POLICY FOR THE USE OF OVERTIME FOR ALL EMPLOYEES

This policy outlines the circumstances under which overtime payments are appropriate and the procedure to follow to ensure correct payment. Managers and staff to be aware of this policy and its implications, adhere to its principles in carrying out their duties.


Classification: Human Resources
Category: Policy

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Job Title: Director of Human Resources
Signature: 

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### HYWEL DDA NHS TRUST
(From June 2009, Hywel Dda LHB)

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#### Scope

<table>
<thead>
<tr>
<th>Staff Group</th>
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<th>Administrative/ Estates</th>
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<td>Scientific &amp; Professional</td>
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<th>Corporate Services</th>
<th>Finance Directorate</th>
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<td>Family Health Directorate</td>
<td>Primary Care Community and Mental Health Directorate</td>
<td>Clinical and Support Services</td>
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A&E, Critical Care, Patient Flow and Bed Management: Circulation being reviewed due to ongoing discussions

### CONSULTATION

Please indicate the name of the individual(s)/group(s) or committee(s) involved in the consultation process and state date agreement obtained.

<table>
<thead>
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<th>Individual(s)</th>
<th>General Managers</th>
<th>Heads of Service</th>
<th>Heads of Departments</th>
<th>Clinical Directors</th>
<th>Associate Directors of Nursing</th>
<th>Directorate Nurses</th>
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### RATIFYING AUTHORITY

(in accordance with the Schedule of Delegation)

#### KEY

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<th>NAME OF COMMITTEE</th>
<th>COMMENTS/ POINTS TO NOTE</th>
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<td>RATIFYING AUTHORITY</td>
<td>A = Approval Required</td>
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**Date Submitted for Equality Impact Assessment**

January 2010

Group completing Equality impact assessment

Bob Mander
Dorothy Hogg
Ceri Williams
Jackie Hooper

Please enter any keywords to be used in the policy search system to enable staff to locate this policy

Overtime
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Appendix 1 – Overtime Authorisation Process
- Extended reference period
- Special Circumstances
1. INTRODUCTION

1.1 Hywel Dda (Local) Health Board aims to discourage persistent long working hours. Some additional hours or overtime may be required to ensure an area functions safely and achieves its goals. Wherever possible, these will be managed through flexible working or time off in lieu as meets the needs of each individual service. However, there may be times when overtime working may be necessary.

1.2 It is acknowledged that lengthy periods, long hours can take their toll, not only on those directly concerned, but also on friends, families and colleagues. Employees need to be able to choose, within limits, how to strike a balance between work and outside life that suits the individual and the needs of the service.

The Health Board is committed to implementing the policy in a way which meets the equality and diversity needs of staff. Equality and diversity encompasses race, disability, gender, age, sexual orientation, religion and belief, language and human rights. It is the responsibility of managers and staff to ensure that they implement this policy/procedure in a manner that meets the needs of people from these groups. It is always best to check with individual staff what their needs are, but needs may include providing information in an accessible format, considering mobility issues, being aware of sensitive/cultural issues.

2. POLICY STATEMENT

2.1 The use of overtime hours should always be minimised. Where such hours are deemed essential in order to maintain a specific service, managers must ensure that the necessary cover is provided in the most cost-effective way. Consideration must be given to the limited amount of hours required, as opposed to a whole shift, whilst having due regard to issues of safety, continuity of care, quality and the requirement to provide a specific service.

3. SCOPE OF POLICY

3.1 This policy covers all staff employed by Hywel Dda (Local) Health Board, who are on Agenda for Change Terms and Conditions of Service, excluding Bands 8+9. The principles of the policy are based on the need to ensure a fair system of pay for NHS employees which supports modernising working practices.

4. RESPONSIBILITIES OF MANAGERS

4.1 Managers should ensure that their service areas are organised in a way which minimises the need to secure additional staff hours through the use of overtime, bank, TOIL or agency. The Health Board accepts, however, that from time to time, service pressures will result in managers needing to secure additional staffing hours to ensure the continuity of service provision and the maintenance of governance standards are achieved.
4.2 Managers must:

* Follow the overtime process as set out in Appendix 1,

• Plan to cover any known absence as far in advance as possible in order to minimise the need for overtime working

• Respect the right of all employees not to be required to work over their contracted hours.

