

Agenda for change

Terms and Conditions of employment

Under the current system terms and conditions are set mainly by different national “Whitley agreements” or by local Trust contracts. This means that staff have different terms and conditions depending on which staff group they are in. That is why some NHS staff have more annual leave than others and some work longer hours than others. The Agenda for Change proposals harmonise terms and conditions and place all staff on the same terms conditions – and improve them for the majority of staff.

Annual Leave

New annual leave rates for all staff would be:

Length of service	Annual leave + General Public Holidays
On appointment	27 days + 8 days (+10 in N.I.)
After 5 years service	29 days + 8 days (+10 in N.I.)
After 10 years service	33 days + 8 days (+10 in N.I.)

These leave entitlements include the two additional days previously designated as either statutory days or annual leave.

Local arrangements to add days onto annual leave in place of extra statutory days would no longer apply as they have been consolidated into the new entitlement but where there are local arrangements on this, they may continue by local agreement.

If you are required to work on a general public holiday you would be entitled to equivalent time to be taken off in lieu at plain time rates in addition to the appropriate payment for the time worked. If you are working overtime or on-call on a public holiday you would be entitled to time off in lieu and double time for the duties undertaken.

The new proposals represent significant increases for many staff. However in those cases where staff currently have better annual leave, they would be protected at that level for 5 years.

Part time staff and staff on shifts other than 7.5 hours in length (excluding meal breaks) would have annual leave calculated on an hourly basis, to ensure parity.

Hours of Work

Currently “full time” hours vary from between 33–42 hours a week for different groups of NHS workers.

Under the new proposals all staff would move to a 37.5 hour week (excluding meal breaks) – although this would be phased in over a number of years (see tables below). Many workers already have their hours averaged out over a longer period and this can continue as long as the arrangements comply with legislation such as the Working Time Regulations. Obviously any changes to the working week (for example a reduction from 39 to 37.5 hours per week) will change the

hourly rate on which for example any overtime payments are based.

Assimilation to new working hours for those currently working more than 37.5 hours (excluding overtime) – how staff will move from their current hours to the proposed ones.

Staff currently working more than 37.5 hours a week would have immediate reductions in the working week with further reductions over two years. During this time staff may be required to work up to their old contracted hours but such hours would be counted as overtime. So for example if you currently work 39 hours: on implementation you will be required to work 37.5 hours per week.

However, if you are still on your old shift patterns you may be required to work up to your old contracted hours (39), with overtime payable for hours in excess of 37.5, at the appropriate overtime rate.

Current standard hours	New standard hours
Up to 39	37.5 from the date of implementation
More than 39 and up to 41	39 from the date of implementation 37.5 after 12 months
More than 41	40.5 from the date of implementation 39 after 12 months 37.5 after 24 months

Assimilation to new working hours for those currently working full time on less than 37.5 hours – how those staff will move from their current hours to the proposed ones.

Staff (excluding part-time staff) currently working less than 37.5 hours, excluding meal breaks, would have a protected phased in period over a number of years. These protection arrangements will continue to apply where staff move to a post with the same hours under the old pay system during the protection period.

Current full-time standard hours	New Standard Hours
37 hours	Three years on 37 hours
36.5 hours	Three years on 36.5 hours One year on 37 hours
36 hours	Three years on 36 hours Two years on 37 hours
35 hours	Four years on 35 hours Two years on 36 hours One year on 37 hours

Part time staff can choose to remain on their current hours or move to new equivalent pro-rata hours.

Overtime Payments

All staff in pay bands 1-7 would be eligible for overtime payments. This would be at a single harmonised rate of time-and-a-half

for all overtime, except on general public holidays, which will be paid at double time. Overtime payments would be based on the basic hourly rate, including any long term Recruitment and Retention Premia.

You may request to take time off in lieu (TOIL) instead of overtime payments. However if, for operational reasons, you are unable to take time off in lieu within three months overtime will be paid. TOIL will be at plain time rates.

Changes to your working week (for example a reduction from 39 to 37.5 hours per week) would change the hourly rate on which your overtime payments are based.

Part time employees will receive payments for the additional hours at plain time rates until their hours exceed standard hours of 37.5 hours a week.

Unsocial hours – see briefing no. 3

On-Call and other extended service cover

There are new proposals for payments for those required to provide on-call cover, outside of normal working hours. Payment will be based on the proportion of on-call periods over a full rota (or a thirteen week period when no standard pattern is applicable) when on-call cover is required.

The on call period in each week should be divided into 9 periods of at least 12 hours. These would be defined so to cover five week day nights, two weekend

nights and two weekend days. Over the weekend you could have four 12 hour periods. During the week the on call period could be up to 16 hours long.

The enhancement for an individual staff member will be based on the proportion of these periods in which they are required to be on call, as set out below.

Frequency of On-Call Value of Enhancement as Percentage of Basic Pay	
1 in 3 or more frequent	9.5%
1 in 6 or more but less than 1 in 3	4.5%
1 in 9 or more but less than 1 in 6	3.0%
Between 1 in 12 or more but less than 1 in 9	2%
Less frequent than 1 in 12 By local agreement. Maximum of	2%

So for example if you were on-call for Tuesday, Wednesday, and Thursday every week, you would be on-call for three on-call periods out of nine, or one-in-three. Therefore you would receive a 9.5% supplement in addition to your basic salary.

If you are called into work during a period of on-call, you would receive payment for the period you are required to attend (plus travel time) unless you chose to take time off in lieu (TOIL) at plain time rates instead. However if, for operational reasons, you were unable to take the TOIL within three months then you would automatically get overtime pay. Overtime (including travel time) would be paid at

time and a half, except for general public holidays which would be at double time.

By agreement between employers and staff, local arrangements could allow payment for hours worked during a given period of on-call being subject to a fixed minimum level, in place of separately recognising travel time.

Unforeseen changes to working patterns

If you are asked to change your shift (not overtime or voluntary swap with colleague) within 24 hours of the new shift beginning you would be entitled to an unforeseen change payment of £15.

Sick Leave

Sick leave entitlements would be harmonised as follows:

Length of service entitlement	Sick leave
First year of service	One month's full pay (after completing four months service) and two months half pay
Second year of service	Two months full pay and two months half pay
Third year of service	Four months full pay and four months half pay
Fourth and fifth year of service	Five months full pay and five months half pay
After five years	Six months full pay and six months half pay

The definition of full pay will include regularly paid supplements including Long-term Recruitment and Retention Premia, Unsocial Hours payments and High Cost Area payments.

Full pay would include statutory benefits, although the combined addition of statutory sick pay to half pay must not exceed full pay.

In some cases to help staff rehabilitate they could return to work on reduced hours or be encouraged to work from home without loss of pay. Such arrangements would need to be consistent with statutory sick pay rules.

Sickness on a statutory holiday would not result in another day off.

Other Terms and Conditions

Maternity and paternity provisions, redundancy provisions and pensions will continue to be negotiated nationally. UNISON is currently pressing the Department of Health hard to improve maternity and paternity provisions.

Existing mileage and subsistence would apply to all NHS organisations, although Foundation Trusts could adopt alternative arrangements.

As now employers have discretion to take into account previous work with other employers when setting conditions.