

## GUIDANCE ON CLAIMING UNSOCIAL HOURS PAYMENTS OVER THE CHRISTMAS AND NEW YEAR PERIOD 2023/24 for employees in Scotland

This factsheet has been produced in order to help staff in Scotland understand what unsocial hours enhancements can be claimed over the Christmas and New Year period 2023/2024.

Summary of rules for payment for working 'outside normal hours' (Section 2 of the NHS Terms and Conditions Handbook and the NHSBT Unsocial Hours Remuneration Collective) and overtime (Section 3 of the NHS Terms and Conditions Handbook).

Terms used:

**Enhancements** - these refer to the enhanced rate of pay due in addition to basic pay. Often referred to as 'unsocial hours payments'.

**Standard Hours** - these are hours worked up to full time hours (37.5hours) and paid at standard hours/plain time rates.

**Overtime** - hours worked **ABOVE** full-time (37.5 hours).

All references refer to the NHS Terms and Conditions Handbook.

### THE FOLLOWING RULES AND DEFINITIONS APPLY TO ALL GROUPS OF STAFF EXCEPT THOSE WHO WORK 24/7

- Unsocial hours are defined as 8pm - 6am weekdays, any hours worked on Saturdays and Sundays.
- No new local agreements may be entered into.
- No other payments may be agreed.

There are two types of payments due for Public Holidays - these are defined in a) and b) below. The payments made for each of these vary by staff group and these are defined on the following pages. It is important to ensure that the rules for the correct staff group are used in determining the payments due, these cannot be 'mixed and matched'.

### THE FOLLOWING RULES AND DEFINITIONS APPLY TO ALL GROUPS OF STAFF

- a) **Enhancement payments under Section 2 - working on Public Holidays as part of 'standard hours' (standard hours are the full-time hours for the individual, i.e. 37.5 hours)**

Working on a Public Holiday is classified as within standard [full-time] hours when it is worked on a normal working day, i.e. the hours contribute to the full-time hours for that

week (or fortnight for some blood donation staff). This means that the basic hours for that day are included in the annual salary and bank holiday enhancement payments are due for the hours actually worked.

For part-time staff basic hours for that day are included in annual salary when the hours worked are **within** the part-time contracted hours. Hours in **excess** of contract but less than full-time, will be paid as excess standard [plain time] hours plus the bank holiday enhancement due for hours actually worked.

**b) Overtime payments under Section 3 - Overtime**

These are hours worked above full-time (i.e. above 37.5 hours per week).

**c) Time off in Lieu (TOIL)**

Please see annex 1, Bank Holiday Pay and TOIL flow chart

**1) STAFF IN RECEIPT OF NHSBT PREDICTABLE ENHANCEMENTS**

a) These are staff who work predictable shifts either fixed or rotating that require them to work Unsocial Hours. They are paid at the NHSBT predictable rates, as below:

Pay Band	Weekdays 8pm to 6am and Saturdays	Sundays and Public Holidays
All Pay Bands	Time (already part of salary) plus 50%	Time (already part of salary) plus 100%

b) **Payments under Section 3 - Overtime (these are hours worked above standard [full-time] hours):**

Overtime	Rate due
Public Holiday	Double Time
All other times	Time plus one half

**c) TOIL**

Please see annex 1, Bank Holiday Pay and TOIL flow chart.

**2) STAFF IN RECEIPT OF Section 2 ENHANCEMENTS**

These are staff who claim Section 2 (formerly AfC) enhancements for every hour worked outside of normal hours.

a) **Payments under Section 2, Table 2 - working on Public Holiday as part of 'standard hours' (standard hours are the full-time hours for the individual, i.e. 37.5 hours)**

Pay Band	All time worked on Saturday (midnight to midnight) and any weekday after 8pm and before 6am	All time worked on Sundays and Public Holidays (midnight to midnight)
Band 2	Time (already part of salary) plus 41%	Time (already part of salary) plus 83%
Band 3	Time (already part of salary) plus 35%	Time (already part of salary) plus 69%
Band 4 - 9	Time (already part of salary) plus 30%	Time (already part of salary) plus 60%

**b) Payments under Section 3 - Overtime (these are hours worked above standard [full-time] hours)**

Overtime	Rate due
Public Holiday	Double Time
All other times	Time plus one half

**c) TOIL**

Please see annex 1, Bank Holiday Pay and TOIL flow chart.

