NHS WHITLEY COUNCIL PROVISIONS (EXTRACTS)

WORKING OR PROVIDING EMERGENCY COVER OUTSIDE NORMAL HOURS

REFERENCES

Agenda for Change Final Agreement
November 2004

Chapter 2: Interim Regime

NHS Terms and Conditions of Service Handbook
November 2004

Section 2: Interim Regime

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NURSING AND MIDWIFERY STAFFS NEGOTIATING COUNCIL
NURSING AND MIDWIFERY STAFF (AND HEALTH VISITORS)

Section 5: Allowances, Pay Enhancements and Leads

Special Duty Payments

5.7 All whole-time and part-time staff up to and including the pay grade Scale I in the clinical grading structure or Grade 2 (in the education structure) are eligible for special duty payments in accordance with paragraphs 5.8 to 5.14 of this Handbook. **Staff with a basic annual salary in excess of the maximum of Scale F should have their special duty payments calculated as if their salary were the maximum of F.**

5.8 With the exception of staff on Scales A and B and Day Nursery Assistants (see paragraph 5.9) whole-time or part-time staff up to and including the pay grades Scale I in the clinical grading structure or Grade 2 (in the education structure) who are entitled to special duty payments when required to work on a Sunday or public holiday (midnight to midnight) shall be paid at the rate of time plus 60% of their basic hourly pay for the hours worked during those periods, exclusive of meal times. The enhanced rate of time plus 30% will be paid for all other special duty worked on a Saturday (midnight to midnight) or on other days between 8 pm and 6 am. For staff required to take meals with patients see also paragraph 9.20 below.

5.9 **Staff on Scale A and B and Day Nursery Assistants** who are entitled to special duty payments when required to work on a Sunday or public holiday (midnight to midnight) shall be paid at the rate of time and two-thirds of their basic hourly pay for the hours worked during those periods, exclusive of meal times. The enhanced rate of time and one-third will be paid for all other special duty worked on a Saturday, (midnight to midnight) or on other days between 8 pm and 6 am. For staff required to take meals with patients see also paragraph 9.20.

5.10 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 enhanced payment should be applied to the whole shift if more than half of the time falls between 8 pm and 6 am.

5.11 For the purpose of paragraphs 5.7 to 5.10 the basic hourly pay should be calculated by reference to the post-holder’s basic annual salary *(including any substitution pay) or training allowance subject to a maximum equivalent to the maximum of Scale F (plus any psychiatric or geriatric lead and the special allowance payable to staff employed in Regional Secure Units, but exclusive of London Allowance and any other allowances or pay supplements).

* For this purpose, basic annual salary is defined as basic pay (see paragraph 1.26).
5.12 In no case shall a post-holder receive both Saturday, Sunday or public holiday and night or evening duty payments for the same working hours.

5.13 Special duty payments at the appropriate rates will be made to post-holders who regularly work night and/or weekend shifts when they attend courses with pay approved by the Authority during a period when they would otherwise be rostered for such shifts. Periods of annual, sick or special leave will continue not to qualify for special duty payments.

5.14 Special duty payments are not applicable to hours worked in excess of 37½ a week exclusive of meal times.

Stand-by and On-Call Allowances - Emergency Duties

For current levels of these allowances see Appendix 3 (below).

5.15 The following arrangements shall apply to all nursing and midwifery staff who are required to undertake emergency duties outside their normal working hours. The nature and incidence of these duties are matters for each employing authority, subject to such directions as may be given by the Secretary of State.

5.16 Where emergency duties are performed by nursing and midwifery staff referred to in paragraph 5.15 outside their normal working hours, time off in lieu within a reasonable period should be given wherever possible and no payment made for work performed. When this is not possible, the arrangements in the following sub-paragraphs shall apply.

Nurses or midwives standing by:

i. When a nurse or midwife who is not normally resident, stands by at the hospital over-night, other than on Saturday or Sunday night or in the night at the end of a public holiday outside her normal hours of duty, a stand-by allowance shall be paid. The weekend (8 am Saturday to 8am Monday) shall be divided into four periods for this purpose and an allowance is payable for each of the four periods. A public holiday (8 am on the public holiday to 8 am on the following day) shall be divided into two periods for this purpose and an allowance is payable for each of the two periods.

ii. Where, as a result of an emergency call, a nurse of midwife on stand-by duty performs work in a department, she shall be paid at the appropriate rate for excess hours (i.e. hours worked in excess of 37½ a week) whether or not she is normally eligible for payment in respect of excess hours.
Nurses or midwives on-call

5.17 When a hospital nurse or midwife has a specific roster commitment outside her normal hours of duty to be available overnight, other than on Saturday or Sunday night or the night at the end of a public holiday, at home, or in the hospital if normally resident there, or (where notice has been given) elsewhere within reach of the hospital or when a community nurse or midwife has a specific roster commitment outside her normal hours of duty to be available at home (or elsewhere where notice has been given), an on-call allowance shall be paid. The weekend (8 am Saturday to 8 am Monday) shall be divided into four periods for this purpose and an allowance is payable for each of the four periods. A public holiday (8 am on the public holiday to 8 am on the following day) shall be divided into two periods for this purpose and an allowance is payable for each of the two periods.

5.18 Where, as a result of an emergency call, a nurse or midwife on on-call duty performs work, she shall be paid at the appropriate rate for excess hours (i.e. hours worked in excess of 37½ a week) whether or not she is normally eligible for payment in respect of excess hours, subject to a minimum of £1.30 for the first hour or part thereof where this would be more favourable. Travelling time to and from home or hospital shall be included as time worked in the department.

