



# Human Resources

Directorate

30 August 2013

## **Unsocial hours allowance payments during periods of sickness absence National Agreement**

Employers and trade unions have been working together to ensure that the NHS terms and conditions of service handbook is kept under review to ensure that it remains supportive of quality patient care and maximises job security for staff.

In February the NHS Staff Council agreed a number of changes to the handbook which covers staff on Agenda for Change contracts in England, with effect from 31st March 2013. These changes will ensure the handbook remains sustainable for the future, fit for purpose, fair to staff and continue to be used by NHS organisations.

One of the changes agreed states:

*Pay during sickness absence will be paid at basic salary levels and will not include any allowance or payments linked to working patterns or additional work commitments eg unsocial hours payments.*

There were two exclusions to this agreement, namely it would not apply to staff who are paid on spine points 1-8 of Agenda for Change, or to those whose absence is due to work-related injury or disease in the actual discharge of their duties.

This agreement is covered in Annex 14 (a) (England) the section of Agenda for Change which details the provision of unsocial payments to compensate for out of hours working.

The NHS Staff Council negotiated agreement applies to all employees covered by the Agenda for Change handbook, including the ambulance sector.

The ambulance sector unions have stated they do not support the national agreement that impacts on unsocial hours payments believing that it does not cover those ambulance sector staff receiving unsocial hours payments under Annex E (the prospective unsocial payment system).

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The position of all ambulance services is that this agreement does apply to the ambulance sector and that the only matter for consideration is now 'how' it is introduced into our pay system and not 'if'. Annex E sets out the administrative arrangements concerning the methodology of paying approved allowances, not the principle of which allowances staff are entitled, which is contained in revised Section 14 of the Agenda for Change handbook.

Unions have been balloting staff regarding the acceptance of the national agreement and the methodology under Annex E. The results of this ballot are that unions have rejected the proposed methodology.

Ambulance services nationally now believe that Section 14 now takes precedent as these changes were nationally agreed in partnership, and Annex E did not form part of any exceptions agreed by the Staff Council. The revised Section 14 replaces previous versions and enables all NHS trusts to have an agreed payment arrangement for sickness absence.

All ambulance services will be proceeding with the implementation of the national agreement with effect from 1 September 2013 as previously discussed with the Staff Council trade unions. This means that unsocial hours payments received under Annex E will not be paid during periods of sickness absence that fall during the unsocial hours period, subject to the eligibility set out above. Where necessary, the resource centre will provide details of the number of unsocial hours lost each month to enable these deductions to be made in the following month's pay. This means that no deductions will be made before October salary payments.

HR and trade union representatives will be able to provide any further information that you need. Additional information can be found on *the pulse* in the form of a question and answer document and a supporting table giving the hourly rate of unsocial hours payments for each pay point.



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