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PROCEDURE FOR MANAGING AND REMUNERATING ADDITIONAL DUTIES

- 1] **Introduction.** The undernoted summarises NHS Lanarkshire's approach to managing and remunerating additional duties undertaken by staff who assist with activity over and above their contractual requirement. It must be read in conjunction with NHS Lanarkshire's Working Time Regulation Policy. <https://www.nhslanarkshire.scot.nhs.uk/download/working-time-regulations-policy/?wpdmdl=3924&refresh=5d492b72e4cea1565076338>. The procedure allows for a consistent approach and ensures that remuneration is in line with national terms and conditions of service. The procedure is split into two categories Medical and Dental Staff and Agenda for Change Staff.

It should be noted that staff within the Executive and Senior Managers category are not entitled to any additional remuneration for overtime hours.

- 2] **Medical and Dental Staff.** This procedure should be read in conjunction with "NHS Lanarkshire's Waiting Times Initiatives and other Additional Planned Care Duties – Guidance for Medical and Dental Staff and Operational Managers". There are three main reasons why medical and dental staff may undertake additional capacity as follows:

- Managing additional capacity required to meet the demand of scheduled Waiting Times guarantees;
- Additional input to existing workload e.g. additional weekend/public holiday or any other agreed out of hours ward rounds related to winter planning;
- Backfill for unplanned leave e.g. replacing a colleague's activity

- 2.1] The undernoted table identifies remuneration for medical and dental staff

- Remuneration for waiting time and additional activity
- Expected duration of waiting list initiatives / additional sessions

Grade	Waiting Times Payment (only apply to clinics/theatres specifically arranged where all medical/dental staff involved are extra contractual)	Additional Sessions Payments (can include backfill sessions at any time and additional ward work at weekends but excluding midweek)
Consultant	3 hours per hour worked paid at SP 20 of Consultant Salary Scale e.g. A clinic of 4 hours duration would be paid at 12 hours @ SP 20 Remuneration is by the hour In addition NHS Lanarkshire recognise ½ hours “administration” time for ½ days operating or clinic to reflect the paperwork involved. For Anaesthetists and Surgeons, a further 1 hour is recognised for pre and post operative work. The total remuneration for a Consultant Surgeon is likely to be 5 hours for a ½ days operating list, (e.g. 2 major joint replacements in a 3 ½ - 4 hour operating session) 4.5 hours for an Anaesthetist and 3 ½ hours for a clinic. Endoscopy sessions should be remunerated in line with theatre sessions.	Own rate if worked between Monday – Friday, 8am – 8pm however if work time shifted to undertake additional activity then payment is time plus one third (4 X 1.33 hours) e.g. Clinic 4hrs = 5 ½ hrs at own rate – These hours may be extended to include admin time, etc which could equal 6 hours or more.
Staff Grade Specialty Doctor Specialist Doctor Associate Specialists working as Locum Consultant	As above This group of staff require advance approval that they can ‘act up’ to consultant level within a scope of practice as per NHSL guidance document (see 2 above).	Own rate if worked between Monday – Friday, 7am – 7pm however if work time shifted to undertake additional activity then payment is time plus one third (4 X 1.33 hours) e.g. Clinic 4hrs = 5 ½ hrs at own rate – These hours may be extended to include admin time, etc which could equal 6 hours or more.
Staff Grade Specialty Doctor Specialist Doctor Associate Specialist working within own grade or assisting at WLI	Own rate if worked between Monday – Friday, 7am – 7pm however if work time shifted to undertake additional activity then payment is time plus one third (4 X 1.33 hours) e.g. Clinic 4hrs = 5 ½ hrs at own rate – These hours may be extended to include admin time, etc which could equal 6 hours or more.	Own rate if worked between Monday – Friday, 7am – 7pm however if work time shifted to undertake additional activity then payment is time plus one third (4 X 1.33 hours) e.g. Clinic 4hrs = 5 ½ hrs at own rate – These hours may be extended to include admin time, etc which could equal 6 hours or more.
Junior Doctors/Clinical Development Fellows Assisting	Paid per hour worked on LA Bands e.g. ST1-2 Hours @ Band LA lower rate ST3 and above Hours @ Band LA higher rate	Over and above contracted hours (9am – 5pm) paid at LA Band e.g. Hours @ Band LA – rate same as WLI payment

Please note that if sessions are undertaken whilst on annual leave then the annual leave should be rescinded in these circumstances. The above rates will therefore apply.

- 3] Staff Covered by Agenda for Change Terms and Conditions.** If a member of staff is requested to and agrees to work additional hours (regardless of reasons e.g. WLI, vacancy, absence) payment is in accordance with Agenda for Change.

3.1] Unsocial Hours Enhancements

Staff that are required to work in the evening, at night, over weekends and on public holidays, are entitled to enhanced rates shown in the table below for all hours worked (up to 37.5 hours).

Column 1	Column 2	Column 3
Pay band	All time on Saturday (midnight to midnight) and any week day after 8pm and before 6am	All time on Sundays and Public Holidays (midnight to midnight)
1	Time plus 50%	Double Time
2	Time plus 44%	Time plus 88%
3	Time plus 37%	Time plus 74%
4-9	Time plus 30%	Time plus 60%

Where a continuous night/evening shift on a weekday (other than a public holiday) includes hours outside the period 8pm to 6am, the enhancements in column 2 should be applied to the whole shift if more than half of the time falls between 8pm and 6am. Staff will only receive one rate of percentage enhancement for each hour worked.

