

Human resources

Payment for shift and night working, and working to other erratic or unsocial patterns

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Introduction

This section sets out the allowances payable to civil servants for shift working and night duty.

Liability of staff to work to these patterns

If you are under 18 years of age, you cannot be required to work night duty (whether as part of a shift roster or as an irregular requirement) but you may do so on a voluntary basis.

Other staff may be required to **work to erratic** or unsocial patterns if the standard arrangement of a five day week is not practicable.

Eligibility for allowances

The following staff members do not qualify for the payment of shift disturbance or night duty allowances, even though they may work erratic or unsocial patterns:

- staff with no set conditioned hours
- staff members who work night or shift duties, or other erratic or unsocial working patterns, as a condition of service and whose **basic pay** reflects this requirement.

The relevant allowances are already included with **basic wages or salaries** in these instances.

In addition, night duty allowance will not be paid:

- to staff receiving allowances for acting as Private Secretaries to Ministers or senior officials;
- for periods spent at sea by those grades employed specifically for sea-going duties (e.g. Fisheries Inspector).

Shift Disturbance Allowance

Shift disturbance allowance is only paid to staff who are classed as shift workers. A shift worker is someone:

- whose conditioned hours are worked in the form of shifts; and
- who are members of a shift roster; and
- whose rostered attendance covers all the shifts in the roster and the roster, rather than the shift, determines the rate of allowance for which they qualify; or
- is a member of a grade which is paid in the form of an 'averaged-out' shift disturbance allowance.

A "shift roster" is defined as a roster either:

- of shifts which cover a period of 24 hours; or
- of shifts which alternate or overlap and in either case cover a period of not less than 12 hours in any period of 24 hours with at least 4 hours between the starting times between the earliest and latest shifts.

There are exceptions to these qualifying rules. Further information is available in Annex A:

Detailed Instructions for the Payment of Shift Disturbance and Night Duty Allowance. The continuation and termination of payment of the allowance is subject to specific provisions.

These are explained in more detail in Annex A. Subject to these provisions, the allowance is only paid for periods of effective duty (i.e. service which does not include unpaid periods, such as special leave without pay, unauthorised absence, periods of sickness at "nil" pay, etc.) either at the place of work, or, if appropriate, on call out. It is not paid for periods where you are likely to be called into work but have not in fact been called.

Details of payments for working additional shifts are included in Annex A.

Payment of Shift Disturbance Allowance

The allowance is paid in two different methods, which depend on whether you are classed as a regular, or casual, shift worker. The allowance is paid as a percentage rate and on the proportion of night shifts within your roster (excluding rest days). See details in Annex A: Detailed Instructions for the Payment of Shift Disturbance and Night Duty Allowance.

Night Duty Allowance

Night Duty Allowance will be paid if your terms and conditions of employment do not require you to work rostered shifts but you work between 8.00pm and 6.00 am (see details in Annex A: Detailed Instructions for the Payment of Shift Disturbance and Night Duty Allowance). The allowance is paid as a percentage addition to the hourly **plain time** rate. **Plain time** rates will be calculated on the same basis as overtime payments (see Pay: Overtime). The allowance is only paid for periods of effective duty (i.e. service which does not include unpaid periods, such as special leave without pay, unauthorised absence, periods of sickness at "nil" pay, etc) either at the place of work, or, if appropriate, on call out. It is not paid if there only exists a liability to be called out but you are not actually called.

Options between Shift Disturbance and Night Duty Allowance

You cannot be paid both night duty and shift disturbance allowance for the same period of duty. However, there are circumstances where payment of the Shift Disturbance Allowance is more favourable than the Night Duty Allowance or vice versa. (See details in Annex A) In such circumstances you can choose which allowance you receive.

Effect of payments on superannuation

Shift disturbance and night duty allowances paid for work that is part of your conditions of service counts for superannuation purposes. Shift disturbance and night duty allowances that result from working additional hours, i.e. outside normal rostered hours or conditioned hours, will not be included for superannuation purposes.

General Conditions for the Payment of Both Allowances

Either Shift Disturbance Allowance or Night Duty Allowance may be paid in addition to any payments for excess hours worked.

