



**Shropshire, Telford
and Wrekin**
Clinical Commissioning Group

Overtime Policy and Procedure

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Version 1.1	Sep 2021	First version

The formally approved version of this document is held on the Shropshire, Telford and Wrekin Clinical Commissioning Group website at:

<https://www.shropshiretelfordandwrekinccg.nhs.uk/>

Printed copies or those saved electronically must be checked to ensure they match the current on line version.

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1 Policy Statement

- 1.1 This policy sets out the arrangements for overtime payments under the Agenda for Change terms and conditions of employment.
- 1.2 Staff can be recompensed for overtime either via payment under Agenda for Change terms and conditions of employment or via time off in lieu (TOIL) which has been locally determined.
- 1.3 This policy also describes the good practice which should be followed when staff may be asked to work overtime and how they will be recompensed for it.
- 1.4 This policy was written with the following principles in mind:
 - Shropshire, Telford and Wrekin Clinical Commissioning Group (CCG) is committed to helping staff balance the demands of home and work responsibilities and promoting a healthy work-life balance for all staff.
 - Where possible, managers plan in advance the most effective way of covering extra work demands or a shortage of staff in order to run their service.
 - There should be equality between all staff groups.

2 Scope

- 2.1 This policy applies to CCG staff members (Bands 1-7) on Agenda for Change terms and conditions, whether permanent or temporary.

3 Good Practice

- 3.1 Managers must bear in mind the limits on working hours laid down in the Working Time Regulations, when asking staff to work overtime, especially the requirement not to exceed an average of 48 hours per week and the need for minimum daily rest periods. See Section 27: Working Time Regulations, in the NHS Terms and Conditions of Service Handbook and the Working Time Policy and Procedure for further guidance.
 - 3.2 Managers should plan to cover any known absence as far in advance as possible in order to minimise the need for overtime working. Agreed overtime may also be worked if additional hours are required to complete urgent work or provide urgent service cover.
 - 3.3 If staff are offered the opportunity to work overtime or extra shifts, they do have the option to turn this offer down without this having a negative impact on them.
 - 3.4 Paid overtime should only be agreed when all other options have been considered and rejected.
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4 Definition

- 4.1 Overtime is defined as hours, in excess of 37.5hrs per week, which have been worked with the prior agreement of the employee's line manager to meet particular circumstances.
- 4.2 If an employee is working extra hours under a separate contract for the CCG, this is not defined as overtime.
- 4.3 Overtime has to be requested by the line manager of the staff member. Staff working over their contracted hours, without this prior request and agreement, will not be recompensed for overtime.

5 Overtime Payments

- 5.1 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.
- 5.2 Overtime payments will be based on the hourly rate provided by basic pay.
- 5.3 Part-time employees will receive payments for the additional hours at plain time rates until their hours exceed the standard hours of 37.5 hours a week.
- 5.4 The single overtime rate will apply whenever excess hours are worked over fulltime hours unless time off in lieu (TOIL) is taken, provided the employee's line manager has agreed previously with the employee to this work being performed outside the contracted hours.
- 5.5 Staff may request to take time off in lieu as an alternative to overtime payments. However, staff who are unable to take time off in lieu within three months for operational reasons, must be paid at the overtime rate.
- 5.6 Time off in lieu instead of overtime payments will be at plain time rates.
- 5.7 It is the CCG's preference to recompense overtime through TOIL wherever possible. Payment for overtime should only be used in exceptional cases where TOIL would not be suitable for the business needs of the CCG.
- 5.8 Overtime payments will not be made to staff on bands 8 to 9 and staff on VSM and non- Agenda for Change contracts.

