexibility to reduce worked hours over the period of the scheduled roster or normal pay cycle. In these circumstances there should be agreement with staff.

Q27: Will the roster changes made during the initial 30 min reduction be honoured once the full 1.5hr reduction is in place?

A: It is recognised that the reduction in the working week is being implemented in three stages. This may result in further changes to rostered working patterns at a later date. Where this is likely to occur, that should be clearly communicated, recognised and agreed by all parties concerned.

[Questions 28 to 30 added on 30 July following agreement by Implementation Group]

Q28: What is the correct approach when a staff member has more than one contract?

A: Each contract should be treated separately, and each should receive the appropriate amount of time reduction for the weekly hours originally specified in the contract before 1 April 2024.

Q29: I work on the NHS Bank only, what are the new hours I need to have worked to receive my next pay increment?

A: Whilst the principles around increments for bank workers remain as set out in PCS(AFC)2015/2, from 1 April 2024 the working week moving to 37 hours means the number of hours a bank worker, who only has a bank post, is required to work to qualify for the next pay increment will reduce from 391 hours in a year to 385 hours in a year. The calculation of hours to be worked in a year should be pro rata where

the increment year spans 1 April. Also, any reference to a 7.5 hour shift in PCS(AFC)2015/2 should be read as 7.4 hours in the context of the reduced working week.

Q30: With regard to the approach to part-time staff outlined at Annex E of the guidance, should annual leave be based the hours which are paid (i.e. rounded up to one decimal place to ensure no loss in earnings), or actual rostered working hours (i.e. the exact pro-rata reduced hours)?

A: See questions 10 and 20 for further context with regard to Annual Leave. For staff who have had their working time reduced, it is always their actual rostered contracted hours which should be used to ascertain leave entitlement. Care should therefore be taken to enter the correct information into the "Hours worked (per week)" data entry box on the online Annual Leave Calculator, i.e. to enter actual rostered working hours to two decimal points where required. Part-time staff who are unsure of what their new rostered working hours are should check with their manager or look this up on the Reduced Working Week for Part-Time Staff section of the STAC website.

REDUCTION IN THE WORKING WEEK FOR AGENDA FOR CHANGE STAFF IN NHS SCOTLAND BACKSTOP DATE

The Scottish Terms and Conditions Committee (STAC) Secretariat have worked successfully in partnership to agree a collective implementation date for the first 30 minutes for 2024-25. This is to ensure that all staff receive the benefit of the reduced working hours, supporting an effective work life balance and flexibility within the working week.

The following dates for implementing the first 30 minute reduction have been agreed, and all NHS Boards should ensure they have plans in place to meet these:

- All Boards implement the first 30 minute reduction for non-rostered staff by 31 August 2024.
- All Boards implement the first 30 minute reduction for rostered staff by 30 November 2024.

NHS Boards should make every effort to meet these dates, engaging with staff and local staff side partners to explore all options in reducing the working week. In the event that, despite best efforts and that all parties agree, the first 30 minute reduction is not possible by the agreed backstop dates for issues of patient safety or staff wellbeing, a process will be established to allow the STAC Reduced Working Week Implementation Group to engage with Board partnership groups to review such cases and explore options to achieving the reduced working week. The expectation is that such cases will be rare.

REDUCTION IN THE WORKING WEEK FOR AGENDA FOR CHANGE STAFF IN NHS SCOTLAND INTERIM APPROACH IN RESPECT OF PART-TIME STAFF UNTIL 30 SEPTEMBER 2024

It has been determined nationally that no member of staff should suffer detriment, either financially or in terms of the pro-rata reduction in the working week they are entitled to. During initial discussions, the Reduced Working Week Implementation Group identified that there could be a marginal reduction in pay for some part-time staff as a result of this process. In order to prevent his, it was agreed that part-time working hours should be rounded up to one decimal point. However, it was recognised that this would mean that some staff would not receive the full reduction in minutes they are entitled to under a strict pro-rata approach. NHS Trade Unions and Employers have been working collaboratively to identify a solution to this issue. They have agreed the following interim approach:

- <u>Pay</u> Pay will continue to be calculated according to the rounding up to one decimal point approach currently in place.
- Hours Worked Hours should be calculated according to the formula contained in the guidance (previous part-time hours divided by 37.5 and multiplied by 37) and rounded to the nearest minute. It should be the result of this calculation which is used for local rosters so that working patterns reflect the actual pro-rata reduction in the working week.

For reference, a spreadsheet has been placed on the Scottish Terms and Conditions website which details what each previous configuration of working hours translates into, firstly under the rounding up approach being used for pay purposes and secondly in terms of the full pro-rata reduction to be applied locally. This table can be found here – https://www.stac.scot.nhs.uk/reduced-working-week-for-part-time-staff.

It is accepted that this will mean a slight variation in what is recorded on different systems e.g. SSTS, payroll and local rosters for many part-time staff. This approach has been endorsed by the Scottish Government and Boards are implementing these arrangements under direction in order to ensure that the principle of no detriment is maintained, and that all AfC staff receive the full benefit of the reduced working week.

Implementation

These changes will be effective from 1 September 2024.

In order to address any marginal detriment for affected staff in the period from 1 April (the date on which the reduced working week was introduced) up to and including 31 August, the following will apply:

- For the period when the part-time staff member is in receipt of the Transitional Allowance, any difference between working hours recorded for pay purposes and the full pro-rata reduction in minutes to which they are entitled will be accumulated as TOIL.
- For the period after the part-time staff member has reduced to their new working time but before the application of this agreement, any difference between working hours recorded for pay purposes and the pro-rata reduction in minutes to which they are entitled will be accumulated as TOIL.

It will be for managers and staff locally to manage these TOIL arrangements in the usual way.

Next Steps (updated as at 24 September 2024)

In negotiating this agreement, all sides acknowledged that the technical measures taken to ensure that part-time staff were not treated less favourably in respect of earnings or hours worked were temporary and that the issues which led to this agreement should be resolved as part of the 2024-25 Agenda for Change pay settlement.

With the agreement and implementation of that pay settlement, it has therefore been agreed that from 1 October 2024 (30 September 2024 for weekly paid staff), when the uplift will appear in salaries, NHS Scotland systems (i.e. Payroll, SSTS and eESS) will be updated so that part-time staff's weekly working time will reflect the correct reduction in minutes staff are entitled to, and that working time and pay will once again be aligned in all relevant systems. Where a staff member's part time hours have changed since 1 April 2024, there will be no automatic adjustment to their part time hours. National system guidance will be issued to provide the operation detail for the bulk update of part time hours.

For the avoidance of doubt then, local managers should stop applying the interim approach to pay and hours worked, described at the beginning of this Annex, from 1 October 2024 (30 September 2024 for weekly paid staff)