Consultants Discretionary Points
Policy and Procedure

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Appendix I - PCS(DD)1995/6 – Consultants Discretionary Points
Appendix II - Amendment to PCS(DD) 1995/6 dated 12 January 2000
Appendix III – PCS(DD)2001/2 - Annual Appraisal for Consultants
Appendix IV – CV Questionnaire Form
Appendix V – Discretionary Points Process Flowchart
1 Aims and Objectives

The aim of this policy is to provide a robust and sustainable process that consultants will follow in order to apply for discretionary points and detail the responsibility and process that NHS Shetland will follow to ensure that the local application of the Consultants' Discretionary Points are applied in line with NHS Circular PCS(DD)1995/6 (Appendix I) and as amended by the SEHD in its letter to Trusts dated 12 January 2000 (Appendix II).

2 Legal Framework and NHS conditions of Service

Employers must ensure that their discretionary points process and practices are consistent with the requirements of the following legislation. This legislation underpins the model policies provided in this document.

Sex Discrimination Act 1975
This Act legislates against discrimination on the grounds of sex.

Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000)
This Act legislates against discrimination on the grounds of race, which includes a statutory duty to promote race equality by publishing a race equality scheme.

Disability Discrimination Act 1995
This Act legislates against discrimination against an individual on the grounds of disability.

Employment Relations Act 1999
This Act gives employees rights to parental leave and time off for dependants, reviewed and improved maternity, paternity, adoption and fostering rights.

Part Time Workers (Prevention of Less Favorable Treatment) Regulations 2000
These Regulations provide a part-time worker with a right not to be treated less favorably than a comparable full-time worker.

Employment Equality (Religion or Belief) Regulations 2003
These Regulations legislate against discrimination on the grounds of religion and belief.

Employment Equality (Sexual Orientation) Regulations 2003
These Regulations legislate against discrimination on the grounds of sexual orientation.
Civil Partnership Act 2004
This Act means that same-sex couples across the UK can have their relationships legally recognised. Any couple that registers a civil partnership will have the same rights as a married couple in areas such as tax, social security, inheritance and workplace benefits.

NHS Reform (Scotland) Act 2004
This Act provides a duty in relation to the management of staff within NHS Scotland, which includes a statutory duty on NHS organisations to implement the Staff Governance Standard.

NHS terms and conditions handbook
These handbooks contain nationally negotiated terms and conditions of service applicable to NHS staff, and in some cases exceed minimum legal requirements.

3 Purpose of Policy
To give a comprehensive description of what consultant discretionary points are, how they are allocated and a clear process of actions and responsibilities to enable the points to be allocated fairly.

4 What are Discretionary Points?
Discretionary Points are consolidated payments in addition to the consultant salary which may be paid at the discretion of NHS Shetland in the light of Professional Advice. The Discretionary Point Scale consists of 8 points of equal value, up rated on an annual basis in light of the recommendations made by the Review Body on Doctors and Dentists Remuneration (DDRB).

Discretionary Points are not seniority payments, nor automatic annual increments.

Consultants in all specialties and all types of posts are equally eligible and should be treated as such.

To warrant payment of a discretionary point, consultants will be expected to demonstrate an above average contribution in respect of one or more of services to patients, teaching, research, and the management and development of the service.

Progression at each step up the discretionary points scale will reflect the continuing quality and range of the contribution made by the consultant. To attain the maximum of the discretionary points scale consultants will be expected to have demonstrated an outstanding contribution to services.

5 General Principles
The local application of the Consultants’ Discretionary Points will be applied in line with NHS Circular PCS(DD)1995/6 (Appendix I) as amended by the SEHD in its letter to Trusts dated 12 January 2000 (Appendix II).

6 Eligibility
The discretionary points scheme applies to all consultants employed by NHS Shetland on national terms and conditions. The scheme will also apply to Consultants with honorary contracts with NHS Shetland. Consultants who have not reached point 05 of the consultant salary scale on the 1st of April of the applicable year or who are already in receipt of the maximum number of discretionary points (8) will not be eligible. Consultants who hold a B or higher distinction award will be regarded as having reached the maximum of the Discretionary Points scale.

Consultants who are on split contracts (between two or more employers) will be considered on their overall contribution. It will be the responsibility of the 'lead' employer to implement the nomination process, to liaise with the other employers and to consider applications from split contract medical staff. Points will be attributed as if the 'lead' employer were the only employer. Review of this Scheme will expressly take account of steps taken by the Remuneration Committee to ensure that doctors on split contracts have suffered no disadvantage.

In line with NHS Circular PCS (DD) 2001/2 (Appendix III), in order for a consultant to be eligible to be considered for the award of Discretionary Points they must have participated fully with the appraisal process during the period(s) of time under scrutiny.

Provided they make application for points, all eligible consultants will be considered for discretionary points each year irrespective of whether they have received points in previous rounds.