6 Eligibility

- 6.1 Eligibility for overtime payments is set out in Section 3 of the Agenda for Change terms and conditions. This states that only staff on Agenda for Change bands 1 – 7 are eligible for overtime payments.
 - 6.2 The CCG has locally determined it will offer TOIL to all staff on Agenda for Change terms and conditions regardless of their band.
 - 6.3 Those staff on VSM grade or appointed remuneration for Governing Body membership are not eligible to be recompensed for any overtime worked; either using TOIL or by overtime payment.
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7 Responsibilities

7.1 The CCG Governing Body will be responsible for:

- Giving their commitment to fair and equitable treatment of all members of staff who agree to work additional hours over and above their contracted hours when needed, irrespective of age, marital status, disability, race, ethnicity, religion, transgender or sexual orientation.

7.2 Directors will be responsible for:

- Ensuring the implementation of the Overtime Policy and Procedure within the CCG and providing Governing Body with robust assurance that overtime is being managed in accordance with the conditions as set out in the “NHS Agenda for Change Terms and Conditions of Service Handbook” and those locally determined conditions with regard to time off in lieu.
- Ensure regular audit takes place to monitor that the systems in place adequately control and monitor overtime payments and TOIL and prevent error or misuse.
- Investigating and robustly acting upon evidence that excessive/unusual overtime/TOIL patterns exist within a department or service area.

7.3 Line Managers are responsible for:

- Applying the Overtime Policy and Procedure consistently across the CCG.
- Agreeing in advance any additional time worked for which overtime payments or TOIL is expected to be claimed.
- Agreeing in advance when any time off in lieu is taken and ensuring that this is within the limits stipulated within this policy.
- Ensuring that their service areas are organised in a way which minimises the need to secure additional staff hours through overtime payments or TOIL.
- Respecting the right of all staff to refuse and not to be required to work extra hours.
- Ensuring that the Working Time Regulations are adhered to.
- Applying consistent monitoring systems at service level to identify circumstances which would suggest excessive or unusual trends in TOIL.
- Maintaining detailed records of TOIL and reporting any excessive or unusual trends and reasons for the necessity for these extra hours working and the ‘added value’ they provide to the organisation
- Avoiding imposing workloads or setting deadlines that mean staff have to work excessive hours.

- Ensuring that working long hours should never be seen as a measure of commitment to the organisation
- Approving in advance and enabling that the time off in lieu (subject to service requirements) it is taken by the time limits stipulated in this policy.
- Authorising and countersigning the employees TOIL/overtime payment record sheet at the end of each calendar month.

7.4 CCG Staff are responsible for:

- Understanding and following the Overtime Policy and Procedure.
- Considering and assessing whether they are fit and well enough to undertake extra work over and above their contracted hours.
- Understanding that if they are offered the opportunity to work additional time, they are free to decline.
- Gaining their line managers approval before working extra time above their contracted hours for which they will be claiming either overtime payment or TOIL.
- Agreeing in advance with their line manager when to take the time off. If lieu time is taken without authorisation, it may be classed as unauthorised absence and, likewise, may be unpaid.
- Where overtime payment has been agreed, completing the overtime payment record and forwarding it to their line manager at the end of each calendar month for authorisation and uploading to Easy system.
- Where TOIL has been agreed, completing the TOIL record sheet and forwarding it to their line manager at the end of each calendar month.

7.5 Responsibilities of Human Resources

- To provide advice and guidance to managers and staff on the implementation and use of the policy and process.

8 Time off in Lieu (TOIL)

8.1 Time Off In Lieu is defined as time taken off, which employees are authorised to take *in lieu of* (i.e. instead of) an overtime payment for time worked in addition to their contracted hours by pre-agreement with their line manager.

8.2 It should be noted that TOIL is not a mechanism for flexible working. For flexible working options staff should refer to the Flexible Working and Special Leave Policy on the CCG's website:

<https://www.shropshiretelfordandwrekinccg.nhs.uk/type/hr-policies/>

8.3 It has been locally determined that only those members of staff on any Agenda for Change bands are entitled to take TOIL as recompense for any agreed overtime worked.

