



SCOTTISH EXECUTIVE

Health Department
Workforce Directorate

Dear Colleague

LONG SHIFTS WORKED DURING PUBLIC HOLIDAYS

Summary

1. Under paragraph 13.4 of the Agenda for Change handbook, staff required to work or to be on call on a public holiday are entitled to time off in lieu in addition to the appropriate rates of pay for the duties undertaken.

2. After extensive discussions under the aegis of the Scottish Terms and Conditions Committee (STAC), it has been agreed in partnership that staff who *volunteer* to work in excess of 60 hours (pro rata for part time staff) on designated public holidays will receive premium rates of pay for those hours, but not additional time off in lieu (TOIL). Where the exigencies of the service *require* an individual to work in excess of 60 hours on designated public holidays, they will receive premium rates for those hours worked and the additional TOIL.

3. It has also been agreed that 5 years protection, with effect from 1 October 2004, will be applied to staff whose previous public holiday arrangements gave them an allowance that exceeds the new arrangements, providing this was determined as part of a formal agreement (see guidance below). The protection will be determined by calculating the aggregated annual leave and public holiday entitlement before and after the implementation of Agenda for Change.

Guidance for local agreements

4. As outlined above, STAC have agreed in partnership that staff whose previous public holiday entitlement gave them an allowance greater than the new arrangements under Agenda for Change should receive 5 years protection with effect from 1 October 2004.

19 July 2006

Addresses

For action

Chairs, NHS Boards and Special Health Boards
Chief Executives, NHS Boards and Special Health Boards
Directors of Human Resources, NHS Boards and Special Health Boards.

For information

Members, Scottish Terms and Conditions Committee
Members, Scottish Partnership Forum
Members, Scottish Workforce and Governance Group
Members, Scottish Pay Reference and Implementation Group

Enquiries to:

John Provan
Workforce Directorate: Pay and Pensions
GF Rear
St Andrew's House
EDINBURGH EH1 3DG

Tel: 0131-244 4192
Fax: 0131-244 2837
e-mail: john.provan@scotland.gsi.gov.uk



5. To qualify for such protection individuals must have formally agreed such arrangements with their employer. STAC acknowledges that it will not always be possible to point to or produce a formal written Collective Agreement, so the following guidance has been jointly agreed to determine such circumstances.

6. STAC are agreed there is, for the purposes of good governance and accountability, the need to demonstrate other suitable documentary evidence. Therefore local health systems must identify and agree a local procedure for formal sign off where a formal Collective Agreement cannot be evidenced. The local procedure for entitlement to protection should include the authorisation of a senior manager and be endorsed by the Staff Governance Committee.

Scottish Ministers' approval

7. Employers should implement this agreement, which has been approved by the Scottish Ministers under regulation 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (S.I. 1991/537). A copy of the formal approval is attached.

Action

8. NHS Boards and Special Health Boards are asked to implement this agreement with effect from the date of this circular.

9. Employers are asked to make their own arrangements for obtaining additional copies of this circular, which can be viewed on www.show.scot.nhs.uk/sehd/publications.asp.

Yours sincerely



ALEX KILLICK

Associate Director for Workforce
Employment and Retention



**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 Executive Health Department letter of 19 July, NHS Circular PCS(AFC)2006/5, in respect of working long shifts on public holidays under the Agenda for Change agreement, are hereby approved for the purposes of the said Regulations.

Elinor Mitchell

ELINOR MITCHELL
Associate Director for Workforce
Planning and Development

Scottish Executive
Health Department
St Andrews House
EDINBURGH
EH1 3DG

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