

**The Scottish Government**

Directorate for Health Workforce and Performance  
Pay and Terms and Conditions of Service Division



Dear Colleague

**PAY PROTECTION FOR AGENDA FOR CHANGE  
STAFF WHO UNDERTAKE ON-CALL DUTIES**

**Summary**

1. This circular sets out the approach which Boards should adopt to the application of pay protection under PCS(AFC)2012/4 for staff who are in receipt of organisational change protection and who subsequently require protection as a result of the new national on-call system which was introduced on 1 October 2012.

2. This is likely to be an infrequent scenario but care must be taken to ensure that no staff member suffers a loss of earnings as a result of the introduction of the new on-call system. This agreement has been reached in partnership through the Scottish Terms and Conditions Committee (STAC).

**Background**

3. NHSScotland Circular PCS(AFC)2012/4 sets out the new on-call arrangements to be put in place for Agenda for Change staff from 1 October 2012. The circular says that no staff member should be worse off as a result of the implementation of these arrangements. However, if paragraph 46.27 of the Agenda for Change Handbook is applied, it is possible that some staff on organisational change protection could see a reduction in their salaries.

4. This could arise if a member of staff is on organisational change protection with target earnings which are not inclusive of on-call earnings or where on-call work currently provides earnings which, on occasion, exceed target earnings.

5. In order to resolve this conflict, the Scottish Terms and Conditions Committee have decided that, **for purposes of implementation of the national on-call agreement only**, any existing protection in place should

18 September 2013

**Addressees**

For action

Chief Executives,  
Directors of Finance,  
Directors of Human Resources:  
NHS Boards and Special Health  
Boards, NHS National Services  
Scotland (Common Services  
Agency) and Healthcare  
Improvement Scotland

For information

Members, Scottish Partnership  
Forum  
Members, Scottish Terms and  
Conditions Committee  
Members, Scottish Workforce and  
Governance Committee

**Enquiries to:**

Colin Cowie  
Scottish Government Health  
Directorates  
Health Workforce  
Ground Floor Rear  
St Andrew's House  
EDINBURGH EH1 3DG

Tel: 0131-244 3778  
Fax: 0131-244 2837

E-mail:  
Colin.cowie@scotland.gsi.gov.uk

be ring fenced and protection required as a result of the national on-call system should be paid in addition to any existing protection, and on a mark-time basis in line with the on-call agreement. The Annex to this circular sets this out in more detail.

### **Action**

6. NHS Boards and Special Health Boards should ensure that their on-call protection arrangements are in line with this circular.

### **Cabinet Secretary Approval**

7. The provisions of this circular have been approved by Scottish Ministers under Regulation 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (SI 1991 No 537). A copy of the formal approval is attached.

### **Enquiries**

8. Employees should direct their personal enquiries to their employing NHS Board or Special Health Board.

9. Employers should make their own arrangements for obtaining additional copies of this circular, which can be viewed at:

[www.sehd.scot.nhs.uk](http://www.sehd.scot.nhs.uk)

Yours sincerely

**SHIRLEY ROGERS**

Deputy Director

Directorate for Health Workforce and Performance

**The Scottish Government**

Directorate for Health Workforce and Performance  
Pay and Terms and Conditions of Service Division



**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 18 September 2013 – PCS(AFC)2013/6 – in respect of on-call pay protection arrangements are hereby approved for the purposes of the said Regulations.

**SHIRLEY ROGERS**

Deputy Director  
Directorate for Health Workforce  
and Performance  
Scottish Government  
St Andrew's House  
EDINBURGH  
EH1 3DG  
18 September 2013

## **AGREEMENT REACHED AT STAC IN RELATION TO THE APPLICATION OF PCS(AFC)2012/4 AND PARAGRAPH 46.27 OF THE AGENDA FOR CHANGE HANDBOOK**

The national agreement on on-call remuneration set out in PCS(AFC)2012/4 provides for mark time protection for any staff member who will be worse off under the new arrangements. This is in line with the methodology specified in the Agenda for Change Handbook, as enhanced in Scotland by the agreement to extend this for as long as it is required.

However, paragraph 46.27 of the Agenda for Change Handbook reads as follows:

*"Staff with pay protection arising from changes unrelated to this agreement (i.e. the AfC pay system), who are also eligible for protection under this agreement may, at the time of assimilation, elect either to continue with their existing protection agreement or move to this protection agreement. When the agreement concerned expires they will move onto the normal terms and conditions under this agreement."*

Application of this paragraph could result in staff who are on organisational change protection being worse off when their previous on-call arrangements are removed.

Such a situation is likely to be an infrequent occurrence but could arise if a member of staff is on organisational change protection with target earnings which are not inclusive of on-call earnings. There may be other scenarios where this could result, eg where on-call work under the previous system provides earnings which, on occasion, exceed target earnings.

Both sides at STAC have concluded that this is not in the spirit of the protection being offered as part of PCS(AFC)2012/4. They have therefore agreed that, **for purposes of implementation of the national on-call agreement only**, any existing protection in place should be ring fenced and protection required as a result of the national on-call system should be paid in addition to any existing protection, and on a mark-time basis in line with the on-call agreement.