8.4 All time off in Lieu will reflect the actual hours worked and not any enhanced rates.

- 8.5 Once TOIL has been accrued it must be taken within 1 calendar month of the accrual i.e. if overtime was worked on 15th January, then this time must be taken by 15th February. Any TOIL not taken in this period will be lost by the member of staff, except where, for business reasons, the line manager is not able to support time off within the calendar month, the line manager would be able to give authorisation on an exceptional basis for time off to be taken after 1 calendar month, but no later than 3 calendar months of the overtime worked.
- 8.6 Staff should generally take time in lieu in small amounts, as soon as the service commitments allow, e.g. an extended lunch break or at the end of the day by agreement with the line manager.
- 8.7 The amount of time accrued by staff should not exceed 7.5 hours in a calendar month for full time staff or 7.5 hours pro rata for part time staff. In exceptional circumstances only line managers can approve up to 15 hours in one calendar month.
- 8.8 Lieu time may not be carried over from one post to another. All lieu time must be taken prior to internal transfer or upon leaving the CCG's employment. Employees will not be paid for lieu time not taken by the last day of employment. In these circumstances any such TOIL owed will be lost.
- 8.9 Time off in lieu is designed to cover the following situations:
- To complete a one-off time critical task.
 - To complete a pre-planned patient engagement or consultation activity outside normal contracted hours.
 - To attend a training course outside normal contracted hours.
- 8.10 The above examples are not exhaustive, and each situation should be discussed and agreed with your line manager in advance of working the additional time.
- 8.11 Lieu time should not be accrued, for example:
- where an employee arrives early or leaves late to miss traffic;
 - in order to "create" additional annual leave; and
 - by undertaking normal regular daily activities that would be expected to be completed within a normal working day.

9 Procedure for claiming overtime payments or TOIL

- 9.1 When overtime is worked in agreement with line manager and it has been agreed that an overtime payment will be made, the member of staff should complete form in appendix 1 and give to the line manager for authorisation and upload to Easy system to ensure this is included in the next salary payment. The form should then be retained by the line manager on the staff member's personal file.
- 9.2 When overtime is worked in agreement with the line manager and it has been agreed that the member of staff should take time off in lieu, the member of staff should complete form in appendix 2 and give to their line manager for authorisation of both the TOIL claimed and when the time in lieu will be taken. The line manager should authorise both parts of the form. The form should then be retained by the line manager on the staff member's personal file.

10 Review

- 10.1 The CCG will have responsibility to monitor the effectiveness of this policy on an annual basis. Where review is necessary due to legislative change, this will happen immediately.
 - 10.2 This policy will remain in force until superseded by a replacement agreement or until either side seeks the opportunity to jointly amend or renegotiate the agreement.
 - 10.3 This will be jointly reviewed with trade union representatives at least every 3 years or as needed by changes in legislation or good practice.
 - 10.4 Any amendments will be approved by Audit Committee under delegated decision making.
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Appendix 1: Overtime Payment Record Sheet

Name:										Department:						
Period covered from:											To:					
Date	Reasons for extra hours worked	Time worked		Total time		Contracted hours worked		Hours worked in addition at plain rate *		Hours worked in addition to 37.5 hours per week at time and half		Hours worked in addition on a public holiday at double time		Line manager approval	Date approved	
		from	to	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs	Mins	Hrs	Mins			
dd/mm/yy															dd/mm/yy	
TOTAL:																

I declare that the information I have given on this form is correct and complete and that no claim has been made for which lieu leave has been or will be taken or that I have not claimed elsewhere for the hours detailed on this form. I understand that if I knowingly provide false information this may result in disciplinary action, and I may be liable for prosecution and civil recovery proceedings. I consent to the disclosure of information from this form to and by the CCG and Local Counter Fraud Specialist for the purpose of verification of this claim and the investigation, prevention, detection and prosecution of fraud.

