

The Scottish Government
Health Workforce Directorate
Employment and Retention Division



Dear Colleague

**PAYMENT OF AGENDA FOR CHANGE HOURLY RATES
FOR WORK DONE WHILST ON-CALL**

Summary

1. [PCS\(AFC\)2009/6](#) clarified to NHS Boards that Agenda for Change pay rates should be used to calculate pay for staff who are called in to work whilst on-call. This circular reminds Boards that this is the approach agreed in partnership by the Scottish Terms and Conditions Committee and also alerts employers to an addition to the Question and Answer sheet which was provided with the previous circular. Question 4a has been added covering the rate of pay for Band 5 staff who were previously on a higher grade.

Cabinet Secretary Approval

4. This circular has 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

5. NHS Boards, Special Health Boards and NHS National Services Scotland (Common Services Agency) should ensure that staff are paid according to the provisions set out in this circular and the previous circular PCS(AFC)2009/6. Any employer who is having difficulty implementing this approach should contact Janis Millar at janis.millar@nhs.net.

6. Employers should make their own arrangements for obtaining additional copies of this circular, which can be viewed at: www.sehd.scot.nhs.uk.

Yours sincerely

JOHN COWIE

Deputy Director for Health Workforce
Employment and Retention

24 August 2010

Addresses

For action

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 Staff Governance Committee

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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 24 August 2010 – Addendum to PCS(AFC)2009/6 – in respect of payment of Agenda for Change hourly rates for work done whilst on-call are hereby approved for the purposes of the said Regulations.

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Health Directorates
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24 August 2010

PAYMENT OF AGENDA FOR CHANGE HOURLY RATES FOR WORK DONE WHILST ON-CALL: QUESTIONS AND ANSWERS

Q.1. What happens if staff work an on-call system which is an agreed sum, inclusive of the on-call allowance and payment for any call outs worked?

A. Recent pay circulars have increased on-call allowances so you should check to see if the agreed sum was uplifted in accordance with the AfC pay uplifts. If this is the case then no further uplifts should be applied. If no increase was applied then these rates should be increased in line with pay awards applied since last updated.

Q.2. What happens if staff work an on-call system for which there is an allowance payment and a separate agreed sum for any call outs worked?

A. Recent pay circulars will have increased the on-call allowance part of such arrangements but that part of the arrangement covering payment for any call outs worked will need to be increased in line with the pay awards.

Q.3. Does this change affect other principles in protected arrangements, eg minimum call out periods, enhancements, etc.

A. No. It is only the pay rates that are changing, other parts of agreements remain protected.

Q.4. What is paid if the minimum of the higher AfC band, payable under certain on-call agreements, is lower than the salary the employee is on due to the overlaps in pay bands?

A In such cases, the employee should be paid at their normal AfC pay rate.

Q.4.a What rate of pay should Band 5 staff who were previously paid at a higher grade when called out receive for unsupervised work on call?

A. Paragraph 2.31 of the AfC Handbook covers this issue and staff should be paid as a minimum on the fourth point of pay Band 5, unless they are already on a higher pay point in the Band.

Q.5. Is there protection for any staff member who finds that their earnings are reduced as a result of moving to AfC rates?

A It is not expected that this will happen in many cases but should it arise the employee would move to the new AfC pay rate but continue to receive the current level of payment on a mark time protection basis. The employee will therefore continue to receive their current level of earnings until the AfC pay rate exceeds the protected level.

Q.6. What happens when staff have elected to move across to the interim AfC on-call system when the choice was based on the previous protected rate?

A. This needs to be considered locally in partnership and staff groups who have moved across should consider what their earnings on the previous protected system would have been with the new AfC rates applied and uplifted. Thereafter they should be given the option to stay with interim AfC or revert back to the protected arrangement. Such decisions must be taken by the staff group who elected to move to the interim AfC system, not by individual employees.

If other issues arise and further Q&A is required, please contact Janis Millar at janis.millar@scotland.gsi.gov.uk or janismillar@nhs.net.