3.2] Excess Hours

- Part-time staff will receive payment at plain time for hours worked above their contracted hours, until they exceed 37.5 hours a week.
- All hours worked up to 37.5 hours if undertaken during 'unsociable hours' will be eligible for percentage enhancements.
- Hours worked that exceed 37.5 will be paid at overtime rate

3.3] Overtime

- Overtime is only payable once an employee works more than 37.5 hours in the week, and is only payable for the hours that exceed 37.5
- Overtime Rate is Time and a half, with the exception of public holidays, which is double time.
- All staff are eligible for overtime payments.
- For all theatre lists NHS Lanarkshire recognises the need for pre-operative preparation and post-operative re-setting of the theatre environment. Indicative times would be to allocate 5 hours for a half day list and 9 hours for a full day list. Exceptions to this may occur but must be authorised by Site Surgical Service Manager and Site Chief of Nursing. See 4.5 below in regard to rest breaks.

4] General Principles Covering All Staff Groups.

4.1] Approval

All additional hours and overtime must be agreed in advance with the staff member's line manager, or appropriate senior manager with appropriate budgetary responsibility. The approval must be in line with Standing Financial Instructions and should be appropriate to the band of the staff member carrying out the additional duties and there must be an operational requirement for these hours to be carried out.

There may be exceptional circumstances for staff at Service Manager/Senior Nurse level and above where it is not possible for any additional hours to be authorised in advance. These circumstances would be where there is an acute or urgent need within the department to provide immediate support, care or duties which are business critical at that point. Where this is the case, a discussion must take place with the Budget Holder as soon as practical and a written record made that these additional hours have been authorised retrospectively and whether the hours have to be paid as overtime or taken as time in lieu.

It is recognised that at senior levels within the organisation, individuals have some autonomy to dictate their own working pattern. It is not appropriate for overtime to be paid to individuals who have chosen to work additional hours in these circumstances. Where this is the case, a discussion should take place in advance of working the additional hours between the staff member and their line manager around time in lieu.

4.2] Appropriate signatories

Payments must be approved by appropriate Budget Holders who should liaise with Clinical Directors for medical and dental staff where appropriate. Budget Holders should ensure that SSTS by staff who are approved to do so: this authorisation cannot be delegated.

Other than in exceptional circumstances where retrospective approval is sought/given, payment will not be made were approval has not been given in advance.

4.3] Time in Lieu for Staff Covered by AFC

Staff may request to take time off in lieu as an alternative to payment. However, staff who, for operational reasons, are unable to take time off in lieu within three months must be paid. Time off in lieu of payments will be at plain time rates. This is in line with PCS (AFC) 2019/4.

4.4] Monitoring and Transparency of WLI, Additional Activity Payments and Overtime

The appropriate Director/Site Director and the Deputy Director of Finance will monitor payment trends and report these to the Appropriate Director/ Chief Officer at the regular monthly finance meetings.

Additional activity including Waiting Lists or Additional Clinics will be monitored by the relevant Service Manager with the support as required from other services e.g. Theatre Manager. Activity must be capacity planned based on patterns of activity. If it is felt that additional activity can be undertaken on these lists due to under running, this will be actioned for future lists and continually monitored and adjusted accordingly.

4.5] Working Hours and Rest Breaks

NHS Lanarkshire expects staff to complete the allocated shift which will include appropriate breaks. Breaks will be dependent on the length of the shift and where a full day is worked the normal lunch break will be included. This break will be unpaid for agenda for change staff. Where additional/local courtesy breaks are in place, staff should be reminded that these breaks should be short in nature. When the allocated shift is less than a normal full day's shift length, breaks should be taken in line with the Working Time Directive (20 minute break after 6 hours). For full details refer to NHS Lanarkshire's Working Time Regulation Policy.

<https://www.nhslanarkshire.scot.nhs.uk/download/working-time-regulations-policy/?wpdmdl=3924&refresh=5d492b72e4cea1565076338>

When activity is finished before the end of the allocated shift, staff should have the option to either work alternative duties or finish and be paid for time worked. Likewise, if the additional activity overruns then staff should be paid appropriately.

4.6] Working During Annual Leave

It is recognised that in exceptional circumstances staff maybe asked to work during periods of annual leave. This can be working on a day scheduled as annual leave or working on rostered day off. If individual agrees to work a day that is a designated annual leave, the annual leave is cancelled and re-scheduled and individual receives normal payment for shift/hours worked in accordance with their terms and conditions of service.

If individual agrees to work during a period of annual leave, but on a rostered day off, then they should receive in addition to their normal weeks pay, additional payment for the hours worked, in accordance with their terms and conditions of service

Managers need to ensure that all hours worked are monitored and staff receive appropriate annual leave in line with Working Time Regulations.

Rescheduling of annual leave should be in exceptional circumstances.

Original Guidance: Judith Park, Director of Access, 20th August 2015

Update Guidance: Annmarie Campbell, HR; Marlene Fraser, HR, 5th August 2019

Updated: Audrey Bevan, HR 24th March 2023