**Summary of Agenda for Change provisions relating to Additional Hours and Overtime Working, including times when such work is undertaken during Office Hours and Out of Hours**

It is recognised that NSS staff may be asked by their manager to work additional hours in support of NSS’s COVID-19 response. These would be additional hours in excess of the employees contracted hours and recognised weekly work pattern.

Sections 2 and 3 of the [Agenda For Change Handbook](https://www.msg.scot.nhs.uk/wp-content/uploads/Agenda-for-Change-Handbook-Master-Scottish-Copy-10-March-2020.pdf) make reference to unsocial hours and overtime working.

**Unsocial Hours:**

‘Unsocial hours’ refers to any hours up to 37.5 hours per week that are worked weekdays between 8pm and 8am and at weekends. Section 2 of the Handbook provides details on enhanced payments for unsocial hours working, including those undertaken on a:

* Public Holiday
* At weekends, and
* Week day evenings.

|  |
| --- |
| **Unsocial Hours Payments** (up to 37.5 hours per week) |
| Pay Band | All time on a Saturday (midnight to midnight) and any week day after 8pm and before 6am | All time on a Sunday and Public Holiday (midnight to midnight) |
| 1 | Time plus 50% | Double Time |
| 2 | Time plus 44% | Time plus 88% |
| 3 | Time plus 37% | Time plus 74% |
| 4-9 | Time plus 30% | Time plus 60% |

**Overtime Hours:**

**Overtime hours** refers to all additional hours worked in excess of 37.5 hours per week. Section 3 of the Handbook provides details of enhanced payments for overtime working regardless of what point in the day they are incurred.

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| **Overtime Hours Payments** (greater than 37.5 hours per week) |
| Week Days & Weekends | Time and a half |
| Public Holidays | Double time  |

**Please Note** – For the duration of NSS’s COVID 19 response, overtime hours’ payments will be made to all staff graded under Agenda for Change.

**What Enhanced Rate Will I Receive for Time Worked in Addition to my Normal Contractual Working Hours:**

Based on the assumption that an employee – who normally works ‘office hours’ within Monday to Friday - has been formally requested by management to undertake additional hours (those in addition to their normal weekly contractual hours), the following enhanced rates will apply:

|  |  |  |
| --- | --- | --- |
|  | Part Time | Full Time |
| Asked to work a Public Holiday that falls on a normal working day | Unsocial Hours rate **PLUS** equivalent time off in lieuPlease Note:Based on the number of hours undertaken on this day, should the employee exceed 37.5 hours within the week overtime rates will apply to all hours above 37.5.  | Unsocial Hours rate **PLUS** equivalent time off in lieuPlease Note:Based on the number of hours undertaken on this day, should the employee exceed 37.5 hours within the week overtime rates will apply to all hours above 37.5. |
| Asked to work a Public Holiday that falls on a non-working day and is in addition to the normal contractual hours. | Unsocial Hours rate Please Note:Based on the number of hours undertaken on this day, should the employee exceed 37.5 hours per week overtime rates will apply for all hours incurred above the 37.5 hour threshold. | Overtime rate |
| Asked to work additional hours on a Saturday  | Unsocial Hours rate Please Note:Based on the number of hours undertaken on this day, should the employee exceed 37.5 hours per week overtime rates will apply for all hours incurred above the 37.5 hour threshold | Overtime rate |
| Asked to work additional hours on a Sunday  | Unsocial Hours rate Please Note:Based on the number of hours undertaken on this day, should the employee exceed 37.5 hours per week overtime rates will apply for all hours incurred above the 37.5 hour threshold | Overtime rate |
| Asked to work additional hours on a week day after 8pm and before 6am \*\* | Unsocial Hours rate Please Note:Based on the number of hours undertaken on this day, should the employee exceed 37.5 hours per week overtime rates will apply for all hours incurred above the 37.5 hour threshold | Overtime rate |
| Asked to work additional hours on a week day after 6am and before 8pm  | Plain time rate Please Note:Based on the number of hours undertaken on this day, should the employee exceed 37.5 hours per week overtime rates will apply for all hours incurred above the 37.5 hour threshold | Overtime rate |

\*\* Where a continuous night shift or evening shift on a weekday (other than a public holiday) includes hours outside the period of 8 pm to 6 am, the unsocial hours enhanced rate should apply to the whole shift if more than half of the time falls between 8 pm and 6 am.

Example 1:

Part time member of staff

Band 5

Contracted to work 21 hrs per week

Normal work pattern – Wednesday, Thursday, Friday

The employee is asked by management to work Easter Monday and a few additional hours on the Tuesday

The employee worked 5 hours on Easter Monday (10am to 3pm) and 5 hours on the Tuesday (9am to 2pm) equating to 31 hours in total for the week

Based on the employees banding they would receive an unsocial hours payment at time plus 60% for the 5 hours worked on Easter Monday and 5 hours at ‘plain time’ rate for work undertaken on the Tuesday.

Example 2:

Part time member of staff

Band 5

Contracted to work 21 hrs per week

Normal work pattern – Wednesday, Thursday, Friday

The employee is asked by management to work additional hours on Easter Monday, Tuesday and Wednesday.

The employee worked 7.5 hours on Easter Monday (9am to 5pm) and 7.5 hours on the Tuesday (8am to 4pm) and 2 additional hours (7am to 9am) on Wednesday. This equates to 39.5 hours in total for the week

Based on the employee’s banding they would receive an unsocial hours payment at time plus 60% for the 7.5 hours worked on Easter Monday, 7.5 hours at ‘plain time’ rate for work undertaken on the Tuesday and 2 hours at the ‘overtime’ rate of time and a half for the additional hours worked on Wednesday.

**Updating SSTS:**

Where payment of additional hours is to be made to the employee, it is the responsibility of the Line Manager to update SSTS (with a Payroll Note), providing clear instruction to Payroll on the unsocial or additional/overtime hours to be paid.

**Time Off In Lieu:**

Time off in lieu can be requested as an alternative to payment for overtime hours worked.

Where this is the preferred option, it is the responsibility of employee to ensure that their Crown Flexi record accurately records the overtime hours fulfilled.

Once actioned, in line with Section 3.5 of the Agenda for Change Handbook, this leave must be utilised within 3 months of the time being accrued. Due consideration must therefore be given by the employee and line manager to ensure that this leave is pre-booked as soon as possible.

It is recognised that, under exceptional circumstances, work demands may prevent the employee from taking their time off in lieu, during the 3 month timeframe. Where this is the case, in line with Section 3.5, the employee must now be paid for the overtime hours worked.

In such circumstances, it is the responsibility of the Line Manager to raise a call through Service Now (IT Portal) requesting that the applicable hours be deducted from the employees Flexi credit. Please Note – Unless the overtime hours were incurred on a public holiday the employee is only entitled to time off in lieu **or** payment. One or the other.

Once actioned, it is the responsibility of the Line Manager to update SSTS accordingly, adding a Payroll Note confirming the overtime hours to now be paid to the employee.