5.19 Salary for these purposes shall be inclusive of the geriatric and psychiatric leads and the special allowance payable to staff employed in Regional Secure Units, but exclusive of London Allowance, special duty payments and other additional payments.

5.20 No payment under paragraphs 5.15 to 5.19 above shall be made to a nurse or midwife for duties undertaken during the normal working week or fortnight.

Other arrangements

5.21 Nurses and midwives required as a result of an emergency case to continue working in an operating department beyond their normal hours of duty.

i. Where, as a result of the addition of an emergency case to the original list, a nurse or midwife is required to continue working in an operating department for at least 30 minutes beyond her normal hours of duty and extra off-duty time cannot be granted, she shall receive an emergency payment at the rate appropriate to hours worked in excess of 37½ a week for the time worked beyond the end of her normal hours of duty. The length of the period for which the emergency payment is made shall be calculated to the nearest half-hour. This provision shall apply to all nurses and midwives who are required to continue working in the department beyond their normal hours of duty, including those who may subsequently, i.e. on the completion of the list, be on standby or on-call duty.
For the purpose of sub-paragraph (i) above an “emergency case” means a case which is added to the original list of operations after the time fixed for the operating session to begin.

5.22 Deleted.

**Paragraph 1.26**

1.26 “Basic pay” is the annual salary payable at the correct incremental point of the basic salary scale, determined in accordance with the conditions set out in Section 6 - appointments, re-appointments, transfers, promotions and incremental dates).

**Paragraph 9.20**

9.20 If a nurse is required by her employing authority to take her meal with a patient or patients as part of the prescribed therapy for those patients, the nurse’s meal shall be provided free of charge. The period so spent shall be regarded as part of normal working hours (see paragraph 3.1 - working hours for whole-time nurses).

**Appendix 3**

**Leads and Allowances – With effect from 1 April 2004**

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<tr>
<td></td>
<td>Statutory/public holiday – per period</td>
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</tr>
</tbody>
</table>
Special Duty Payments

3.12 Where a helper is required by the employing authority to perform work within the conditioned hours for the class concerned but during the periods specified below, payment should be made as follows:-

3.12.1 weekday nights (8pm - 6am) Saturdays (midnight - midnight) time and a third

3.12.2 Sundays and public and statutory holidays (midnight – midnight) time and two thirds

3.13 Where an officer is required by the employing authority to perform work within the conditioned hours for the class concerned but during the periods specified below, payment should be made as follows:-

3.13.1 weekday nights (8pm-6am) Saturdays (midnight to midnight) time plus 30%

3.13.2 Sundays and public and statutory holidays (midnight to midnight) time plus 60%

3.14 Special duty payments are subject to the same conditions as set out at paragraph 3.9 – excess hours payments.

3.15 Where a continuous shift on a weekday (other than a statutory or public holiday) includes hours outside the period 8pm to 6am, the enhanced payment should be applied to the whole shift if more than half the time falls between 8pm and 6am.

3.16 Where an officer is working in excess of his conditioned hours special duty payments are not applicable, irrespective of whether or not such work is performed within the periods specified in paragraphs 3.12-3.13. All such work should be treated in accordance with paragraph 3.8 – excess hours payments.

3.17 In relation to a GWC agreement, the practice for staff working Special Duty on bank holidays on a day when the department would normally be open is that they should be entitled to a day off in lieu in addition to payment.

EMERGENCY DUTY PAYMENTS – ALL Classes EXCEPT RADIOGRAPHERS

3.18 When officers undertake to be available for emergency duties the nature and incidence of these duties are matters for each employing authority, subject to such direction as may be given by the Secretary of State.
3.19 Where emergency duties are performed in addition to the normal working week payment should be made for work performed in accordance with the arrangements in the following paragraphs, except where the officer opts instead for time off in lieu, and this can be given without unreasonable disruption of service.

OFFICERS STANDING BY

3.20 When an officer (irrespective of grade) who is not normally resident, stands by at the hospital overnight, during the weekend, or on a statutory or public holiday, after the time when the department ceases work for the day, stand-by allowances shall be paid at the rates shown in Appendix B.

3.21 Where, as a result of an emergency call, an officer on stand-by duty performs work, s/he shall be paid at the appropriate rate for excess hours for work performed while in the department following the call, irrespective of the number of cases dealt with; except that when an officer in the starting grade is carrying out work without the direct clinical supervision of a more senior officer in the same profession, payment shall be at the rate for excess hours appropriate to the minimum point of the Senior II scale. In the case of work performed following the first call in any period of duty, a sum of £1.30 shall be paid for the first hour or part thereof where this would be more favourable. Payment at the rate of excess hours shall apply whether or not the officer is in a grade which is normally eligible for payment in respect of such hours, and whether or not the officer works full-time or part-time.

OFFICERS ON CALL

3.22 When an officer (irrespective of grade) has a specified roster commitment to be available at home or in the hospital if normally resident there, or (where notice has been given) elsewhere within the reach of the hospital, on-call allowances shall be paid at the rates shown in Appendix B.

3.23 Where, as a result of an emergency call an officer on on-call duty performs work, s/he shall be paid at the appropriate rate for excess hours for work performed while in the department following the call, irrespective of the number of cases dealt with, except that when an officer in the starting grade is carrying out such work without the direct clinical supervision of a more Senior officer in the same profession payment shall be at the rate of excess hours appropriate to the minimum pint of the Senior II scale. For the first hour or part thereof a sum of £1.30 shall be paid where this would be more favourable. Payment at the rate for excess hours shall apply whether or not the officer is in a grade which is normally eligible for payment in respect of such hours, and whether or not the officer works full-time or part-time. Travelling time to and from home or hospital shall be included as time worked.