## CHRISTMAS AND NEW YEAR PUBLIC HOLIDAYS 2021/2022

2023/2024 Christmas & New Year arrangements	
Sunday 24 December 2023	The normal provisions for work on a Sunday apply (i.e. Sunday enhancements)
Monday 25 December 2023	The provisions for work on a Public Holiday apply
Tuesday 26 December 2023	The provisions for work on a Public Holiday apply
Monday 1 January 2024	The provisions for work on a Public Holiday apply
Tuesday 2 January 2024	The provisions for work on a Public Holiday apply

### Table of Enhancements due for worked days over Christmas 2023

#### Christmas 2023 examples

Date P/H = Public Holiday	Sunday 24 <sup>th</sup>	Monday 25 <sup>th</sup>	Tuesday 26 <sup>th</sup>
Working or Off	Work	Off	Off
Enhancement Due	Sunday	Nil	Nil

Date P/H = Public Holiday	Sunday 24 <sup>th</sup>	Monday 25 <sup>th</sup>	Tuesday 26 <sup>th</sup>
Working or Off	Work	Work	Off
Enhancement Due	Sunday	P/H	Nil

Date P/H = Public Holiday	Sunday 24 <sup>th</sup>	Monday 25 <sup>th</sup>	Tuesday 26 <sup>th</sup>
Working or Off	Work	Work	Work
Enhancement Due	Sunday	P/H	P/H

Date P/H = Public Holiday	Sunday 24 <sup>th</sup>	Monday 25 <sup>th</sup>	Tuesday 26 <sup>th</sup>
Working or Off	Off	Work	Work
Enhancement Due	Nil	P/H	P/H

Date P/H = Public Holiday	Sunday 24 <sup>th</sup>	Monday 25 <sup>th</sup>	Tuesday 26 <sup>th</sup>
Working or Off	Off	Work	Off
Enhancement Due	Nil	P/H	Nil

Date P/H = Public Holiday	Sunday 24 <sup>th</sup>	Monday 25 <sup>th</sup>	Tuesday 26 <sup>th</sup>
Working or Off	Off	Off	Work
Enhancement Due	Nil	Nil	P/H

Date P/H = Public Holiday	Sunday 24 <sup>th</sup>	Monday 25 <sup>th</sup>	Tuesday 26 <sup>th</sup>
Working or Off	Off	Off	Off
Enhancement Due	Nil	Nil	Nil

### New Year 2024 examples

Date P/H = Public Holiday	Sunday 31 <sup>st</sup>	Monday 1 <sup>st</sup>
Working or Off	Work	Off
Enhancement Due	Sunday	Nil

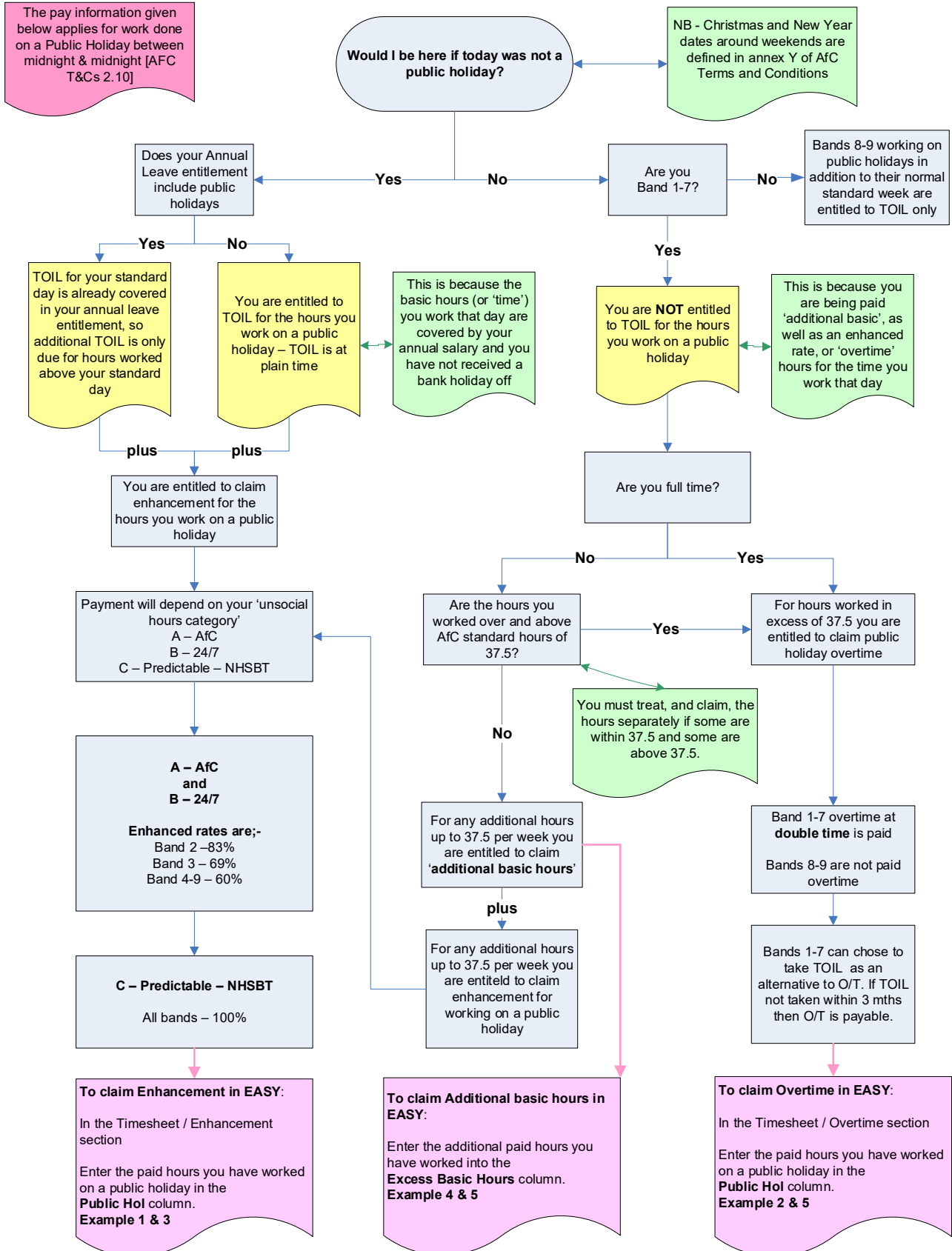
Date P/H = Public Holiday	Sunday 31 <sup>st</sup>	Monday 1 <sup>st</sup>
Working or Off	Work	Work
Enhancement Due	Sunday	PH