I am the authorised signatory for my department. I am signing below to confirm that both the band and the hours that I am authorising are accurate and I approve payment. I understand that if I knowingly authorise false information this may result in disciplinary action, and I may be liable for prosecution and civil recovery proceedings. I consent to the disclosure of information from this form to and by the CCG and Local Counter Fraud Specialist for the purpose of verification of this claim and the investigation, prevention, detection and prosecution of fraud.

Claimant's signature.....
 Print name.....
 Date.....

Authorised signatory signature.....
 Print name.....
 Date.....

* Plain rate applies for overtime worked by part time staff over their contracted hours but up to a full time equivalent of 37.5 hours per week



Appendix 2: TOIL Record Sheet

Name:					Department:				
Period covered from:							To:		
TOIL ACCUMULATED					TOIL TAKEN				
Date	Reasons for extra hours worked	Additional time accrued		Authorised by line manager	Date	Hours taken in lieu		Authorised by line manager	Balance of hours remaining
dd/mm/yy		Hrs	Mins		dd/mm/yy	Hrs	Mins		

I declare that the information I have given on this form is correct and complete and that no claim has been made for which lieu leave has been or will be taken or that I have not claimed elsewhere for the hours detailed on this form. I understand that if I knowingly provide false information this may result in disciplinary action, and I may be liable for prosecution and civil recovery proceedings. I consent to the disclosure of information from this form to and by the CCG and Local Counter Fraud Specialist for the purpose of verification of this claim and the investigation, prevention, detection and prosecution of fraud.

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Claimant's signature.....
 Print name.....
 Date.....

Authorised signatory signature.....
 Print name.....
 Date.....

EQUALITY IMPACT ASSESSMENT

Stage 1 Initial screening

Name of the proposed policy/service/function: Overtime Policy			
Author(s) of the policy/service/function: Alison Smith, Executive Lead Governance and Engagement			
Directorate: Governance - HR		Date created: November 2018	
Date for review: December 2021			
The main aims of the policy or proposed policy/service/function: This policy aims to ensure that all staff are treated fairly in the authorisation and recompense of overtime worked.			
The intended objectives and outcomes of the policy/service/function: The policy's objectives are to ensure Staff and line managers are consistently applying the same guidance on how overtime is approved, recorded and recompensed. That staff are not put under pressure to work overtime. That line managers are reviewing their team's workload and managing the need for overtime.			
Does the policy/service/function affect any of the following groups of people? (Y or N)			
Group	Positive impact	Negative impact	Why? (Please explain your reasons. This section must be completed)
Race	√		This policy is inclusive for all minority groups – it offers no areas for exclusion. By developing this policy and applying it the CCG will be ensuring that all staff are treated equally when agreeing overtime.
Gender	√		See above.
Disability	√		See above.
Sexual orientation	√		See above.
Age	√		See above.
Religion or belief	√		See above.
Gender reassignment	√		See above.
Pregnancy and Maternity	√		See above.
Marriage and Civil Partnership	√		See above.

NOTE:

Positive impact – there may be a positive impact on any of the groups above in relation to promoting equal opportunities and equality. For example, a targeted programme for black and minority ethnic women would have a positive effect on that group compared to white women and all men. It is not, however, necessarily an adverse impact on white women and men.

Negative impact – there may be a negative impact on any of the groups (i.e. disadvantage them in any way). An example of this would be that if an event were to be held in a building with no loop facilities a negative and adverse impact would affect attendees with a hearing impairment

What evidence has been used to screen the policy? (e.g. monitoring data, consultation, focus groups, local population data):

The code of practice is all inclusive; all matters will be treated equally using the risk assessment methodology outlined.

What monitoring arrangements are in place for the future?

Compliance with this code of practice will be monitored by the Quality and Risk Manager and reported within the annual risk management report to Audit Committee. .

If no negative or adverse impact has been identified, please sign off and the process ends here.

Signature Alison Smith

Date 01/12/18

If a negative or adverse impact has been identified, please proceed to Stage 2