3.24 An officer who has no specific roster commitment as described in paragraph 3.22 above and who performs work as a result of an emergency duty call to the hospital, or who returns to the hospital at a pre-arranged time to carry out emergency treatment shall be paid at the appropriate rate for excess hours for
work performed while in the department, irrespective of the number of cases dealt with, except that when an officer in the starting grade is carrying out such work without the direct clinical supervision of a more senior officer in the same profession payment shall be at the rate for excess hours appropriate the minimum point on the Senior II scale. For the first hour or part thereof a sum of £1.30 shall be paid where this would be more favourable, whether or not the officer is in a grade which is normally eligible for payment in respect of excess hours. Travelling time to and from home or hospital shall be included in time worked.

General

3.25 For the purposes of paragraphs 3.20 and 3.22:-

3.25.1 a weekend shall be defined as 8am on Saturday to 8am on Monday and shall be divided into four periods of duty; and

3.25.2 a statutory or public holiday shall be defined as 8am on that day to 8am on the following day and shall be divided into two periods of duty.

3.26 An officer who undertakes stand-by or on-call duty on a statutory or public holiday to cover a period during which the department would have been open on a normal working day, shall receive the appropriate payment under paragraphs 3.20 and 3.22 and Appendix B (including payment in respect of any work performed during the period of duty) and shall in addition be granted a day off in lieu.

3.27 An officer shall be deemed to be called to the hospital if s/he attends there outside normal working hours in response to a request to carry out urgent treatment. All urgent treatment arising during the call shall be regarded as part of the call. Once the officer has completed the original treatment (and any others which may have arisen) has checked with a contact point designated locally by management after consultation with staff toascertain that no further requests for work have been made and has left the hospital, any fresh request for his/her service shall be regarded as a separate call.

3.28 No payment under this agreement shall be made to an officer whose conditioned working hours are arranged to cover evening, night or weekend duty, or to officers on rota arrangements which dispense with the need for duty in excess of the normal working week.

EMERGENCY DUTY PAYMENTS – RADIOGRAPHERS

3.29 The following arrangements shall apply to those radiographers who are required to undertake emergency duties outside their normal working hours. The nature and incidence of these duties are matters for each employing authority subject to such directions as may be given by the Secretary of State.

3.30 Where emergency duties are performed in addition to the normal working week payment should be made for work performed in accordance with the arrangements in the following paragraphs, except where the officer opts
instead for time off in lieu and this can be given without reasonable disruption of service.
RADIOGRAPHERS STANDING BY

3.31 When a radiographer (irrespective of grade) who is not normally resident, stands by at the hospital overnight, or during the weekend, after the time when the department ceases work for the day, a stand-by allowance shall be paid for each period of duty at the rates shown in Appendix B.

3.32 Where, as a result of an emergency call, a radiographer on stand-by duty performs work, he/she shall be paid for the first hour or part thereof worked, a sum equivalent to one hour’s salary at the minimum point of the Senior II salary scale plus 50% and thereafter one quarter of that sum for each completed quarter of an hour while in the department irrespective of the number of cases dealt with; except that when a radiographer is carrying out such work under the direct clinical supervision of a Senior Superintendent or District Radiographer payment shall be at the mean of the Radiographer salary scale plus 50%. Payment shall be made at these rates whether the officer works full-time or part-time.

RADIOGRAPHERS ON-CALL

3.34 When a radiographer (irrespective of grade) has specific roster commitment to be available at home, or in the hospital if normally resident there, or (where notice has been given) elsewhere within reach of the hospital, an on-call allowance shall be paid for each period of duty at the rates shown in Appendix B.

3.35 Where, as a result of an emergency call, a radiographer on on-call duty performs work, she shall be paid for the first hour or part thereof worked a sum equivalent to one hour’s salary at the minimum point of the Senior II salary scale plus 50% and thereafter one quarter of that sum for each completed quarter of an hour while in the department irrespective of the number of cases dealt with, except that when a radiographer is carrying out such work under the direct clinical supervision of a Senior, Superintendent or District Radiographer payment shall be at the mean of the Radiographer salary scale plus 50%. For the first hour or part thereof a sum of 0.80p shall be paid where this would be more favourable. Payment shall be made at these rates whether the officer works full-time or part-time. Travelling time to and from home or hospital shall be included in time worked.

3.36 Where as result of an emergency call, a Senior Superintendent or District Radiographer on on-call duty performs work shall be paid for the first hour or part thereof worked a sum equivalent to one hour’s salary at the mean of the salary scale to his/her grade plus 50% and thereafter one quarter of that sum.
for each completed quarter of an hour while in the department irrespective of
the number of cases dealt with, except that for the first hour or part thereof a
sum of 0.80p shall be paid where this would be more favourable. Payment
shall be made at these rates whether the officer works full-time or part-time.
Travelling time to and from home or hospital shall be included in time worked.

3.37 Salary for these purposes shall be as defined as for the payment of excess
hours in paragraph 3.9.2 above.

3.38 For purposes of paragraphs 3.31 to 3.36 a week shall be divided into not
more than 8 duties of which the weekend – Saturday midday to Monday
morning – shall be not more than 3 duties. When, however, the week
includes a statutory or public holiday an additional duty shall be added,
making 9 in all (10 in all if the two such holidays fall in the week).

3.39 A radiographer who undertakes stand-by or on-call duty on a statutory or
public holiday to cover a period during which the department would have been
open on a normal working day shall receive the appropriate payment under
paragraphs 3.31 and 3.34 and Appendix B (including payment in respect of
any work performed during the period of duty) and shall in addition be granted
a day off in lieu.

