




## Overtime Policy

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Responsible management group:	HR SLT
Directorate/team accountable:	People Services

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## Document Control

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## **1 Statement of Aims and Objectives**

- 1.1. South East Coast Ambulance Service NHS Foundation Trust (the Trust) has a commitment to ensuring that employees maintain a healthy work-life balance and will try to ensure that the need to work extra hours is kept to a minimum, while maintaining essential operations.
- 1.2. This Policy seeks to create a consistent approach to working arrangements that enables employees and the Trust to manage fluctuations in work requirements that are not accommodated through flexible working arrangements.
- 1.3. This policy describes the practices for the management, allocation, approval, and payment of additional hours and overtime.

## **2 Scope and Eligibility**

- 2.1. This policy applies to all colleagues employed by the Trust under NHS Terms and Conditions.
- 2.2. Overtime refers to hours worked beyond the scheduled shift pattern or contracted weekly hours.
- 2.3. All staff in pay bands 1 to 7 will be eligible for overtime payments.
- 2.4. Colleagues on bands 8 and above will not be entitled to overtime payments, other than as a result of being re-called to duty during an approved on-call period (Please refer to Annex 29 in the NHS Terms and Conditions of Service Handbook).
- 2.5. If a colleague is working extra hours under a bank agreement for The Trust, this is not defined as overtime.

## **3 Principles**

- 3.1. The contracted working week plus any agreed additional hours should be consistent with the UK Working Time Regulations requirement. Colleagues and managers must ensure that working extra hours will not breach the Working Time Regulations regarding breaks, rest periods and average working hours per week. During peak demand or a major incident, the Working Time exemption may apply. Compensatory Rest Periods will be in accordance with the Working Time Regulations Policy.
- 3.2. Overtime is primarily considered as planned and voluntary, and will be allocated based on the Trust's need to cover:
  - Unexpected absences.
  - Increased work demand.
  - Tasks that must be done outside normal hours.
  - Unit Hours requirement

- Agreed staffing levels

3.3. There are occasions when an extension to the working day / planned shift will become a non-voluntary (unavoidable/unplanned) event resulting in a forced 'over-run' in response to service needs.

3.4. Overtime should not be accrued in the following circumstances: (This list is not exhaustive)

- where a colleague arrives early or leaves late to miss traffic, or for any other reason to suit their own personal circumstances
- where colleagues choose not to take breaks

## **4 Responsibilities**

### **4.1. All Colleagues**

- Considering and assessing whether they are fit and well enough to undertake extra work over and above their contracted hours.
- Declaring any additional paid secondary employment or unpaid voluntary work.
- Gaining appropriate approval before working extra time above their contracted hours, (except in relation to 3.3), for which they will be claiming either overtime payment or TOIL.
- Ensure that any overtime worked is correctly recorded on their E-Timesheet and that all claims for such are submitted within 90 days (approximately 3 months) of accruing and within payroll cut-off dates, in line with the E-Expenses Policy.

### **4.2. Managers / Scheduling**

- Avoid, where possible, imposing extra workloads or setting deadlines that mean colleagues must work excessive hours.
- Monitoring overtime levels to prevent excessive working hours and ensure compliance with rest break entitlement under the Working Time Regulations.
- Authorise overtime prior to a colleague working any planned additional hours.
- Consider alternatives to overtime.
- Ensuring hours claimed are correct and approved prior to authorising overtime.
- Be mindful of any potential conflicts of interest that may be present when authorising overtime. An alternative, appropriate manager should be identified to progress authorisations, if there is a conflict.

### **4.3. People Professionals**

- Provide advice to both employees and line managers on the application of this policy.

## 5 Overtime Approval

- 5.1. All scheduled, voluntary overtime must be approved in advance of an individual working the additional hours.
- 5.2. All operational staff wishing to make themselves available for voluntary overtime should contact the relevant scheduling office. An overtime reference number will be automatically allocated at the time of authorisation. This reference number must be recorded on the staff member's timesheet when requesting payment.
- 5.3. Under exceptional circumstances out of hours, overtime can be authorised by an operating unit manager or equivalent, to cover acute and unforeseen shortages in the required unit hours.
- 5.4. Non-operational colleagues will be required to complete the overtime pre-approval form. All claims should be submitted and authorised, in accordance with [e-Timesheets](#). It is the responsibility of the relevant budget holder to authorise overtime within all non-operational departments.