  Give as much notice to staff as possible that overtime may be required.

• Ensure that overtime or additional hours has been authorised prior to the employee working them

* In the absence of the line manager, this may fall to an appropriate authorised other eg. Site Manager

• Agree how hours worked “over contracted hours” will be remunerated. (either overtime or time in lieu – if time in lieu refer to Time Off in Lieu policy)

• Ensure that the Working Time Regulations are adhered to.

• Introduce consistent monitoring systems at ward, department and service level to identify circumstances which would suggest excessive or unusual trends for overtime payments, including where staff are scheduled to work bank shifts following a period of sickness. This will ensure that they are not used where absence is predictable e.g. to cover maternity, long-term sickness, planned and annual leave etc

• Paid overtime hours should only be agreed when all other options have been considered and rejected.

• Must avoid imposing workloads, or setting deadlines that mean their employees have to work excessive hours. Long hours working should never be seen as a measure of commitment.

5. RESPONSIBILITIES OF EMPLOYEES

5.1 Employees have an obligation to consider and assess whether they are fit and well enough to undertake overtime work.

5.2 The employee should have agreement in advance prior to working any additional hours. The employee should agree with their line manager how the excess hours will be remunerated. (either overtime or time in lieu – if time in lieu refer to Time Off in Lieu policy)
Claims for overtime payments should be made within one calendar month of the work being
carried out. Claims that are over three months old will not be paid unless there are exceptional
circumstances.

6. OVERTIME PAYMENTS AND TIME OFF IN LIEU

6.1 In accordance with Agenda for Change: Terms and Conditions, of Service Handbook, all
staff in pay bands 1-7 will be eligible for overtime payment. There is a single harmonised rate of
time and a half for all overtime, with the exception of work on general public holidays, which will
be paid at double time.

6.2 Senior staff paid in pay bands 8 and 9 will not be entitled to overtime payment.

6.3 Part-time employees will receive payments for the additional hours at plain time rates until
their hours exceed standard hours of 37.5 per week unless time off in lieu is taken, which will
be taken at plain time.

6.4 Where it is agreed that time in lieu is taken in place of remunerated hours, the Time
Off in Lieu Policy will apply.

7. WORKING OVERTIME

- Managers should ensure a fair and consistent application of the policy and that working
arrangements are in accordance with working time regulations as set out below.

- Overtime hours that are agreed should be the minimum number of hours required to
ensure the needs of the service are met.

- Only in exceptional circumstances should overtime be approved.

8. WORKING TIME REGULATIONS

Individual working patterns should be in line with the EWTD Working Time Regulations
and Section 27 of the Agenda for Change Terms and Conditions of Service.

8.1 The Working Time regulations restrict employees to a maximum 48 hour working week
averaged out over a period of 17 weeks (under special circumstances the reference period
may be extended to 26 weeks) – See for details. Staff who have not ‘opted out’ as per Working
Time Regulations and who have worked up to or in excess of an average 48 hours per week
over the previous 17 week period will not be invited to engage in overtime. Employees should
note that hours worked in paid employment outside the organisation should be disclosed to
their manager and will be taken account of in this regard.

8.2 Employees must take an unpaid uninterrupted break of a minimum of 20 minutes when
daily working time is more than six hours, It should be a break in working time and should not
be taken either at the start or at the end of a working day. It should not overlap with the
worker’s daily rest period. In exceptional circumstances where it is not possible to take the
8.3 Compensatory rest - Where the entitlement does not apply or is modified, employees must:

a. Be permitted to take “an equivalent period of compensatory rest”
b. In exceptional cases, where providing equivalent compensatory rest is not possible, be given other appropriate protection.

An equivalent period of rest should be considered to be a period of rest as long as that the worker was entitled to but not able to take. Compensatory rest should be provided within a reasonable time from when the entitlement to rest was modified – this should usually be possible within a couple of weeks.