3.40 A radiographer shall be deemed to be called to the X-ray or Radiotherapy
Department if s/he attends there outside normal working hours in response to
a request to make an urgent examination or to carry out urgent treatment. All
urgent examinations or treatment arising during the call shall be regarded as
part of the call. Once the radiographer has completed the original
examination or treatment (and any others which may have arisen) and has
checked with a contact point, designated locally by management after
consultation with staff, to ascertain that no further requests for examinations
have been made and has left the X-ray or Radiotherapy Department, and
fresh requests for his/her services shall be regarded as a separate call.

3.41 No payment under this agreement shall be made to a radiographer whose
normal working week of 35 hours is arranged to cover evening, night or
weekend duty, or to radiographers on rota arrangements which dispense with
the need for duty in excess of the normal working week.

NOTE

The references to Senior Superintendent and District Radiographers in
paragraphs 3.32, 3.33, 3.35 and 3.36 shall include respectively
Radiographers in grades Senior I and II, Superintendent I, II III and IV and
District I, II and III as the case may be.

APPENDIX B
ALLOWANCES

The following rates will apply with effect from 01-04-2004
### A  STANDBY ALLOWANCE (SEE 3.20-3.21; ALSO 3.31-3.33)

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<th>Description</th>
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<tr>
<td>i</td>
<td>for overnight duty</td>
<td>£19.81</td>
</tr>
<tr>
<td>ii</td>
<td>for each period of weekend duty</td>
<td>£26.93</td>
</tr>
<tr>
<td>iii</td>
<td>for each period of duty during a statutory or public holiday</td>
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### B  ON-CALL ALLOWANCE (SEE 3.22-3.28; ALSO 3.34-3.41)

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<tr>
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<td>£19.81</td>
</tr>
</tbody>
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ADMINISTRATIVE AND CLERICAL STAFF

SECTION 21: NIGHT AND SHIFT DISTURBANCE PAYMENTS

740. Officers who are required to undertake night duty or shift work on a rota system or under other special arrangements shall be entitled to the payment of allowances in accordance with the provisions of paragraphs 741 and 742 below.

741. Definitions

a. For the purposes of the scheme, a shift roster is taken as being a roster of shifts which either:-
   i. cover a period of 24 hours; or
   ii. alternate or overlap and cover a period not less than 12 hours with at least 4 hours between the starting times of the earliest and latest shifts.

b. A night shift applies to a shift involving at least four and a half hours work between 8pm and 6am.

c. Work starting and finishing between the hours of 8am and 6.30 pm on any day will be regarded as being within "normal office hours" for the purpose of this agreement. If the hours of work for the establishment as a whole start before 8am or finish after 6.30pm these will be regarded as normal office hours for the establishment, but the span of hours should not exceed ten and a half.

d. Where a rostered shift lasts 15 hours or more, or 23 hours or more without a break (other than a meal break), it will be regarded as 2 shifts, or 3 shifts, respectively.

e. For the purposes of calculating the ratio of night to day shifts, attendance which includes the period 8pm - 6am will count as 2 night shifts.

742. Rate of payment

a. Subject to the provisions of paragraph 743 payment for shift working will be at the following rates, but excluding rest days and holidays:-

   i. night incidence of at least 1 in 4: 20% addition to salary/rates

   ii. night incidence of at least 1 in 8: 15% addition to salary/rates
iii. night incidence less frequent than 1 in 8 and all other shifts: 10% addition to salary/rates

b. For regular shift workers (see paragraph 744) the shift premium will be expressed as an annual percentage addition to salary, and for other shift workers and workers subject to night allowance, the shift premium will be expressed as a percentage addition to hourly rates (salary and hourly rates for this purpose including responsibility allowances and London Weighting when the officer is in receipt of these). When the total salary (inclusive of responsibility allowances and London Weighting where payable) exceeds the salary maximum of Grade 6, payment will be calculated as if the salary were at that level (plus London Weighting where payable).

743. Effect of proportion of "normal office hours" shifts on payment

a. No payment will be made for any "normal office hours" shifts where the number of "normal office hours" shifts in the roster exceeds a half (1 in 2) of the total shifts in the roster.

b. For other rosters, payment for "normal office hours" shifts will be made on the following basis:-

i. where there is a number of consecutive "normal office hours" shifts in a roster (ignoring rest days), payment will not be made for more than 5 in any one sequence;

ii. where the number of "normal office hours" shifts in a roster does not exceed a third (1 in 3) of the total shifts in the roster, payment will be made for all "normal office hours" shifts subject to the limitation in i. above;

iii. where the number of "normal office hours" shifts in a roster exceeds a third (1 in 3) of the total shifts in the roster but does not exceed 1 in 2, payment will be restricted to the number of "normal office shifts" which represent a third (1 in 3) of the shifts in the roster as a whole, subject again to the limitation in (i) above; except that for any rosters in this category where:

a. the incidence of night shifts is at least 1 in 4 and

b. there are not more than 5 consecutive "normal office hours" shifts on the roster,

payment will be made for all "normal office hours" shifts;
iv. where shifts are substantially unequal in length the arrangements above may require modification, and such cases should be referred to the Joint Secretaries.

744. Difference between regular shift workers and others

a. Regulars

i. Staff in posts where management considers it reasonable to assume that shift working will continue for a future period of at least 12 months will be classified as "regular shift workers" provided that all the shifts on their roster attract payment (see paragraph 743 above).

ii. Where posts have been continuous shift working posts for at least one year prior to the effective date of the agreement, such posts should be regarded as "regular" for as long as continuous shift working remains in operation. Once a post has been designated as "regular", it will continue to be so regarded until the period of shift working itself comes to an end (i.e. continuity of payment as provided for in paragraph 745 below will not cease during that period).

iii. Regular shift worker status will not be affected by suspension of shift working of up to 4 weeks (but see paragraph 745b).

b. Others

All other shift workers, i.e. those who, for whatever reason, do not qualify as regular shift workers under sub-paragraphs i. and ii. above, will be paid on the basis of shifts actually worked.

