

Scottish Terms and Conditions Committee

Ref: STAC(TCS02)2014

1 September 2014

To: NHS HR Directors

cc: STAC Members

Dear Colleague

GUIDANCE TO BE APPLIED WHEN EMPLOYEES WHO WORK SHIFTS ARE OFF SICK ON A PUBLIC HOLIDAY ON WHICH THEY ARE NOT ROSTERED TO WORK

Questions have been raised at STAC about the correct interpretation of the Agenda for Change Handbook in respect of the specific situation detailed above. Following discussion, the attached guidance has been produced. Boards should therefore refer to this when considering this matter.

Yours sincerely



Robert Calderwood
Chief Executive
NHS Greater Glasgow & Clyde
STAC Management Side Co-Chair



Colin Poolman
Professional Officer, Grampian, Fife &
Shetland
Royal College of Nursing
STAC Staff Side Co-Chair

GUIDANCE TO BE APPLIED WHEN EMPLOYEES WHO WORK SHIFTS ARE OFF SICK ON A PUBLIC HOLIDAY ON WHICH THEY ARE NOT ROSTERED TO WORK

It is clear within the Agenda for Change Handbook that when an employee is off sick on a public holiday they do not get a day back in lieu.

However, in the situation where a shift worker is off sick but would have otherwise worked an allocated shift pattern covering their full contracted hours which included a rostered day off on a public holiday, the employee should get a day back.

For example:

An employee is due to work a 7 day shift starting on Saturday 21st December 2013 and finishing on Friday 27th December 2013, with a rostered day off on Thursday 26th December 2013.

The employee is, however, off sick.

In this situation the employee would be paid as if at work, which would include public holiday hours for Wednesday 25th December, but they would not get a day back in lieu of 25th December. However, given that they were rostered “off duty” on Thursday 26th December, they are entitled to get that day at another time if they are still off sick on the “off duty” day.