NHS Education for Scotland

OVERTIME AND UNSOCIAL HOURS GUIDELINES

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OVERTIME GUIDELINES

1. Introduction

Following the introduction of the NHS Terms and Conditions of Service Handbook, NHS Education for Scotland (NES) has developed Overtime Guidelines to assist managers and employees in the management of overtime.

2. Principles

2.1 NES will work on the principle that overtime will be an exception. However it is accepted that, on occasion, overtime will be required.

2.2 All NES employees (with the exception of those who are not entitled to reimbursement of overtime, see 4.1 below) will be subject to the same terms and conditions for overtime.

2.3 Working overtime is entirely voluntary and cannot be made compulsory.

2.4 Overtime should be viewed as a response to a one-off need (albeit that the need may continue for several weeks). Managers should consider options such as temporary staff and should review staffing levels on a regular basis to ensure that all posts are loaded fairly. It is expected that normal fluctuations in day to day workload will be managed through the flexi time system.

All requests for overtime must be appropriately authorised as outlined in paragraph 3.2.

2.5 Overtime will normally be worked on weekday evenings and weekends. Overtime on Public Holidays should only be worked in exceptional circumstances.

2.6 Travelling time in excess of the employees normal journey time will not attract payment but should be recorded for flexitime or time of in lieu if out with the bandwidth.

2.7 Staff required to attend a place of work because of an emergency callout (e.g. a break-in, fire, etc) should refer to the NES Call Out Policy.

2.8 Staff required to work unsocial hours should refer to the Unsocial Hours Guidelines.

3. Authorisation

3.1 Line Managers are responsible for reviewing the amount of work and deciding whether the work outstanding represents a genuine overtime situation.

3.2 All requests for overtime must be approved by the line manager and authorised in principle by the appropriate budget holder before overtime is worked.
4. **Overtime Payments**

4.1 All staff in pay bands 1 to 7 will be eligible for overtime payments. There is a single harmonised rate of time-and-half for all overtime, with the exception of work on general public holidays, which will be paid at double time.

4.2 Overtime payments will be based on the hourly rate provided by basic pay plus any long-term recruitment and retention premia.

4.3 Part-time employees will receive payments for the additional hours at plain time rates until their hours exceed standard hours of 37 ½ hours a week. (Protection arrangements will override this statement)

4.4 The single overtime rate will apply whenever excess hours are worked over full-time hours unless time off in lieu is taken, provided the employee’s line manager and budget holder has agreed with the employee to this work being performed outside the standard hours. Managers should utilise the Flexi Time System where possible (see paragraph 2.3).

4.5 Employees may request to take time off in lieu as an alternative to overtime payments. However employees who, for operational reasons, are unable to take time off in lieu within three months must be paid at the overtime rate.

4.6 Time off in lieu of overtime payments will be at plain time rates.

4.7 Senior staff paid in pay bands 8 or 9 will not be entitled to overtime payments.

4.8 Overtime payments are **not** pensionable (as per Scottish Public Pension Agency rules).

4.9 Employees in receipt of an “acting-up” allowance when overtime is worked must be paid overtime at that rate. However, where an “acting-up” allowance takes a member of staff into a grade that does not receive payment for overtime, no payment will be made.

5 **Process**

5.1 Employees must ensure that the Excess Hours Form (Appendix A) is completed in full.
5.2 Overtime should be rounded up to the nearest 5 minutes on a daily basis.

5.3 The Excess Hours Form should be signed-off by the member of staff and passed to the line manager.

5.4 The line manager should check all completed overtime forms on a monthly basis, state the reason for overtime being worked and sign the form.

5.5 At the end of the calendar month all overtime forms should be passed to the budget holder for authorisation.

5.6 The Excess Hours Form must be passed to Human Resources Payroll in Westport by the 1st of the following month to enable the overtime payment to be included in that month’s salary

Reviewed April 2013
UNSOCIAL HOURS GUIDELINES

1. Introduction

1.1 In 2004 as part of the Agenda for Change implementation, it was agreed to harmonise the unsocial hours scheme for all NHS staff. In accordance with the NHS Terms and Conditions of Service Handbook (‘the handbook’), NHS Education for Scotland (NES) has developed guidelines to assist managers and employees in the management of unsocial hours working.

2. Definitions

2.1 ‘Unsocial hours’ working occurs where the individual is required to work at unsocial times, which are defined as follows:

**All time on Saturday, Sunday and public holidays and after 8pm and before 6am on weekdays**

Unsocial hours allowances do not apply where an individual has decided or offered to do extra work outside of normal hours, that NES does not require. Unsocial hours allowances are entirely distinct from overtime payments and staff will only qualify for one of these enhancements.

2.2 The standard hours of Agenda for Change full-time NHS staff will be 37½ hours, excluding meal breaks, subject to protection and assimilation arrangements. Working time will be calculated exclusive of meal breaks. The standard hours may be worked over any reference period, e.g. 150 hours over four weeks or annualised hours, with due regard for compliance with employment legislation, such as the Working Time Regulations.