745. Continuity of payment - regular shift workers

a. The payment of shift disturbance allowances to regular shift workers will be discontinued during periods of absence except as follows:-

i. all periods of annual leave, rest days, Public Holidays (or any appropriate days off in lieu); and

ii. periods of absence of up to a total of 4 weeks in any leave year due to sickness (whether certificated or uncertificated).

b. Payment will not be made for any days for which salary is not paid. It will cease immediately if the regular shift worker is
transferred to day work, whether permanently or temporarily, or when the operation of the shift roster itself is discontinued or suspended.

746. Changes in patterns of working

a. No adjustment will be made to the rate of shift premiums where the proportion of night shifts is affected by absences or additional shifts worked except that if, in exceptional circumstances, regular shift workers are required to work shifts additional to those on their normal roster, an extra payment for the additional hours worked will be made at the percentage rate applicable to that roster in addition to any appropriate overtime payments.

b. Shift workers who are not regarded as regular shift workers and who are similarly required to work extra shifts shall also be entitled to additional payments on the basis of (a) above provided that they worked an additional five shifts within a roster.

747. Night allowance for staff not on a shift roster

a. Staff not on a shift roster who work between the hours of 8pm and 6am will be paid a night allowance per hour:

i. for hours worked between 8pm and 11pm - 15%;

ii. for hours worked between 11pm and 6am - 25%. Periods of less than half an hour at night will not reckon for payment.

b. i. Where payment of night allowance is more favourable, staff may opt to receive this on a permanent basis instead of shift payments;

ii. Regular night workers whose hours of work all fall within the period or cover the whole period 8pm - 6am and whose posts can be regarded as regular night worker posts under the criteria in paragraph 744a may choose to be regarded as regular shift workers and receive the top rate of shift premium (paragraph 742a) and benefit under the continuity provision in paragraph 745.
748. **Supplementary provisions**

a. The allowances will be paid for actual attendance at the place of work except where the continuity of payment conditions in paragraph 745 apply.

b. These payments will be made in addition to any payments for overtime, long hours gratuities, or premium payments for work after mid-day on Saturdays, on Sundays or Public Holidays.

c. An individual cannot be paid both night allowance and shift disturbance allowance in respect of the same period of duty.

d. Shift premia and night allowances are not reckonable for overtime but, where regularly drawn, will be reckonable for superannuation purposes.

[749 - 769 unallocated]
SECTION 22: EMERGENCY DUTY PAYMENTS

770. Officers undertake on-call duty if they are required to be continuously and immediately available at home (or elsewhere within reach of the hospital or department provided they have given notice).

771. Officers undertake standby duty if they are not normally resident but are required to remain at the hospital or department to undertake emergency duty at a time when the hospital or department is normally closed.

772. Officers qualify for on-call or standby duty payments where they make themselves available to, and participate in, a rota which is required by the employing authority to provide out of normal hours cover and consists of Administrative and Clerical Officers.

773. Any officer within the purview of the A & C Council except those within the scope of the Ambulance Officers Negotiating Committee is eligible to participate. A chief ambulance officer participating in a rota with officers within the scope of the Ambulance Officers Negotiating Committee, who are not themselves eligible for payment under the agreement, is eligible for payment.

774. A payment (Part 4, Table 6, A1) shall be made for each session of on-call or standby duty performed.

775. A week shall consist of nine sessions. The precise definition of a session shall be determined by management locally but shall conform to the following pattern:

   a. Five sessions covering the overnight periods Monday to Friday, i.e. end of normal hours on Monday to start of normal hours on Tuesday is one session.

   b. Four sessions covering the whole period from the end of the Friday overnight session to start of normal hours on Monday, i.e. two sessions each for Saturday and Sunday.

   c. Public holidays to be treated in the same way as Sundays.

776. The precise composition of the rota shall be determined locally according to local arrangements for the resolution of such matters between management and recognised staff organisations coming within the scope of Section 38 of the General Council Handbook.
777. Officers participating in an on-call or standby duty rota who are called out to the hospital or department to perform urgent work shall be entitled to a work done payment of a flat rate (Table 6, A2) per call which lasts up to 2 hours, where the duration of the call exceeds 2 hours pro rata rates shall apply, i.e. one eighth of this sum for each completed quarter of an hour.

778. The period of call out shall include travel time and start from the initial telephone call.

779. Officers called out shall have the option of taking time off in lieu instead of receiving payment.

780. The General Whitley Council agreements relating to payment of travel expenses shall apply.

[781-799 unallocated].
AMBULANCE OFFICERS JOINT NEGOTIATING COMMITTEE
AMBULANCE OFFICERS

UNSOCIAL HOURS WORKING

48. Officers in the Ambulance Officer and Assistant Senior Ambulance Officer ranks required to work between the hours of 8pm to 6am shall be paid an additional 20% of the plain time hourly rate for all hours worked during such periods.

49. Unsocial hours payments shall be payable in respect of any hours worked between the hours of 8pm and 6am falling within the following categories:
   i  work within the standard working week;
   ii overtime working;
   iii rest day or free day working;
   iv public or extra-statutory holiday working;
   v  work done under recall to work provisions;
   vi work performed during a standby period.