## 6 Overtime Payments

- 6.1. **Enhanced Overtime:** For full-time staff the enhanced overtime rate of time-and-a-half will apply, with the exception of work on general public holidays, which will be paid at double time.
- 6.2. **Additional Hours at Plain Time:** Part-time colleagues will receive payments for the additional hours at their normal hourly rate (plain time) until their hours exceed full-time hours (37.5 hours) after which the enhanced rate above will apply. Annualised hours colleagues will receive payments for additional hours at plain time rate until they have exceeded the full-time contracted annual hours (1955 hours), after which the enhanced rate above will apply.
- 6.3. Employees cannot be paid both unsocial hours and overtime for the same working hours. Unsocial hours payments will not be included in any part of the calculation of overtime payments.
- 6.4. Approved long-term recruitment and retention premia (RRP) will be included in the calculation of overtime payments.
- 6.5. In line with the 2017 National Ambulance Service joint agreement and the March 2021 Collective Agreed Framework, both voluntary and non-voluntary overtime will be included within the calculation of holiday pay.
- 6.6. Colleagues may request to take time off in lieu as an alternative to overtime payments. Time off in lieu will be at plain time and in accordance with the Trusts TOIL policy. No further payment will be included in the calculation of holiday.

- 6.7. Overtime is usually not payable where a flexitime working arrangement is in place and there is the facility to adjust working hours/ pattern.
- 6.8. Overtime hours will be compensated based on the pay rate associated with the designated overtime role. For operational shifts, this rate will correspond to the employee's clinical grade. If, during the overtime period, an employee is required to perform a different role to meet service demands, prior approval must be obtained from the Strategic Commander or a senior manager. The applicable pay rate for the alternative role must be confirmed, and timesheets should be updated accordingly to reflect the change.

## **7 Restriction/ Cancellation of Planned Overtime**

- 7.1. To support employee health and wellbeing, a temporary restriction of overtime/ additional hours may be applied where it is thought necessary to support recovery and prevent relapse following a period of absence, based on Occupational Health advice. Overtime/ additional hours restrictions would apply to phased return to work plans.
- 7.2. Except in 7.1 above, the cancellation of overtime by either the employee or the Trust should only occur in exceptional circumstances with a minimum of 7 days' notice or by mutual consent.
- 7.3. Where non-attendance on an overtime shift is due to absence, this must be reported in line with the relevant Trust policy and overtime will not be paid.

## **8 Fraud**

- 8.1. Falsification of information, including the exaggeration or falsification of overtime claims provided to the Trust by a colleague in relation to their hours of work, will be investigated and dealt with through the Trust's Disciplinary Procedure and / or the Anti- Fraud and Bribery Policy. If the breach is so serious as to amount to a dishonest act and cause a financial loss to the Trust the matter may be referred to the Local Counter Fraud Specialist for investigation, which may lead to a criminal sanction.

## **9 Monitoring compliance**

- 9.1. Compliance with this policy will be monitored by the appropriate line manager and any issues will be raised with the responsible manager and/or the relevant directorate.

## **10 Audit and Review (evaluating effectiveness)**

- 10.1. All policies have their effectiveness audited by the HR Working Group at regular intervals, and initially six months after a new policy is approved and disseminated.

- 10.2. Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).
- 10.3. This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced, or if feedback from colleagues indicates that the policy is not working effectively.
- 10.4. All changes made to this policy will go through the governance route for development and approval as set out in the Policy on Policies.

## **11 Associated Trust Documentation**

- [Working Time Regulations Policy](#)
- [Declaration of Interests Policy](#)
- [Flexible Working Policy](#)
- [Meal Break Policy](#)
- E-expenses Policy
- [Annual Leave Policy](#)
- Over and Under Payment Policy
- [Disciplinary Policy](#)
- [Managing Health and Attendance Policy](#)
- [Anti-Fraud and Bribery Policy](#)
- [TOIL Policy](#)
- [Personal Relationships at Work and Professional Boundaries Policy](#)

## **12 References**

- [NHS National Terms and Conditions of Employment](#)
- [Working Time Regulations](#)

## **13 Financial Checkpoint**

- 13.1. This document has been confirmed by Finance to have financial implications and the relevant Trust processes have been followed to ensure adequate funds are available.

## **14 Equality Analysis**

- 14.1. The Trust believes in fairness and equality, and values diversity in its role as both a provider of services and as an employer. The Trust aims to provide accessible services that respect the needs of each individual and exclude no-one. It is committed to comply with the Human Rights Act and to meeting the Equality Act 2010, which identifies the following nine protected characteristics: Age, Disability, Race, Religion and Belief, Gender Reassignment, Sexual Orientation, Sex, Marriage and Civil Partnership and Pregnancy and Maternity.