The calculation of Shift Disturbance or Night Duty Allowance will be based on basic pay, (i.e. any payments for excess hours will not be included). Similarly, Shift disturbance and night duty allowances will not be included for calculating the rate of payment for excess hours worked.

Shift disturbance and Night Duty Allowances will not be paid in addition to any departmental time allowance.

Claims

To claim these allowances you must:

- log into SOP > go to “OTL Self Service Time” and create a “Timecard”.
- you can find guidance on the steps to claim overtime in the [SOP Learning Management System](#).

Working Time Regulations

Shift workers are entitled to minimum daily and weekly rest periods in the same way as other staff. Other aspects of the Working Time Regulations also apply. Further information is contained in Attendance: Conditioned Hours and Pay: Overtime.

Annex A: Detailed Instructions for the Payment of Shift Disturbance Allowance and Night Duty Allowance

Shift working definitions

Day shift

A day shift is defined as work starting and finishing between the hours of 8 am and 6 pm on any day.

Night shift

A night shift is defined as a shift involving at least four and a half hours, worked between 8 pm and 6 am.

Shift roster

A shift roster is defined as a roster either:

- of shifts which cover a period of 24 hours;
- of shifts which alternate or overlap and in either case cover a period of not less than 12 hours in any period of 24 hours with at least four hours between the starting times of the earliest and latest shifts.

Regular shift workers

Staff filling posts where the Department considers it reasonable to assume that shift working will continue for a future period of at least 12 months will be classified as regular shift workers. This can also include staff in posts where there is a continuous need for shift working although the pattern of the roster may vary throughout the year due to different seasonal requirements. Additionally, if the Department recognises a pre-determined annual requirement in certain areas for regular periods of shift working on a seasonal basis, regular shift worker status should be accorded to staff in posts involved in seasonal shift working for the duration of the shift working, provided that each continuous period of pre-determined shift working for the post is not for less than three months.

Casual shift worker

All other shift workers will be classified as casual shift workers.

Exceptions

Staff who are not members of a shift roster but whose required normal attendance pattern varies to the extent that if it were part of a shift roster involving more than one member of

staff, it would qualify for the payment of shift disturbance allowance, will be known as a 'singleton shift worker'. They will be classified as shift workers and will therefore be eligible to receive shift disturbance allowance. Any cases of doubt should be referred to Pay Policy Team.

Staff who are members of a shift roster but whose rostered hours of attendance never vary during the shift cycle will not be regarded as shift workers for the purpose of shift disturbance allowance, but may receive night duty allowance if their hours of attendance satisfy the conditions of payment.

Payment for working a complete extra shift

Shift workers who work a complete extra shift immediately before or after their normal shift, will receive payment at the appropriate overtime rate for the additional hours worked, in addition to shift disturbance allowance (see Pay: Overtime).

Payment for working a partial extra shift

Shift workers who work a partial extra shift immediately before or after their normal shift, will be paid overtime for the additional hours worked. However, those extra hours will not be taken into account for the purpose of determining their shift disturbance allowance. If there is a break between your normal shift and the extra partial shift worked, shift disturbance allowance will be paid in addition to overtime for the extra hours worked (see Pay: Overtime).

Continuity of payment for regular shift workers

The payment of shift disturbance allowance to regular shift workers will continue.

- During all periods of annual leave, rest days and bank, public and privilege holidays (or any appropriate days taken in lieu) and periods of approved absence on internal or external training occurring during shift working.
- During the following temporary absences from shift working:
 - temporary transfer to day work at the request of management, including day work during the temporary suspension of a shift roster;
 - temporary absences on official business;
 - official authorised further education occurring during shift working;
 - paid sick leave (certificated or self-certificated);
 - paid special leave (including for industrial relations purposes).

The provisions of the above paragraph, are subject to the following conditions:

- payment may only continue where it is intended that you will return to regular shift duties at the end of the absence;
- payment of shift disturbance allowances should not be made during absences which occur immediately before the start of regular shift duties, e.g. during periods of training in preparation of, and occurring immediately before starting shift working;
- the total of temporary absences listed above which may attract continuity of payment will be limited to 60 days in any period of 12 months. Weekends occurring within a period of absence will count towards the total number of days in that period, but weekends occurring at the beginning or end of a period of absence will not count;
- the rate of allowance payable in all cases of absence will be the percentage applicable at the date the absence began (see Standard Rates of Shift Disturbance Allowance below), even when it is known that at the end of the absence you will be returning to shift duties as a regular shift worker on a roster attracting a different percentage allowance. When a regular shift worker is temporarily transferred to day work on temporary additional responsibility terms, the allowance will be calculated on the substantive salary and will not include the Temporary Additional Responsibility Allowance (TARA) paid during the temporary period of day work.