STANDBY

50. Ambulance Officers undertake standby duty if they are required to be continuously and immediately available at home.

51. All ambulance officers required to participate in a rota with other ambulance officers (including Chief Ambulance Officers) to provide out of normal hours cover shall qualify for payment of standby duty allowances.

52. An allowance of £6.86 from 1 April 2004 shall be paid for each session of standby duty performed.

53. The definition of a session shall be determined by local management, but the number of sessions in a normal working week shall not exceed nine, with a maximum of two sessions each for Saturday and Sunday. Public holidays shall be treated in the same way as Saturdays and Sundays, i.e. a maximum of two sessions.

54. In a week containing one or more public holidays the number of sessions may exceed nine if local management so determine, providing that not more than two sessions are allowed for any public holiday falling within the week.

55. Any work performed during a standby period, by an officer in the Ambulance Officer or Assistant Ambulance Officer ranks, shall be paid for at overtime rates subject to a minimum payment for all work performed in that period as for 2 hours.
56. The employing authority should ensure that the standby duty required of an employee is kept within reasonable limits.

57. Employing authorities are authorised to pay for the cost of installation and rental of telephones for staff on standby and the cost of outgoing calls made on official business if it is essential for the efficiency of the service and the telephone is the only practicable method of communication.

GENERAL NOTE TO SECTION 5

58. The rates for ambulance officers on which overtime and unsocial hours working payments shall be calculated, where appropriate, are the national salary rates set out in Section 2 of the Handbook unless otherwise indicated.

CONTROL ASSISTANTS

WEEKEND WORKING

61. Where control assistants are required to work on a Saturday they shall be paid at the rate of one and a half plain time rates for all hours worked as part of the standard working week. Where control assistants are required to work on a Sunday they shall be paid at the rate of double plain time for all hours worked as part of the standard working week.

62. For the purposes of these provisions, salaries shall include payments made to extended trained staff under paragraph 13 – national payscales for paramedic allowances and the London allowance payable under paragraph 136 (London Allowances) but shall exclude London allowances payable under paragraphs 137-138 – Extra Territorially Managed (ETM) units.

SHIFT WORKING

63. Control assistants shall be paid shift allowances as follows:

63.1 Rotary Shift Allowance

Where a control assistant is required either alone or with other employees to work in turn on shifts which cover 24 hours, the Control Assistant shall be regarded as being on rotary shift and be entitled to an additional payment of 36p per hour from 1 April 2004. A control assistant shall not be regarded as being on a rotary shift if employed only on day shifts or night shifts, but if substituting for an employee on rotary shift the Control Assistant shall receive additional payment for the hours so worked.

63.2 Alternating Shift Allowance

Where a Control Assistant is required to work 2 shifts, one of which finishes earlier than 7pm and the second of which finishes at or after 7pm the Control Assistant shall be regarded as being on alternating shifts and shall be entitled
to payment at the rate of 24p per hour from 1 April 2004. The period of assessment shall be:

Where there is a regular rota cycle – the whole period of the cycle,

Where there is no regular cycle – each period of four weeks.

64. In each period of assessment as defined in paragraph 63.2 and provided that the shifts worked changes either daily or at longer intervals not exceeding four weeks a Control Assistant shall qualify for the additional payment of 24p per hour for the number of eligible shifts.

65. If, however, in any assessment period the number of eligible shifts finishing at or after 7pm represents not less than one-third of the total shifts worked payment of alternating shift allowance shall be made for all the shifts in the period including any split duty shifts.

**NIGHT DUTY ALLOWANCE**

75. For control assistants a night duty allowance shall be paid at the rate of one-third plain time for all hours worked between 10 pm and 6 am provided that payment is made for a whole shift worked between 8 pm and 6 am. The allowance is not payable to control assistants who receive shift allowances or overtime payments for duty during the hours in question.

**GENERAL NOTE TO SECTION 6**

79. The rates for control assistants on which overtime and other premium payments shall be calculated, where appropriate, are the national salary rates set out at Section 2 of the Handbook unless otherwise indicated.
ANCILLARY STAFFS COUNCIL

167. Rotary Shift Allowance

(a) Where an employee is required to work in turn on shifts which cover 24 hours a day he/she will be regarded as on a rotary shift and be entitled to a payment of an additional 10 points on the pay spine (Under the interim regime in Agenda for Change this will be £915 – see paragraph 2.6 in Section 2 of the NHS Terms and Conditions of Service Handbook).

(b) An employee shall not be regarded as on rotary shift if he/she is employed only on day shifts or on night shifts, but if he/she is substituting for an employee on rotary shift he/she shall receive the additional payment for the hours so worked.

168. Alternating Shift Allowance

(a) Where an employee is required to work two shifts within the standard working week, one of which finishes earlier than 7 pm and the second of which (not being a split shift qualifying for split duty payment) finishes at or after 7 pm he/she shall be regarded as on alternating shifts and shall be entitled to a payment of an additional 6 points on the pay spine (Under the interim regime in Agenda for Change this will be £535 – see paragraph 2.6 in Section 2 of the NHS Terms and Conditions of Service Handbook).

(b) The period of assessment shall be:

   (i) where there is a regular rota cycle: the whole period of the cycle.

   (ii) where there is no regular cycle: each period of 4 weeks.

(c) In each period of assessment as defined above and provided the shifts worked change either daily or at longer intervals not exceeding 4 weeks, an employee shall qualify for the additional payment as in (a) above for the number of eligible shifts.

(d) If, however, in any assessment period the number of eligible shifts finishing at or after 7 pm represents not less than one-third of the total shifts worked, payment of alternating shift allowance shall be made for all the shifts in the period, including any split duty shifts.

