Section 2: Maintaining round the clock services

Supporting staff who work evenings, at night, weekends and on general public holidays

2.1 The NHS delivers patient services around the clock. Where staff are required to work to cover services in the evening, at night, over weekends and on general public holidays, the NHS Staff Council has agreed that they should receive unsocial hours payments. Section 34 Flexible working arrangements and Section 35 Balancing work and personal life set out the principles underlying this.

2.2 This section is effective from 1 April 2008. It replaces the “interim regime” previously set out in this Section. It applies to all staff employed on the terms and conditions of service in this Handbook.¹

2.3 The pay of staff working evenings, nights or weekends, on and after 1 April 2008, will be worked out in line with paragraphs 2.4 to 2.23 in this Section. The incremental dates of staff paid under these arrangements will not change.

2.4 This agreement will not apply to ambulance staff who are employed by ambulance organisations in England and Northern Ireland. These are staff who would have been subject to the provisions of the Ambulance Whitley Council had they been employed on Whitley contracts before Agenda for Change.² They will continue to receive unsocial hours payments in accordance with Annex E and Annex F. All other staff in ambulance organisations in England and Northern Ireland will move to the system in Annexes E and F by 1 April 2011. The transitional arrangements will be worked out in partnership in ambulance organisations.

2.5 The arrangements which will apply to ambulance staff in Scotland and Wales will be discussed and agreed in partnership in each country.³

2.6 The standard hours of work are set out in paragraph 10.1.

2.7 Staff will receive an unsocial hours payment for their work in standard hours which is done at the times shown in Table 2.

2.8 Unsocial hours payments will be worked out using basic salary. This will include any long term recruitment and retention premia. It will not include short-term recruitment and retention premiums, high cost area supplements or any other payment.

¹ See the question and answer guidance in Annex A2.
² See the question and answer guidance in Annex A2.
³ Agreement was reached in 2009 and Scottish Ambulance Services staff transitioned to the arrangements set out in this section of the Handbook between 2009 and 2011.
2.9 Any extra time worked in a week, above standard hours, will be treated as overtime and Section 3 will apply. Paragraphs 2.24 to 2.26 in this Section and Annex A3 set out the arrangements for on-call and other extended service cover. Staff cannot receive unsocial hours payments and payments for on-call and other extended service cover for the same hours of work.

Table 2

<table>
<thead>
<tr>
<th>Pay band</th>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All time on Saturday (midnight to midnight) and any week day after 8 pm and before 6 am</td>
<td>All time on Sundays and Public Holidays (midnight to midnight)</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Time plus 50%</td>
<td>Double Time</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Time plus 44%</td>
<td>Time plus 88%</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Time plus 37%</td>
<td>Time plus 74%</td>
<td></td>
</tr>
<tr>
<td>4 – 9</td>
<td>Time plus 30%</td>
<td>Time plus 60%</td>
<td></td>
</tr>
</tbody>
</table>

2.10 The rates shown in table 2, column 2 will be paid for all unsocial hours worked on a Saturday (midnight to midnight) and on weekdays between 8 pm and 6 am. The rates shown in column 3 will be paid for all hours worked on Sundays and public holidays (midnight to midnight).

2.11 Where a continuous night shift or evening shift on a weekday (other than a public holiday) includes hours outside the period of 8 pm to 6 am, the enhancements in column 2 should be applied to the whole shift if more than half of the time falls between 8 pm and 6 am.

2.12 Staff will only receive one rate of unsocial hours payment for each hour worked.

Promotion

2.13 If on promotion, the working pattern remains substantially the same, staff will move to the first incremental point producing an increase when basic pay, any long-term recruitment and retention premium and the unsocial hours payment, are combined. If the working pattern changes on promotion paragraph 6.35 will apply.

Occupational sick pay and contractual maternity pay

2.14 All unsocial hours payments will be pensionable and will count for occupational sick pay in line with paragraph 14.4 and contractual maternity pay, in line with Section 15. They will not be included in any part of the
calculation of overtime payments, on-call payments nor any other payment described in this Handbook.

Annual leave

2.15 Pay during annual leave is set out in paragraph 13.9.

Part time staff and other staff working non-standard hours

2.16 Part time staff working less than 37½ hours a week will be eligible for unsocial hours payments.

2.17 Staff on annualised hours contracts will be eligible for unsocial hours payments as in Table 2.

Self-rostering schemes

2.18 Where teams of staff agree rosters among themselves, including who covers unsocial hours shifts, it will be for the team to decide how these shifts are allocated, provided the team continue to provide satisfactory levels of service cover.

Prospective application

2.19 This agreement may be used retrospectively or prospectively. It will be for local partnerships to decide which option best meets local operational needs.

2.20 If this agreement is used prospectively it must comply with the principle of equal pay for work of equal value. It must produce broadly the same level of payments as a retrospective system, including for part-time staff. Local partnerships will need to agree a reference period that can be used to calculate the appropriate level of prospective payment.

2.21 Prospective systems are more likely to be satisfactory where work patterns are predictable. If rotas vary so much that it is not possible to predict working patterns accurately this is likely to be a good reason to choose to use the system retrospectively.

2.22 If operating the prospective system there will need to be periodic checks on the level of payments produced. These will need to be compared with the level of payments produced by the system in its retrospective form to ensure that the levels are broadly similar. This will allow early action to be taken in partnership if it does not.

2.23 Where the system is used prospectively an unforeseen change payment of £15 will be available. This will be used where it is necessary for employers to ask staff to change their shift within 24 hours of the scheduled work period. The payment is not applicable to shifts that staff agree to work as overtime, or
that they swap with other staff members. It is not available, in any circumstances, in the retrospective system.