Continuity of payment for seasonal shift workers with regular shift worker status

The continuity of payment provisions set out in the paragraphs above will apply to seasonal shift workers with regular shift worker status for the duration of the shift work period as follows:

- payment of shift disturbance allowance will continue during all rest days and bank, public and privilege holidays (or any appropriate days taken in lieu);
- continuity of payment for all other absences listed in the paragraph above will be determined on a pro rata basis. For example, for a continuous period of shift working of three months in a 12 month period:
 - continuity of payment during annual leave should be limited to a period equal to one-quarter of your annual leave allowance (all fractions being rounded up to complete days);
 - continuity of payment for temporary absences of the type listed above should be limited to a maximum of 15 days (all fractions being rounded up to complete days) in any period of 12 months.

Termination of payment for regular shift workers

Payment of shift disturbance allowance will not be made for any days for which salary is not paid. Except when you are transferred at **their your** own request, to duties that no longer require shift working, the department will aim wherever practicable, to give you **four weeks notice** of a transfer to such work. This applies whether you are being posted to new duties (e.g. on promotion), or because the shift roster is being discontinued or is being redesigned and you are no longer required to take part in shift duties. Where **four weeks notice** is given, payment of shift disturbance allowance will cease immediately when you transfer off shift work. Where **four weeks notice** cannot be given, you will continue to receive payment of shift disturbance allowance for four weeks from the date notice is given, even if this means that it continues to be paid after you have transferred off shift work. The payment should be calculated on the rate of shift disturbance allowance and salary in issue immediately before your transfer off shift work .

For the purposes of determining whether adequate notice has been given, the date of written notification of success in a promotion board will be regarded as the date on which notice of posting to non-shift work has been given. If you are permanently transferred to day work and then within 30 days of starting day duties, are transferred back to shift working in a post which attracts regular shift worker status (see definitions above), the period of day work will be treated as a temporary transfer to day work under the paragraph on temporary absences above, and the normal continuity provisions should be backdated.

Where, however, the period of transfer has already attracted payment in lieu of notice under the provisions above, continuity of payment under the temporary absence terms above, should not be applied to the paid period in lieu of notice. Where, because of the limits on continuity payments specified above the whole period of continuity would be less than the period which has already attracted payment in lieu of notice, no additional payment should be made.

Termination of payment for seasonal shift workers with regular shift worker status

Seasonal shift workers with regular shift worker status (see regular shift worker definition above) should always be given adequate notice of the end of shift working arrangements and of any other subsequent changes in the arrangements already notified. Subject to the following modifications, the provisions for regular shift workers above will therefore apply.

- When the period of seasonal shift working is pre-determined, you should be advised at the start of the period of shift duties how long they will last. When this is done, you will be regarded as having received advance notification of the termination of shift duties and no payment in lieu of notice will be made when the shift duties end on the pre-determined date. If you are not notified at the outset how long the shift working will last, the provisions regarding notice or pay in lieu of notice will apply.
- When the period of seasonal shift working cannot be pre-determined, the provisions regarding notice and pay in lieu will apply.