169. Night Duty Allowance

(a) For all hours worked between 10 pm and 6 am a night duty allowance shall be paid at the rate of one-third plain time provided that payment shall be made for a whole shift worked between 8 pm and 8 am.

   To be calculated on a basic pay spine point (i.e. entry intermediate or grade rate point plus any points awarded in respect of qualification allowance).

(b) The allowance is payable:-
(i) during those hours the staff concerned are also eligible for and receive payment for weekend work within the standard working week.

(ii) during those hours where the staff concerned are also eligible for and receive payment for standard hours worked on Bank Holidays.

(c) The allowance is not payable to:-

(i) shift workers who receive shift allowances.

(ii) any employee who receives overtime payments for duty during the hours in question.

(d) The practice of working continuous or regular night duty is deprecated.

173. Unsocial Hours

(a) All staff (except rotary and alternating shift workers and those in receipt of night duty allowance) who work between the hours of 8 pm and 6 am Monday to Friday within the standard working week shall be paid an addition of one-fifth plain time for all such hours worked.

(b) All staff (except rotary and alternating shift workers) who work hours outside the standard working week between the hours of 8 pm to 6 am on any day shall be paid in accordance with the provision of paragraph 164 of this Part (see below) plus one-fifth plain time for all such hours worked.

To be calculated on a basic pay spine point (i.e. entry, intermediate or grade rate point plus any points awarded for qualification allowance).

**Paragraph 164**

**Payment for Overtime**

164.3 Subject to paragraph 104.4 below overtime shall be paid for as follows:

- Monday to Saturday inclusive: Plain time plus one half
- Sunday: Double plain time

164.4 Where overtime is worked at a time which is more than 3 hours before the normal commencing time of the next normal day shift, the rate payable for all hours worked after midnight and up to the normal commencing time of the next normal day shift shall be double plain time. (“Next normal day shift” means in the case of an alternating shift worker the earlier of the two shifts and in the case of a rotary shift worker the morning shift, i.e., the one commencing at 6 am or 7 am or thereabouts).
164.5 Shift allowances rank in the calculation of overtime payments as if they were part of basic pay.
107. Shift Allowances

107.1 Rotary Shift Allowance

107.1.1 Where an employee is required to work in turn on shifts which
cover 24 hours a day he shall be regarded as on a rotary shift
and be entitled to an additional payment of 53 pence per hour.

107.1.2 An employee shall not be regarded as on rotary shift if he is
employed only on day shifts or on nights shifts, but if he is
substituting for an employee on rotary shift he shall receive the
additional payment for the hours so worked.

107.2 Alternative Shift Allowance

107.2.1 Where an employee is required to work two shifts within the
standard working week, one of which finishes earlier than 7pm
and the second of which (not being a split shift qualifying for split
duty payment) finishes at or after 7pm he shall be regarded as
shifts and shall be entitled to an additional payment at the rate
of 32 pence per hour.

107.2.2 The period of assessment shall be:

i. where there is a regular rota cycle: the whole period of
the cycle;

ii. where there is no regular cycle: each period of 4 weeks.

107.2.3 In each period of assessment as defined above and provided
the shifts worked change either daily or at longer intervals not
exceeding 4 weeks, an employee shall qualify for the additional
payment for the number of eligible shifts.

108. Night Duty Allowance

108.1 For all hours worked between 10 pm and 6 am a night duty allowance shall be
paid at the rate of one-third plain time provided that payment shall be made
for a whole shift worked between 8 pm and 8 am.

108.2 The allowance IS payable:-

i. during those hours the staff concerned are also eligible for and
receive payment for weekend work within the standard working
week;
ii. during those hours where the staff concerned are also eligible for and receive payment for standard hours worked on Bank Holidays.

The allowance is NOT payable to :-

iii. shift workers who receive shift allowances.

iv. any employee who receives overtime payments for duty during the hours in question.

108.3 The practice of working continuous or regular night duty is deprecated.

113. UNSOCIAL HOURS

113.1 All Staff (except rotary and alternating shift workers and those in receipt of night duty allowance) who work between the hours of 8 pm to 6 am Monday to Friday within the standard working week shall be paid an addition of one fifth plain time for all such hours worked.

113.2 All staff (except rotary and alternating shift workers) who work hours outside the standard working week between the hours of 8 pm and 6 am on any day shall be paid in accordance with the provision of paragraph 104 plus one fifth plain time for all such hours worked.

**Paragraph 104**

Payment for Overtime

104.3 Subject to paragraph 104.4 below overtime shall be paid for as follows:

- **Monday to Saturday inclusive:** Plain time plus one half
- **Sunday:** Double plain time

104.4 Where overtime is worked at a time which is more than 3 hours before the normal commencing time of the next normal day shift, the rate payable for all hours worked after midnight and up to the normal commencing time of the next normal day shift shall be double plain time. (“Next normal day shift” means in the case of an alternating shift worker the earlier of the two shifts and in the case of a rotary shift worker the morning shift, i.e., the one commencing at 6 am or 7 am or thereabouts).

104.5 Supervisory shift allowances rank in the calculation of overtime payments as if they were part of basic pay. No other additional payments may be so enhanced.
PAYMENT FOR UNSOCIAL HOURS OF WORK

If a clinical scientist is required to be available outside normal working hours in order to provide a scientific service, the employing authority may make appropriate arrangements to provide staffing for that service including a payment or time off in lieu to the staff concerned.
LOCAL OUT OF HOURS ARRANGEMENTS

Hours of work for whole-time healthcare chaplains and whole-time healthcare chaplains' assistants are unspecified and are for local arrangement. Additionally chaplains provide emergency cover for each other during chaplains' absence from duty. It is recognised that this commitment may in some cases be judged onerous.

