

The Scottish Government

Directorate for Health Workforce, Leadership and Service Reform
NHS Pay and Conditions



Scottish Government
Riaghaltas na h-Alba
gov.scot

Dear Colleague

**ADDITIONAL STATEMENT AND Q&A RE
ORGANISATIONAL CHANGE PAY PROTECTION**

1. Following the publication of [PCS\(AfC\)2019/5](#), the Scottish Terms and Conditions Committee (STAC) received a number of queries and requests for clarification. In response to these, STAC have agreed a statement covering situations where staff on organisational change pay protection prior to 1 April 2019 secure promotion, as well as a further Q&A document. These are attached as Annex A and B respectively.

Cabinet Secretary Approval

2. The provisions of this circular have been approved by Scottish Ministers under Regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (SI 1991 No 537). A copy of the formal approval is attached.

Enquiries

3. Employees should direct their personal enquiries regarding this matter to their employing NHS Board or Special Health Board. This circular can be found online at:

www.sehd.scot.nhs.uk

Yours sincerely

SHIRLEY ROGERS
Director of EU Exit and Transition,
NHS Scotland Chief People Officer & Director of
Health Workforce, Leadership & Reform

12 September 2019

Addressees

For action

Chief Executives,
Directors of Finance,
Directors of Human Resources:
NHS Boards and Special Health
Boards, NHS National Services
Scotland (Common Services
Agency) and Healthcare
Improvement Scotland

For information

Members, Scottish Partnership
Forum
Members, Scottish Terms and
Conditions Committee
Members, Scottish Workforce and
Governance Committee

Enquiries to:

Colin Cowie
Scottish Government Health
Directorates
Health Workforce
Ground Floor Rear
St Andrew's House
EDINBURGH EH1 3DG

Tel: 0131-244 3778
Fax: 0131-244 2837

E-mail:
Colin.cowie@gov.scot



**NATIONAL HEALTH SERVICE
APPROVAL OF REMUNERATION AND CONDITIONS OF SERVICE**

In accordance with regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (S.I. 1991/537) the remuneration and conditions of service set out in the attached Scottish Government Health Workforce Directorate circular of 12 September 2019 – PCS(AFC)2019/8 – in respect of Organisational Change Pay Protection are hereby approved for the purposes of the said Regulations.

SHIRLEY ROGERS

NHS Scotland Chief People Officer &
Director of EU Exit and Transition,
NHS Scotland Chief People Officer & Director of
Health Workforce, Leadership & Reform
Scottish Government
St Andrew's House
EDINBURGH
EH1 3DG
12 September 2019

STATEMENT ON PROMOTION FOR STAFF ON ORGANISATIONAL CHANGE PAY PROTECTION PRIOR TO 1 APRIL 2019

Following further discussions between Staff Side and Employers, it has been agreed that employees on organisational change pay protection prior to 1 April 2019 can also access the provision set out in [PCS\(AFC\)2019/5](#), Annex A Section 3 (xiii). This states that:

“If employees secure a promoted post or their post is subsequently re-graded (in the same role) they will be placed on a pay point that takes into account their protected earnings to ensure no detriment. If the protected earnings exceed the top of the new pay scale they will move to the top and the balance of protected earnings will be paid on a mark time basis”.

The opening of this provision to staff on organisational change pay protection prior to 1 April 2019 is effective from the date of this circular.

ADDITIONAL Q&A ON NEW ARRANGEMENTS FOR THE PROTECTION OF EARNINGS

See [PCS\(AFC\)2019/5](#) for Q&A 1 to 13 associated with this policy.

Q14: My current role is changing from a post with core hours during Monday to Friday and a requirement to work on-call to a post where I will be expected to work shifts:

- a) What are my entitlements in regard to protection?
- b) What if I cannot work shifts?

A14: a) If your earnings in the shift post are less than what you earned working on-call, your shift allowance will be off set against your on-call payments and you will be entitled to receive organisational change pay protection on the shortfall. This is covered in section 5 in Annex A of the organisational change circular.

b) If you are unable to work shifts, you need to discuss this with your manager during the redeployment process in order to explore what other suitable alternative arrangements may be available.

Q15: In the pay circular PCS(AFC)2019/1, paragraph 6, it states “Staff on organisational change pay protection as at 31 March will have their protected earnings increased in line with the headline uplift for their pay level, 2.8% for those earning less than £80,000 and £1600 for those earning £80,000 and above”. However, with the changes in some of the incremental points my increment changes by more than 2.8%. Under organisational change protection, should I not get the benefit of this increase?

A15: Yes. In this scenario you are entitled to receive the benefit of the increase.

Q16: Prior to going onto organisational change pay protection, I asked for the grade of my post to be reviewed. What happens if that changes?

A16: If your post moves to a higher band, your organisational change pay protection will be recalculated to take your new salary into account.

Q17: If the post I have been redeployed into is subsequently regraded, am I still entitled to organisational change protection?

Q17: Yes. If the post is regraded and your earnings are still less than your protected earnings you will still receive protection to ensure you suffer no detriment.