

COVID-19 HR Factsheet: Unsocial Hours Working Arrangements and Payments- May 2020

1. Introduction

Our staff continue to respond magnificently to the COVID-19 pandemic and the challenges we are facing as a CCG. We are incredibly grateful for all the hard work, commitment and magnificent efforts our staff have demonstrated on the Covid-19 response. The impact of the COVID-19 outbreak continues to escalate and the response from all staff continues to be exceptional in these difficult circumstances.

The NCL CCG are playing a central role in coordinating and supporting the system-wide response to the Covid-19 outbreak. The level of activity is significantly increasing and it has been critical for the CCG to realign the priorities and duties of CCG teams and staff. Due to the level of demand required across the system, a number of CCG teams and Covid-19 workstreams are moving to a 7-day working pattern. In turn, some employees may be required to consider working/undertaking shifts on weekends and/or public holidays, which will be outside of their normal working patterns and it is only right that those staff that are asked to change their working patterns to support our ongoing COVID-19 priorities that they are remunerated accordingly. In accordance with NHS agenda for change, such working arrangements are classified as working 'Unsocial Hours'.

This factsheet provides all staff with information on managing, recording and payment arrangements associated with the CCG's requirement for staff to work unsocial hours in accordance with [Section 2 of Agenda for Change Handbook](#).

2. Unsocial Hours

Unsocial hours are defined as working arrangements that require NHS staff to work during the following times and days:

- 8pm - 6am weekdays
- Any hours worked on Saturdays and Sundays
- Any hours worked on a public holiday

Where a Line Manager/Director and member of staff have agreed to alter their working pattern to support COVID-19, the unsocial hours payment will apply to the working patterns outlined above. This change in their working pattern should be carried out in accordance with their normal standard hours of 37.5 per week, which may therefore require a day being taken off during the week to compensate for the day worked at the weekend.

For example:

- Bob is a Primary Care Manager, band 8a
- Bob's usual working pattern is Monday-Friday (9am-5.30pm)
- Given the need to work to a 7-day working pattern, Bob has agreed to work 7.5 hours on the following days:

- Monday – 7.5 hours
- Tuesday – 7.5 hours
- Wednesday – 7.5 hours
- Friday – 7.5 hours
- Saturday – 7.5 hours (unsocial hours payment)

Therefore, Bob has worked 37.5 hours per week and his two days off during the week will be Thursday and Sunday.

3. Payment for Unsociable Hours

Section 2 (Maintaining Round the Clock Services) of the NHS Agenda for Change handbook sets out the following pay provisions relating to unsocial hours:

- Unsociable hours payments are calculated using the basic salary.
- Unsociable hours payments are worked out using basic salary and therefore excludes payments regarding high cost area supplements, short term recruitment and retention premiums, and any additional responsibility allowances.

The following table sets out the payment that will be made to staff working unsocial hours:

Unsocial hours payments – 01/04/2020 – 31/03/2021		
Column 1	Column 2	Column 3
Pay band	All time on Saturday (midnight to midnight) and any week day after 8 pm and before 6 am	All time on Sundays and Public Holidays (midnight to midnight)
1	Time plus 47%	Time plus 94%
2	Time plus 41%	Time plus 83%
3	Time plus 35%	Time plus 69%
4 – 9	Time plus 30%	Time plus 60%

Where an employee is required, due to an exceptional management requirement, to work during unsocial hours, discussion will take place between the individual member of staff and line manager to seek their agreement to change their working pattern and days for an agreed period.

4. Public Holidays – Time Off In Lieu

Over Bank Holidays where a CCG member of staff has been asked to work, they will receive the enhanced pay for these hours as outlined in section 3 (above). In addition to receiving the payment for those working hours, staff who have been asked to work on the bank holidays will be able to take the time off at a future date. Staff must agree the date(s) the time off in lieu should be taken with their line manager.