Date P/H = Public Holiday	Sunday 31 <sup>st</sup>	Monday 1 <sup>st</sup>	Tuesday 2 <sup>nd</sup>
Working or Off	Off	Work	Work
Enhancement Due	Nil	PH	PH

Date P/H = Public Holiday	Saturday 30 <sup>th</sup>	Sunday 31 <sup>st</sup>	Monday 1 <sup>st</sup>	Tuesday 2 <sup>nd</sup>
Working or Off	Work	Work	Work	Work
Enhancement Due	Saturday	Sunday	P/H	P/H

**Annex1**

**Bank Holiday PAY & TOIL – flow chart**



## Bank Holiday PAY & TOIL – EASY examples

**Example 1:** Full time (band 1-7) employee **would normally work** if day was not a bank holiday, claim Public Holiday Enhancement for actual paid hours.

Week 1	Week 2		Week 3		Week 4		Week 5		Week 6						
Date	Time		Cont. Hours Worked	Excess Basic Hours	Enhancements (hours)					Overtime (hours)					
	Start	End			Sat.	Sun.	Night	Unsoc.	Public Hol.	Week Day	Sat.	Sun.	Night	Unsoc.	Public Hol.
Summer Bank Holiday, 31st Aug 2015	9:30	17:30	7.50						7.50						
Period Totals			7.50						7.50						

**Example 2:** Full time (band 1-7) employee **would not normally work** but is working **over and above** contracted hours, claim Public Holiday Overtime for actual paid hours.

Week 1	Week 2		Week 3		Week 4		Week 5		Week 6						
Date	Time		Cont. Hours Worked	Excess Basic Hours	Enhancements (hours)					Overtime (hours)					
	Start	End			Sat.	Sun.	Night	Unsoc.	Public Hol.	Week Day	Sat.	Sun.	Night	Unsoc.	Public Hol.
Summer Bank Holiday, 31st Aug 2015	9:30	17:30	7.50												7.50
Period Totals			7.50												7.50

**Example 3:** Part time (band 1-7) employee **would normally work** if day was not a bank holiday, claim Public Holiday Enhancement for actual paid hours.

Week 1	Week 2		Week 3		Week 4		Week 5		Week 6						
Date	Time		Cont. Hours Worked	Excess Basic Hours	Enhancements (hours)					Overtime (hours)					
	Start	End			Sat.	Sun.	Night	Unsoc.	Public Hol.	Week Day	Sat.	Sun.	Night	Unsoc.	Public Hol.
Summer Bank Holiday, 31st Aug 2015	9:30	17:30	7.50						7.50						
Period Totals			7.50						7.50						

**Example 4:** Part time (band 1-7) employee **would not normally work** but is working **over and above** contracted hours but not more than 37.5 hours, claim Excess Basic Hours and Public Holiday Enhancement for actual paid hours.

Week 1	Week 2		Week 3		Week 4		Week 5		Week 6						
Date	Time		Cont. Hours Worked	Excess Basic Hours	Enhancements (hours)					Overtime (hours)					
	Start	End			Sat.	Sun.	Night	Unsoc.	Public Hol.	Week Day	Sat.	Sun.	Night	Unsoc.	Public Hol.
Summer Bank Holiday, 31st Aug 2015	9:30	17:30	7.50	7.50					7.50						
Period Totals			7.50	7.50					7.50						

**Example 5:** Part time (band 1-7) employee **would not normally work** but is working **over and above** contracted hours (3.5 hours) and over 37.5 hours (4 hours). Claim Excess Basic Hours and Public Holiday Enhancement for the 3.5 hours up to 37.5 and Public Holiday Overtime for the 4 hours over 37.5 hours.

		Week 1	Week 2	Week 3	Week 4	Week 5	Week 6								
Date	Time		Cont. Hours Worked	Excess Basic Hours	Enhancements (hours)					Overtime (hours)					
	Start	End			Sat.	Sun.	Night	Unsoc.	Public Hol.	Week Day	Sat.	Sun.	Night	Unsoc.	Public Hol.
Summer Bank Holiday, 31st Aug 2015	9:30	17:30	7.50	3.50					3.50					4.00	
Period Totals			7.50	3.50					3.50					4.00	