In practice, cases where it is not possible to take compensatory rest due to “exceptional circumstances” will be rare, but will also be self evident. The flexibility provided for here is not something that could be used on a routine basis.\

8.4 Employees are entitled to a rest period of 11 consecutive hours between each working day.”

9. MONITORING

9.1 (Ref 4.3) It is the responsibility of all managers to monitor and report the necessity of overtime and the actual ‘added value’ that overtime activities provide to the Health Board. It is essential that managers are aware of the overtime commitments within their own area of responsibility. Detailed records should therefore be maintained at department and directorate level and reviewed regularly.

10. Training and/or awareness raising

All staff will be made aware of this policy upon commencement with the Health Board at either the Health Board or the departmental induction. Copies can also be viewed on the Health Board’s Intranet or obtained via the HR department. Training will be provided as appropriate depending on the complexity of the policy. Training may be provided at HR training sessions which all staff will be informed of via internal communication channels or their line manager in advance or via newsletters.

11. Equality

The Health Board recognises the diversity of the local community and those in its employ. Our aim is therefore to provide a safe environment free from discrimination and a place where all individuals are treated fairly, with dignity and appropriately to their need. The Health Board recognises that equality impacts on all aspects of its day to day operations and has produced an Equality Policy Statement to reflect this. All policies and

1 Reference DTI Guide to Working Time Regulations 6.2.2 and 6.2.4
procedures will be assessed using the NHS Centre for Equality and Human Rights Equality Impact Assessment Tool. When policies have been impact assessed the results will be monitored centrally. This policy was impact assessed on January 2010


All documents generated under this policy, including applications, and formal notes and documents generated by managers and any review panel, that relate to identifiable individuals are to be treated as confidential documents, in accordance with the Health Board’s Data Protection Policy. It is recommended that all parties familiarise themselves with the relevant parts of this Policy.


All Health Board records and documents, apart from certain limited exemptions, can be subject to disclosure under the Freedom of Information Act 2000. Records and documents exempt from disclosure would, under most circumstances, include those relating to identifiable individuals arising in a personnel or staff development context. Details of the application of the Freedom of Information Act within the Health Board may be found in the Freedom of Information Act 2000 Policy. It is recommended that all parties familiarise themselves with the relevant parts of this Policy.

14. Records Management

All documents generated under this policy, including applications, and formal notes and documents generated by managers and any review panel, are official records of the Health Board and will be managed and stored and utilised in accordance with the Health Board’s Records Management Policy.

15. Review

This policy will be reviewed in three years time. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation or guidance.

16. Monitoring

Details of (XXXXXXXXXXXX) will be recorded in a database and reported on periodically to the Partnership Forum and the Executive Board. The database will include equality monitoring data, which will be reviewed and presented to the Health Board’s Equality and Human Rights Steering Group.
17. **Discipline**

Breaches of this policy will be investigated and may result in the matter being treated as a disciplinary offence under the Health Board’s disciplinary procedure.

**APPROVAL**

Signed on behalf of the **Staff Side**:

Signed:  
Name:  
Title:  
Date:  

Signed on behalf of the **Management Side**:

Signed:  
Name:  
Title:  
Date:  

**SUPPORTING DOCUMENTS AND POLICIES**

- The Use of Temporary Nursing Protocol
- Policy for the use of Nurse Bank
- Policy for Team Nurse Rostering
- Policy for Electronic Rostering
- Policy for the use of Time Owing in Lieu
- European Working Time Directive
APPENDIX 1

OVERTIME AUTHORISATION PROCESS

A recognised need to cover additional hours identified

Have appropriate alternatives been considered eg. Bank staff, time off in lieu

Think creatively and consider whether a shortage needs to be covered on a like for like basis or whether there are more flexible ways of providing the necessary hours

Review working practices and required tasks to ensure appropriate employee undertake them

If no alternative found

Utilise the flexibility of part time staff to increase their hours Before offering to full time staff

Authorisation

After considering all available options managers (or the appropriate representative/deputy – e.g. site manager) may decide that overtime is the most cost effective option

Managers should ensure overtime is allocated fairly amongst staff, subject to resource considerations and also adhere to the A4C terms & conditions in section 6