For example:

- Bob is a Primary Care Manager, band 8a
- Bob's usual working pattern is Monday-Friday (9am-5.30pm)
- Given the need to work to a 7-day working pattern, Bob has agreed to work 7.5 hours on Monday 13 April – a public holiday.
- Bob's daily basic rate is £100
- Bob's payment for working on the public holiday will be £160 in accordance with the unsocial hours guidance. The £100 basic daily pay, which will be incorporated into the basic pay as there is no change to the basic daily pay and the £60 (i.e. the 60% enhancement rate) will be paid separately to the basic pay and shown as an enhanced pay on the payslip. Therefore, the additional pay that Bob will receive for working on the bank holiday will be £60.
- Bob will also be entitled to take a day off in lieu at a future date, which he should agree with his line manager.

5. Agreement to work unsocial hours

All staff **must obtain approval and agreement** to work on COVID-19 work activities during a weekend/public holiday prior to undertaking work during these periods.

6. Claiming and Payment Arrangements for Unsocial Hours

All staff must obtain approval and agreement to work on COVID-19 work activities during a weekend/public holiday prior to undertaking work during these periods.

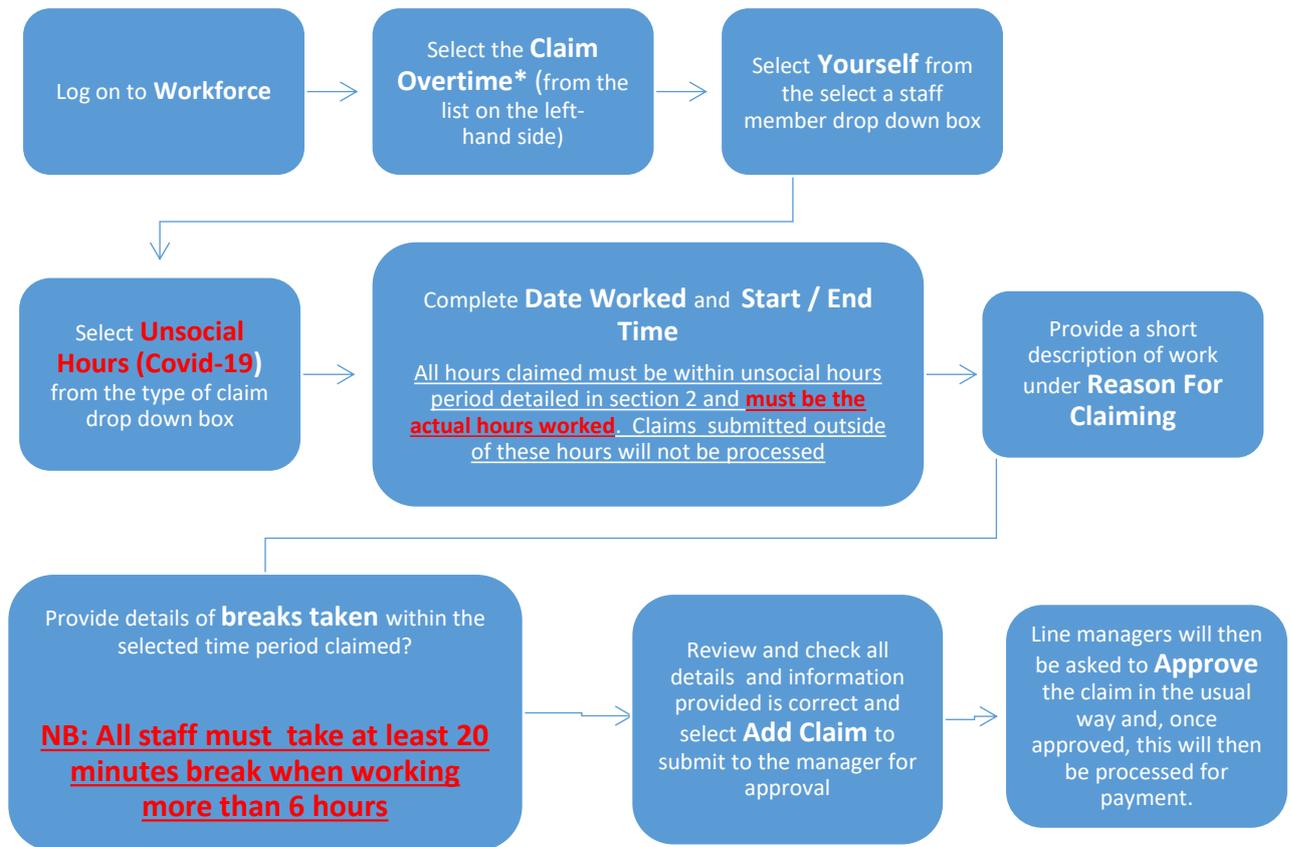
All claims must be submitted and approved by the manager by 5th of each month in order to receive payment during that particular month. Any claims that are submitted and approved after the 5th of the month will be processed and paid the following month. Line managers are responsible for checking that all claims they approve match the unsocial dates and hours agreed with the member of staff.

