

NHS Greater Glasgow and Clyde Group



On-call Allowances and Agenda for Change Sick Pay

This paper sets out the position of NHS Greater Glasgow and Clyde with regard to Laboratory Medicine and the payments of on-call allowances during sick leave.

On-call Allowances

On-call allowances under Whitley normally comprised of an availability payment for being available either at home (i.e. an on-call payment) or at work (i.e. a stand by payment); and a payment for work done (i.e. a call).

Working Practice

On-call staff normally provide a service on a rota basis and in consequence receive an availability payment for each period of the rota (normally 9 periods per week).

When on the rota staff may be required to do work on a planned basis (i.e. 'sessional' work) or on unplanned basis in response to a request (e.g. called in from home) or a combination of both. Staff receive for this a payment for the work done.

Enabling agreements of the former Functional Whitley Councils and the employer freedoms enjoyed by the former Trusts allowed for the development of various payment systems for work done such as sessional payments. These became all the more common with the increasing movement from providing an on-call service at home to a service provided either wholly on site such as sessional working or a combination of on site provision such as extended day/sessional working with an at home provision.

Sickness Absence

Staff that are absent from work owing to illness are entitled under Agenda for Change to the appropriate rate of sick pay calculated on full pay that is defined as including regularly paid supplements, including recruitment and retention premia, payments for work outside normal hours and high cost area supplements.

Sick pay is, therefore, to be calculated on the basis of what the individual would have received had they been at work. The Handbook states that this would be based on the previous three months at work or any other reference period that has been agreed locally. The Handbook also allows local partnerships to use virtual rotas showing

what hours the employee would have worked in the reference period had they been at work.

NHS Staff Council Guidance

Guidance from the NHS Staff Council, published as “FAQs: terms and conditions” on the NHS Employers Web site, states:

“Are on-call allowances and on-call payments included in pay during sickness absence?”

Section 14, paragraph 4

Paragraph 14.4 allows regularly paid supplements to be included in pay during sickness absence. This will include on-call allowances and on-call payments where these are normally paid at regular intervals. An allowance which is paid only occasionally will not count.”

Kerr – Unite Grievance Outcome

The General Manager of Laboratory Medicine confirmed, as a consequence of a grievance hearing, that a member of staff is entitled to receive payments for regularly paid OOH supplements while absent on sick leave, therefore, these will be honoured for ‘**rostered payment**’ as these are sessional. She, however, did not agree that there was any entitlement to any payment for ‘non-rostered variable earnings’.

Mr Kerr received, in the form of sick pay, his basic pay plus all the availability payments he would have received had he been at work, and also the work done payments for the so called ‘sessional’ periods he would have worked had he been at work, but did not receive any payments that he might have been due had he responded to a request while at home to work.

The General Manager’s decision was upheld at both Directorate and Board level appeals. In consequence a number of other staff received payment on the same basis as Mr Kerr while being absent from work owing to illness.

Conclusion

The current position of NHS Greater Glasgow and Clyde, therefore, with regard to Laboratory Medicine and the application of Agenda for Change sick pay is to pay any availability payments along with any planned/sessional payments for work done that the member of staff would have received had they been at work.