

The Scottish Government
Health Workforce Directorate
Employment and Retention Division



Dear Colleague

**1. APPLICATION OF TRANSITIONAL POINTS FOR
STAFF APPROACHING RETIREMENT AGE**

**2. COMPENSATORY PAYMENTS FOR STAFF WHO
FORMERLY RECEIVED ALTERNATING SHIFT
ALLOWANCE**

Summary

1. It has come to our attention that clarification is required in relation to how two conditions of service contained within the Agenda for Change Handbook should be applied within NHS Scotland. Explanation of these issues and clarification of the correct interpretation is set out below.

**Application of Transitional Points for Staff
Approaching Retirement Age**

2. Paragraph 46.17 of the Agenda for Change Handbook outlines arrangements for the use of transitional points for staff approaching retirement age. NHS Scotland has so far only applied these provisions if and when a member of staff has actually retired.

3. Following further consultation with the UK Staff Council, it has been decided that this practice needs to be reviewed and that the provisions of 46.17 should be applied for all staff who were approaching normal retirement age at point of assimilation, whether or not they actually retire on the due date.

4. A copy of paragraph 46.17 is attached as Appendix 1 for ease of reference.

25 July 2008

Addresses

For action

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

For information

Members, Scottish Partnership Forum
Members, Scottish Terms and Conditions Committee
Members, Scottish Workforce and Governance Group

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Compensatory Payments for Staff Who Formerly Received Alternating Shift Allowance

5. Annex X was added to the Terms and Conditions Handbook as a result of the introduction of the new unsocial hours arrangements from 1 April 2008.
6. The Annex makes provisions for certain staff to receive one off payments. These are in compensation for losing the alternating shift allowance which they were eligible to receive under the previous system but was discontinued with the introduction of the new unsocial hours arrangements.
7. Within NHS Scotland, these have only been paid to staff who were contracted to work regular alternating shift systems and who were in post for the entire qualifying period of July -December 2007, and still in post on 1 April 2008.
8. However, following further discussions with the UK Staff Council, it has been agreed that staff who started after July but were contracted to work regular alternating shift systems should also receive these payments, provided they were in post in December 2007 and still in that post on 1 April 2008. The payment should therefore be paid to all staff who were in post during all or part of the qualifying period.
9. Staff who meet the criteria above should receive the full payment (i.e. not pro-rata'd) except in the circumstances outlined in Paragraphs 8 and 9 of Annex X. A copy of the relevant section of Annex X is attached as Appendix 2 for ease of reference.

Cabinet Secretary Approval

10. These arrangements have been approved by the Cabinet Secretary under regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (S.I. 1991/537). A copy of the formal approval is attached.

Action

11. Employers should review the arrangements they have in place and update in line with the advice above, where appropriate.
12. Employers should make their own arrangements for obtaining additional copies of this circular, which can be viewed at:
www.show.scot.nhs.uk/sehd/publications.asp

Yours sincerely

COLIN MCGOWAN

Acting Deputy Director for Health Workforce
Employment and Retention

**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 25 July 2008 – PCS(AFC)2008/7 – in respect of the application of transitional points for staff approaching retirement age and compensatory payments for staff who formerly received alternating shift allowance are hereby approved for the purposes of the said Regulations.

COLIN MCGOWAN

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25 July 2008

SECTION 46

ASSIMILATION AND PROTECTION

Staff approaching retirement age

46.17 During the period of assimilation the following rules will apply for staff approaching retirement age¹ whose basic pay before assimilation is below their new minimum:

- assimilation for staff two years or less from their normal retirement age on the effective date of assimilation should be no lower than the normal minimum;
- for staff three years or less from their normal retirement age on the effective date, assimilation should be to a point no lower than the highest special transitional point;
- for staff four years or less from their normal retirement age on the effective date, assimilation should be to a point no lower than the second highest special transitional point;
- for staff five years or less from their normal retirement age on the effective date, assimilation should be to a point no lower than the lowest special transitional point.

¹ In accordance with the relevant NHS pension provisions, including those relating to any special classes. (In Scotland information about pensions is in Superannuation (Health Services) Circular No 1995/4).

ANNEX X

WORKING OR PROVIDING EMERGENCY COVER OUTSIDE NORMAL HOURS

6. Ancillary (ASC) Staff working alternating shifts as defined in paragraph 168 (a) of the Ancillary Staffs Whitley Council Handbook who were regularly receiving the annual alternating shift allowance of £581 during the six months ending on 31 December 2007 and who are still employed on 1 April 2008, will receive a single payment of £3,000.
7. Paragraph 107.2 of the Maintenance Staff's Handbook sets out the conditions for the payment of "Alternative Shift Allowance" of thirty five pence per hour. Maintenance staff who were regularly receiving this allowance during the six months ending on 31 December 2007 and who are still employed on 1 April 2008, will receive a single payment of £3,000.
8. Some Administrative and Clerical (A and C) Staff working alternating shifts as defined in paragraph 741 of the Administrative and Clerical Staffs Whitley Council Handbook have been receiving the 10 per cent addition to basic pay in paragraph 742 (iii). A and C staff regularly receiving this allowance during the six months ending on 31 December 2007 and who are still employed on 1 April 2008 will receive a single payment of 30% of their basic pay, calculated on the rate effective from 1 April 2008.
9. The provisions for pay protection in paragraph 2.19 will not apply to staff who receive one of the single payments in paragraphs 6, 7 and 8 of this Annex. Part-time employees will receive the single payments on a pro-rata basis to full-time colleagues.