

On-Call Offer from NHS Employers Scotland: Frequently Asked Questions

Does this offer only apply to On-Call? Does it include Standby?

This offer applies to both types of emergency cover. A member of staff is On Call when, as part of an established arrangement with his/her employer, he/she is available outside his/her normal working hours - either at the workplace, at home or elsewhere - to work as and when required.

If implemented, will this replace the Agenda for Change On Call arrangements in the Terms and Conditions Handbook?

Yes. Paragraphs 2.31 - 2.49 will be deleted and a section will be inserted to reflect the new arrangements.

What are the main features of the new arrangements?

From 1 October 2012 availability payment of £16.50 per session.
From 1 April 2013 availability payment of £17 per session.
From 1 April 2014 availability payment of £18 per session.

Payment for work done, including travel, will be at time and a half, except on public holidays which will be paid at double time.

What is the “Chisholm Agreement”?

In March 2003, a decision was taken by Malcolm Chisholm, who was at that time was the Scottish Minister for Health, to ensure that no Scottish employee would suffer a loss of existing earnings as a result of the implementation of Agenda for Change terms and conditions. This was initially applied to the results of the matching process but was also applied to the implementation of changes to Unsocial Hours Payments, which took effect in 2008. The Staff Side has successfully argued that since the new proposed On Call arrangements form the final part of the implementation of the Agenda for Change terms and conditions then the “Chisholm Agreement” should also apply.

What does ‘mark time’ protection mean?

Your total earnings including On Call will be calculated over a reference period (3 to 12 months?). If your earnings under your old payment regime locally is more than that provided under these new arrangements, then your prior total earnings will be protected. That level or previous level of earnings will continue to be paid on a ‘mark time’ basis (i.e. no increments or cost of living increase payments) until your old earnings are overtaken by the level of earnings achieved under the new arrangements; or until you change jobs or leave the NHS.

The offer gives an implementation date of October. What if Payroll systems haven’t time to implement the new arrangement or calculate protection by then?

The phrase “with no retrospection” means that implementation will not take place before **1 October 2012**. If Board Payroll systems don’t manage to process the new arrangements until sometime later staff will receive any outstanding arrears.

How will UNISON consult the members in Scotland?

The Electoral Reform Society is conducting an all members’ ballot on these proposals. The ballot opens on **27 July** and closes on **17 August 2012**. All the NHS Trade Unions will consider the outcome of their consultations and meet the Scottish Employers on 31 August 2012.

Who will be eligible to vote in the consultative ballot?

All UNISON members in Scotland, whether or not you currently work On Call.

How much scope is there for improving the offer if the consultative ballot results in a 'NO' vote?

It is the collective view of all of the staff side organisations on the negotiating sub group that this is the best we can achieve by negotiation: we have moved the management position significantly since their initial offer. If the offer is rejected, members then have recourse to seek a ballot on industrial action.

UNISON's Scottish Health Committee is recommending **ACCEPTANCE** of the proposals.

Only my basic salary plus stand-by allowance is pensionable. Earnings from Calls are not pensionable. I have been on the On Call rota for several years. Are these earnings not "regular and a continued feature of the job"?

The Scottish Pensions Agency does not accept that On Call earnings and overtime fit that definition.

I am in receipt of protection of earnings (due to organisational change). The proposed new arrangements state that protection will be on a 'mark time basis', but my current organisational change protection provides an uplift each year (when we eventually get a pay rise). Will this new agreement, if accepted, affect my protection or will it continue as it currently stands?

If accepted, the new proposals will have no effect on the current organisational change protection which applies to your pay.

Does AFC para 27.17 provide scope for local agreement on compensatory rest?

Para 27.17 is not there to enable local agreements to be reached which breach or improve upon the WTRegs - it is simply saying that if daily rest periods are regularly breached then there must be local agreement. The reason that the Scottish HDL2003/3 is referenced in the offer is because the WTRegs Framework contained within the HDL gives more detailed information about Compensatory Rest than Section 27.

My query is regarding the 'sleeping in' payments, where staff will be paid 'at appropriate rate for work done in line with On Call'. How will the hours worked be calculated? Will it be only the hours/minutes worked or will it be payment for each undisturbed period (as with the 'Calls' arrangements) or will it be a flat rate for the total hours worked/sleeping in?

The section of the offer which is headed "Sleeping in" does not refer to the stand by arrangements which Radiographers work when they are in the hospital overnight - it refers to staff who work in situations where they are obliged to sleep in their place of work e.g. care homes, residential establishments for children and adolescents who are in care.

When levels of protection are calculated could an average be worked out for the department rather than per individual, so all staff are paid the same?

No. Levels of pay protection are calculated on an individual basis.

How do I find out more?

Speak to your Branch to find out about LOCAL meetings being held in your Health Board area.

PLEASE CAST YOUR VOTE DURING THE BALLOT PERIOD !!!!!!!!!!!!!!!

**Tom Waterson
Chair, SHC**

**Willie Duffy
Secretary, SHC**