

## 2. Pension Position of On-Call Arrangements for Agenda for Change Staff

### Background

NHS Pensions understands that with the introduction of Agenda For Change (AfC), groups of staff could retain their current on-call provisions (both national and local) or undertake the interim regime prescribed under Section 2 of AfC whilst the NHS Staff Council sought to devise new harmonised arrangements.

Employers will be aware that the review has now concluded and the current arrangements will end on 31 March 2011. The NHS Staff Council has agreed that after this date arrangements for AfC must be agreed locally in partnership. National principles have been developed to underpin local negotiations. The principles are now included as Annex 3 to the NHS terms and conditions of service handbook. Pay Circular AfC 5/2010 available on NHS employers website at [www.nhsemployers.org](http://www.nhsemployers.org) refers.

Principle 10 concerns pensions and confirms that local partnerships should always seek advice from NHS Pensions on any questions relating to the NHS Pension Scheme and on-call payments.

In order to assist employers NHS Pensions has confirmed the pension position of these payments for those subject to AfC terms and conditions below. We ask that this information is brought to the attention of those negotiating on-call provisions.

### Pension Position

#### Commitment or availability payment

Regular payments made in recognition of being available for on-call work where there is a specific rota commitment are pensionable for both whole-time and part-time members. It is recognised that there must be some degree of flexibility within an on-call rota but in order to pension this payment a member must have a definite commitment to the rota for which they are paid on a regular basis, i.e. weekly, monthly or annually.

#### Payments for work done

For whole-time members payments for work done whilst on-call are non-pensionable as they are classed as overtime.

For part-time members payments for work done whilst on-call are pensionable at plain time rates, up to the whole time weekly hours. Hours up to whole time should be credited for pension purposes.

#### Sleeping in

The availability payment is pensionable. The payment for work done is pensionable up to the whole time weekly hours only. When a member already works whole time the hours worked during a sleep-in would be classed as overtime and non-pensionable. Where an individual undertakes no other work for the Trust other than performing the sleep-in, the payment made for sleeping-in is non-pensionable. No actual work is performed so the payment cannot be attached to hours worked.

### Previous arrangements

NHS Pensions is aware that some employers operating "combined" on-call payment arrangements may have pensioned the whole amount for both part-time and whole time staff under previous arrangements. Further information on this will follow in a later newsletter.

### Unsocial hours

On-call payments should not be confused with the enhancement paid for unsocial hours worked (for example during the night, or at weekends) within normal standard hours, which is pensionable.