This enabling agreement is introduced for use by employers where whole-time healthcare chaplains or assistants are required to provide a service out of hours that is of a frequency and intensity that reasonably justifies separate recognition - to be determined locally. Such an arrangement may cover services such as on-call cover.

The employer may make appropriate arrangements to provide staffing for the service including a payment or time off in lieu to the staff concerned.
NHS HEALTHCARE PHARMACISTS

UNSOCIAL HOURS PAYMENTS
Appendix F to Advance Letter AL(PH)2/91

Where a Pharmacist (or pre-registration student working under the supervision of a pharmacist) is required to provide a pharmaceutical service outside normal working hours, the employing authority may make appropriate arrangements to provide staffing for that service. The form of recompense, including payment or time off in lieu, shall be agreed by the employing authority and the individual concerned, with the involvement of local staff representatives if requested by the staff or by management.

EMERGENCY DUTY COMMITMENT ALLOWANCE
Advance Letter (PH) 1/2004

The nationally agreed minimum rate of Emergency Duty Commitment Allowance (effective from 1 April 2004) for healthcare pharmacists who commit to working in emergencies is:-

£2,448 per annum

This allowance will be superannuable. It will be paid pro-rata to part-time staff where appropriate, depending on the proportion of emergency duty undertaken.
EMERGENCY DUTIES

General provisions

4400 The definitions and general provisions set out in paragraphs 4402 - 4422 apply to all grades except where otherwise stated.

4401 Alternative arrangements for organising and remunerating emergency duties may be introduced for Medical Laboratory Scientific Officers. Medical Laboratory Assistants and Cytology Screeners, subject to local agreement. Supplementary provisions which are additional to and to do not replace the provisions set out below are contained in Appendix D.

Division of the week

4402 A week shall be divided into 9 periods of duty, of which weekends (including nights) count as 4 periods. One additional duty period is added for each statutory or public holiday falling within the week.

Time off in lieu of statutory or public holidays

4403 An officer required to stand-by, or with a specific roster commitment to work, on a statutory or public holiday during the time when on a normal day the department or blood transfusion centre would have been open, shall be granted a day off in lieu in addition to the appropriate payment.

Definition of stand-by duty

4404 Officers undertake stand-by duty if they are not normally resident but are on duty to undertake emergency work at a time when the department or blood transfusion centre is normally closed.

Definition of on-call duty

4405 Officers undertake on-call duty if they have a specific roster commitment to be continuously and immediately available at home (or, where notice has been given, elsewhere within reach of the department or blood transfusion centre).

Definition of a call (except for MLSOs)

4406 A call has occurred if an officer attends a hospital or other place of work outside normal working hours in response to a request to perform urgent work. All urgent work arising during the call should be regarded as part of the call. Once an officer has completed the work for which they were called in and any other work which may have arisen, and has left the department
concerned, any fresh request for their services shall be regarded as a separate call.

**Travelling time**

4407 If an officer is called from home 15 minutes travelling time shall be counted towards the first two hours of emergency duty.

**Salary**

4408 Salary for the purpose of calculating emergency duty payment shall exclude acting allowances, overtime, local pay supplements and London allowances.

4409 Unallocated

**Rates of payment**

Estate Officer, Medical Technical Officer and Assistant Technical Officer (all grades)

4410 Stand-by duty: as shown in Appendix B.

4411 On-call duty: as shown in Appendix B.

4412 Payment for work done as the result of an emergency call:

4412.1 an officer shall be paid for the first two hours or part thereof of each call:

   a. on weekdays or Saturdays, a sum equivalent to two hours salary calculated at the officer's personal pay point, plus 50 percent; or

   b. on Sundays or statutory or public holidays, a sum equivalent to twice two hours' salary

4412.2 thereafter payment shall be made at one eighth of the appropriate sum for each completed quarter hour in the department.

4413 - 4419 unallocated

Medical Laboratory Scientific Officer (except Trainees); alternative supplementary provisions are at Appendix D

4420 Stand-by duty: as shown in Appendix B.

4421 On-call duty: as shown in Appendix B.

4422 Payment for calls to the laboratory:
4422.1 Medical Laboratory Scientific Officers called to the laboratory shall receive a payment as shown in Appendix B for each call whether or not they have a specific roster commitment to stand-by or to be on-call.

4422.2 Officers shall be deemed to be called to the laboratory if they attend there outside normal working hours in response to a request to make an urgent investigation. All urgent investigations arising during the call shall be regarded as part of the call, except that a further call shall be deemed to arise after the expiration of each successive period of two hours' work. Once the officer has completed the original investigation (and any other which may have arisen) and has left the laboratory, any fresh request for their services shall be regarded as a separate call. On each occasion that an officer is called from home 15 minutes travelling time shall be counted towards the first two hours of the call.

APPENDIX B
EMERGENCY DUTY PAYMENTS
WITH EFFECT FROM 1 APRIL 2004

<table>
<thead>
<tr>
<th>GRADES ELIGIBLE</th>
<th>RATES OF PAYMENT (£)</th>
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<tbody>
<tr>
<td></td>
<td>STAND-BY</td>
</tr>
<tr>
<td>Under Paragraphs 4410 – 4412</td>
<td>12.82</td>
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<tr>
<td>Estate Officer Medical Technical Officer Assistant Technical Officer</td>
<td>12.82</td>
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<tr>
<td>Under Paragraphs 4420 – 4422</td>
<td>13.22</td>
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Appendix D provides that where conditioned hours are worked (for example as part of a rota system or staggered working day) outside the locally agreed normal working day, including any flexible hours arrangements, an allowance, pay enhancement or other reward may be agreed locally.