

Unsocial Hours Update

This is a briefing note on national discussions around developing a new unsocial hours structure to replace the Agenda for Change interim scheme.

Since January, a sub group of the NHS Staff Council has been meeting regularly to move this work forward.

The first work that was carried out was for the sub-group to meet with a number of staff side and management AfC Leads from a cross-section of Early Implementer (EI) Trusts. The purpose of these meetings was to hear of their experiences of using the 'prototype' AfC unsocial hours system and to establish what had happened since EI Trusts they were given the option of staying with the 'prototype' or reverting to 'whitley' unsocial hours.

In parallel with this process, the Staff Side set up a wider reference group of lay members and full time officers to help develop this work. The Reference Group met with Staff Side leads from seven of the Early Implementers.

The main lessons to emerge from this process were that:

- the 'prototype' worked well where working patterns were entirely predictable.
- The majority of staff, in particular nurses, earned more from the 'prototype' than from 'whitley' unsocial hours.
- However, a significant minority, in particular ancillaries, required protection. Overall, the 'prototype' costs Trusts more.
- Early Implementers had responded in a variety of ways to de-coupling – some staying entirely with the 'prototype', some reverting mainly to 'whitley', whilst others adopted a mixture, eg 'prototype' for nurses, whitley for ancillaries.
- The 'prototype' did not provide sufficient incentives for staff to agree shift changes or for working at 'unpopular' times eg Christmas, New Year, Easter. Some Trusts had agreed additional payments.

The second stage of the work of the sub group involved examining the unsocial hours options for testing and the processes of testing.

The management side and the staff side reference group both came up with options for testing.

These are currently might be summarised as follows:

1. Apply Nurse & Midwives (whitley) system to all.
Apply variations to this system that would enhance payments to Bands 1-3,

eg tapering or flat rate payments.

2. Apply Ancillary (whitley) system to all
3. Apply AfC 'prototype' with additional payments or narrower bands
4. Differential system – paying a fixed % to staff on predictable patterns and a retrospective payment to others.

All of these options would be 'bench' tested against typical patterns of working to get a picture of the potential impacts/outcomes under a number of headings:

- Earnings/cost
- Protection
- Equal pay
- Working patterns
- Benefits realisation
- Part-timers

Some of these options may then be piloted in Trusts that have 'volunteered' to run them. However, it is becoming clear that in practical terms piloting could not start until October. To get any meaningful information back, the pilots would need to run until at least the end of the year or perhaps longer.

This scenario would mean that it would be virtually impossible to reach an agreement in time for implementation by the target date of 1st April 2006

A decision will be taken on the target date by the Staff Council when all of the 'bench testing is complete and analysed. It may be that both sides feel there is sufficient information available to commence negotiations. In this case it may be possible to complete negotiations by the end of December, to ballot in January and if agreed, commence the new unsocial hours scheme on the target date.

However, if more work is required or a decision is taken to go ahead with pilots, then it would be necessary to agree a new timetable and new target dates.

UNISON has already considered this scenario. In the absence of an agreed alternative, the interim unsocial hours scheme would continue to apply.

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