- When, having given advance notice of the pre-determined period of seasonal shift working, management shortens the period of shift duties without giving four weeks advance notice of the change, you will continue to receive payment of shift disturbance allowance in accordance with the provisions for regular shift workers above, unless the shift duties end within one month of the date on which they were originally planned to terminate. In these circumstances, payment of shift disturbance allowance will end on the original termination date.
- When, having given advance notice of the pre-determined period of seasonal shift working, it is necessary to extend the period beyond the date already notified, you should always be advised of the period of extension at its outset, unless the circumstances make it impossible to determine (see the following paragraph). When this advice is given, it will be regarded as advance notice of the termination of shift duties, whether the period of extension is more or less than four weeks, and no payment in lieu of notice will be made when the period of extension ends on the pre-determined date. When the pre-determined period of extension is not notified to you at the outset, the provisions regarding notice and pay in lieu apply.
- When, having given advance notice of the pre-determined period of seasonal shift working, it is found necessary to extend the shift duties beyond the date originally notified and exceptionally it is impossible to determine the period of extension, you should be advised of this at the start of the extended period. In these circumstances, no payment in lieu of notice will be made when the shift duties finally end. If you are not informed at the outset that no estimate of the period of extension can reasonably be given, the provisions regarding notice and pay in lieu will apply.
- When a pre-determined extension of seasonal shift working is reduced and four weeks notice of the termination cannot be given, you will continue to receive payment of shift disturbance allowance under the notice provisions above, subject to the condition that payment will not be made beyond the date on which the period of extension was planned to end.

Relief shift duties

Despite the provisions above regarding notice and pay in lieu and the exception regarding shift workers whose roster never varies, a day worker who occasionally relieves on a shift roster will be regarded as satisfying the definition of shift worker while employed on such duties, except when the period of relief is less than a calendar week or only consists of duties falling within the 'day' shift period. For the purposes of applying this rule, day workers will be regarded as having completed a week of shift duties if they do not resume their normal duties any earlier than seven calendar days after starting relief shift duties. (For example, if you begin relief duties on a Tuesday and return to day duties on the following Monday you will not be regarded as a shift worker and will be eligible to receive only night duty allowance if appropriate).

Despite the provisions of the paragraphs regarding the termination of shift working, when casual or regular shift workers are temporarily removed from a shift roster in order to undertake relief duties on another shift roster, they will be eligible to receive shift disturbance allowance at the rate appropriate to the relief roster. In the case of a regular

shift worker, however, the continuity provisions of the paragraph on temporary absence will be applied if the relief roster attracts a lower rate of shift disturbance allowance. These arrangements will not apply when casual or regular shift workers carry out relief duties in addition to their normal shift duties.

When the period of relief shift duties undertaken by regular shift workers involves temporary additional responsibility allowance (TARA), any continuity of payment calculation will be based on the substantive rate of pay. If, therefore, a lower rate of shift disturbance allowance applies to the relief shift roster, but the amount of the allowance calculated in relation to your rate of pay including TARA is greater than the allowance payable under continuity provisions, you will be paid the allowance appropriate to their relief duties.

Rates of Night Duty Allowance:

For Hours Worked Between	Night Duty Allowance
8.00pm and 11.00pm	25 per cent
11.00pm and 6.00am	33 1/3 per cent

Standard rates of Shift Disturbance Allowance and methods of calculation

The rate of standard shift allowance should be determined according to the proportion of night shifts within your roster (excluding rest days) as follows:

- at least one night in every four: 20%
- at least one night in every eight, but less than one in four: 15%
- less than one night in eight (including rosters with no nights): 12.5%

Limits on the payment of Shift Disturbance Allowance

If your total annual salary plus reckonable allowances (see Pay: Allowances) either exceeds the upper limit or falls below the lower limit set out below, the Shift Disturbance Allowance will be calculated on the appropriate percentage of the upper or lower limit.

Reckonable allowances for these purposes will include TARA and any IT supplement or Automatic Data Processing (ADP) allowance (see IT Specialist Supplements on Human Resources/Pay website) still in force.

The upper and lower salary levels applicable to the calculation of shift disturbance and night duty allowances are as follows:

With effect from 1 July 2003:

- upper limit = £30,033 per annum

- lower limit = £ 9,871 per annum

Options between Shift Disturbance and Night Duty Allowance

You cannot be paid both night duty and shift disturbance allowance in respect of the same period of duty. However, where payment of night duty allowance is more favourable, you may opt to receive this instead of shift disturbance allowance. In these circumstances, you will not be classified as regular shift worker and the continuity and termination provisions above will not apply to the payment of the night duty allowances. Once you have made this choice, you cannot choose to receive the shift disturbance allowance instead, while you remain on the same roster, or the attendance pattern of that roster remains the same. If you are classified as a regular shift worker and if you choose to receive shift disturbance allowance you should be made aware of the continuity of payment and payment in lieu of notice provisions before you make your decision.