3. Principles

3.1 NES will operate on the principle that the working of unsocial hours will be an absolute exception. However it is accepted that, in some directorates eg Optometry, IT, Pharmacy, services are provided outwith normal working hours.

3.2 Where Agenda for Change staff are required to work to cover/ provide services in the evening, at night, over weekends and on general public holidays, NES has agreed that percentage enhancements should be paid for their work within standard hours (37.5 hours), provided it is done during unsocial hours.

3.3 Staff will receive an unsocial hours payment for their work within standard hours, which is done at the times shown in the table below.

3.4 Unsocial hours payments will be worked out using basic salary. This will include any long-term recruitment and retention premiums. It will not include short-term recruitment and retentions premiums, high cost area supplements or any other payment.
3.5 Any extra time worked in a week, above standard hours, will be treated as overtime and the overtime guidelines will apply. Staff cannot receive unsocial hours payments and payments for overtime or other extended service cover for the same hours.

3.6 Part time staff working less than 37½ hours a week will be eligible for percentage enhancements for unsocial hours.

3.7 Staff on annualised hours contracts will be eligible for percentage enhancements for unsocial hours.

3.8 Staff will only receive one rate of percentage enhancement for each hour worked.

3.9 All percentage enhancements for unsocial hours will be pensionable and will count for occupational sick pay and contractual maternity pay. They will not be included in any part of the calculation of overtime payments, on-call payments nor any other payment.

3.10 Where teams of staff agree work patterns among themselves, including who covers unsocial hours, it will be for the team to decide how these hours are allocated, provided the team continue to provide satisfactory levels of cover.

3.11 If on promotion, the working pattern remains substantially the same, staff will move to the first incremental point producing an increase when basic pay, any long-term recruitment and retention premium and the percentage enhancement for unsocial hours, are combined.

4. Authorisation

4.1 Directorates will be responsible for funding unsocial hours payments from their own budgets. Line Managers are responsible for ensuring that any hours claimed represent a genuine unsocial hours requirement. Unsocial hours working occurs only where the individual is required to work at unsocial times.

4.2 All unsocial hours working must be approved by the line manager as being a necessary requirement and authorised in principle by the appropriate budget holder before it is worked.

5. Unsocial Hours allowances

5.1 Staff contracted to work less than 37.5 hours in pay bands 1 to 9 will be eligible for unsocial hours payments as shown in the table below. Full-time staff will not qualify for unsocial hours unless contracted to work weekends and evenings.

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14.4 The definition of full pay will include regularly paid supplements, including any recruitment and retention premia, payments for work outside normal hours and high cost area supplements. Local partnerships can use virtual rotas showing what hours the employee would have worked in a reference period had he or she been at work.
5.2 Employees in receipt of an “acting-up” allowance when unsocial hours are worked must be paid at that rate.

6. Process

6.1 Unsocial hours working is confirmed as a necessary requirement by the host Directorate, the budget is confirmed and HR is notified.

6.2 Employees must ensure that the Excess Hours Form (Appendix A) is completed in full.

6.3 Times should be rounded up to the nearest 5 minutes on a daily basis.

6.4 The Excess Hours Form should be signed-off by the member of staff and passed to the line manager.

6.5 The line manager will review and check all unsocial hours worked on a monthly basis, state the reason for unsocial hours being worked and sign the form.

6.6 At the end of the calendar month all Excess Hours Forms should be passed to the budget holder for authorisation.

6.7 The Excess Hours Form must be passed to Human Resources Payroll in Westport by the 1st of the following month to enable the percentage enhancement to be applied to that month’s salary.
### Excess Hours Form (Additional, Overtime & Unsocial Hours)

**PART 1: Employees to complete this section**

Both the line manager and budget holder must sign this form and ensure it is forwarded to HR Payroll by the 5th of the month for inclusion in that month’s salary. Please note excess hour forms should be completed and submitted on a calendar month basis.

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**Contracted hours**

Please detail your working pattern by indicating the number of hours you work each day:

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<th>Reason for excess hours</th>
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Total

I confirm that I worked excess hours on the occasion(s) noted for the period(s) stated and that each period was approved by my line manager/the budget holder prior to the hours being worked. I confirm that I have checked the hours being claimed and agree with them.

Signature of Employee

Submit to LM

**PART 2: Line Manager/Budget Holder to complete this section**

I confirm that the named member of staff worked excess hours on the occasion(s) noted for the period(s) stated and that each period was approved by myself/the budget holder prior to the hours being worked. I confirm that I have checked the hours being claimed and agree with them.

Signature of Line Manager

Submit to Budget Holder

I confirm that my approval/the approval of the officer in charge during my absence was sought prior to the excess hours detailed being worked.

Signature of Budget Holder

Submit to HR

Both the line manager and budget holder must complete and sign this form and ensure it is forwarded to HR Payroll by the 5th of the month for inclusion in that month’s salary.

**PART 3: HR/PAYROLL USE ONLY**

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<th>Hours at unsocial enhancement (Sunday/Public Holiday)</th>
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