Following the submissions and approvals of all claims for unsocial hours each month, HR will generate a report with this information and send to the relevant Director/Director of Finance for information and payroll will action all authorised the claims.

The following flow chart summarises how staff can claim payments for working unsocial hours.

When completing the documentation for claiming unsocial hours payments please note staff must take at least 20 minutes break when working more than 6 hours in accordance with the working time regulations. The 20 minutes break is unpaid and therefore this has been highlighted within the flowchart below.

Flow chart summarising how staff can claim payments for working unsocial hours



Please note that 'Claim Overtime' is a standardised functionality on the Workforce System dashboard and under the 'Type of Claim' section (as detailed in the screenshot below). Staff must select **Unsocial Hours (COVID-19) because any pay enhancements for working unsocial hours will be in accordance with section 2 of the agenda for change handbook.*

It is important for both staff and managers to understand that by submitting and approving claims, they are confirming that the information provided with regard to their claim is complete, accurate and validated.

Following the submissions and approvals of all claims for unsocial hours each month, HR will generate a report with this information and send to the relevant Director for information and payroll will action all authorised the claims.

In addition to the above flow chart a copy of the page within the Workforce System has been provided below for ease of reference. Staff should follow the process set out in the Workforce Screen Shot below in respect of submitting claims for unsocial hours worked.

The screenshot shows the 'Overtime Claim' form in the Workforce System. The form is titled 'Overtime Claim' and includes a navigation menu on the left with 'Claim Overtime' highlighted. The main form area contains the following fields and options:

- Yourself:** A dropdown menu with a red circle around it.
- Information:** A blue banner stating 'Overtime claims must be for NCL CCGs Workforce related work'.
- Type Of Claim:** A dropdown menu with 'Unsocial Hours (COVID-19)' selected, circled in red.
- Date Worked:** A text input field.
- Start / End Time:** Two text input fields for start and end times, with a 'To' label between them.
- Reason For claiming:** A text input field with a note 'Visible to manager only'.
- Were there any breaks taken within the selected time period?:** A text input field with a note 'Please complete if applicable'.
- Add Claim:** A blue button at the bottom, circled in red.

7. Working Time Regulations

There is a responsibility for employers and employees, under health and safety legislation, to protect the health and safety of all employees at work. Control on working hours should be regarded as an integral element of managing health and wellbeing of all staff. It is, therefore, appropriate that when organising work and 7 day working arrangements, Directors take into account of the following principles of the working time regulations:

- Unless they consent, staff should not work in excess of 48 hours per week on average.
- Minimum daily rest period: Employees will have a rest period of no less than 11 consecutive hours in each 24 hour period.
- All employees must receive uninterrupted rest period of at least 24 hours in each seven-day period/48 hours in a 2 week period.
- An employee is considered by the CCG to be "working" when he/she is carrying out activities on behalf of the CCG.

8. Further Information and Support

Staff and managers can also contact their HR Business Partner or the HR COVID inbox nclccg.hrcovid19@nhs.net for any queries, advice or further information.