7 Consultants under disciplinary procedures

A consultant who has been disciplined under the General Medical Council's procedures or under the NHS Shetland's procedures to the level of a final written warning will not be considered for points for the duration of the disciplinary penalty. If the consultant is the subject of a formal investigation under NHS Shetland's disciplinary procedures or the General Medical Council's procedures, the Remuneration Committee will be informed in confidence. The individual may be considered for points but the Remuneration Committee will defer a decision on any award until the outcome of the disciplinary process is known.

8 Numbers of Points to be awarded

Employers have discretion on the number of points to be granted in any individual case in any particular year but are subject to a minimum allocation of 0.35 point per eligible consultant. Where a fraction of a point results, this will be rounded up to a whole point.

It will be for NHS Shetland’s Remuneration Committee to determine the allocation of point(s) to a Consultant based on added value to the service and confirmation from NHS Grampian that the applications are robust. The monetary value to the individual will vary according to whether they are employed on a full or part time basis.

All discretionary points awarded for each round will be payable effective from 1 April of the year after, ie applications for 1.04.08 – 31.03.09 will be payable from 1.04.09 and backdated accordingly.

9 Criteria on which the award is based
The criteria for payment of discretionary points should allow for contributions made in the following areas to be taken into account. No other criteria will be applied to the consideration of discretionary points.

- **Professional Excellence**
  - Quality of Clinical Care of Patients
  - Service Development
  - Professional Leadership
  - Improvements in Public Health

- **Significant contribution towards the achievement of local NHS Service priorities.**

- **Undertaking recognized significant heavy workload or responsibilities in pursuit of locum NHS Service goals.**

- **Contribution to professional and Multidisciplinary teamworking.**

- **Research, innovation and improvement in the service.**

- **Clinical Audit**

- **Administrative or NHS Shetland Management Contributions**

- **Teaching and training**, including
  - Training of Junior Staff
  - Involvement in undergraduate or postgraduate teaching.
  - Public Education and Health Promotion
  - Contributions to training of other staff

- **Wider Contribution to the work of the NHS Nationally.**

10 **Pensionability and Transferability**
Discretionary points will be pensionable. Consultants will retain payment of discretionary points granted by one NHS employer on appointment to another NHS Scotland Employer.

11 **Nomination Procedure**

The Human Resources Department will invite all eligible consultants to apply for discretionary points using the agreed CVQ questionnaire form (Appendix IV). The invitation will include a copy of this Agreement, the CVQ form and guidance for its completion. Consultants will be informed of the timetable for the return of CVQ questionnaires and **under no circumstances will late applications be accepted.**

The CVQ must be completed on a computer and submitted electronically to lorraine.hall@nhs.net. Hard copy and / or hand written submissions will not be accepted.

CVQ forms will not be considered where the font size or the font itself has been changed. Only the prescribed font and font size will be acceptable. The expanding or contracting of text boxes in the CV form is also unacceptable and, should this be done, the form will be rejected and the applicant disqualified. No additional material submitted in support of the form or extra pages will be accepted.

Canvassing by an applicant or by anyone on his/her behalf, at any stage of the process, will disqualify the applicant.
12  Scoring of the CV Applications

For the purpose of scoring the CV applications, NHS Shetland will link into NHS Grampian’s Discretionary Points Committee scoring process.

All of the panel will be from a non-linked specialism so that it is an unbiased process that is based purely on what information is on the CV application. There is no recommendation made by these panels on allocation of points, as previously stated, NHS Shetland’s Remuneration Committee will determine this.

The assessment process will use an appropriate scoring system linked to the criteria for points and agreed with local Consultants.

All entries in the CVQ must be dated (start and finish dates, or “ongoing”) any undated entries will be discounted and not scored.

Private Practice does not qualify as NHS Work, thus is out with the DP Process. Any data identified as being Private Practice will not be scored, and will be discounted from the application.

The scored applications will then be sent to NHS Shetland’s Remuneration Committee via the Director of Human Resources & Support Services.

13  Remuneration Committee

The Remuneration Committee will have responsibility for making an informed decision and allocating the points to the eligible consultants each year. The Remuneration Committee would then authorise the payment of the points via the Director of Human Resources & Support Services.

The Remuneration Committee will use the results of the scores produced by Grampian and the content of applicants’ CVs to make their decision and recommendation for allocation of points.

There will be a standard CV questionnaire form to be completed by all consultants applying for points.

The Remuneration Committee will also decide if application should be discounted because of inaccuracy. The Remuneration Committee cannot give credit for something that is not claimed or claimed in the wrong box as this will in effect be re scoring.

The deliberations at all levels of the assessment process will be based on the criteria for points, the CV questionnaire forms, the level of award to date and the outcomes of the scoring system.

Each year the Remuneration Committee will review the names of eligible consultants who have not received discretionary points in the previous five years to ensure that they are not being overlooked.

All applicants for points will be advised of the outcome within ten working days of the remuneration committee authorisation for payment. Details of the outcome will be also sent to the Scottish Advisory Committee on Distinction Awards (SACDA).

Once any appeals are concluded a list of those who have been awarded points in the current year will be published and made available to all consultants employed by NHS Shetland on request to the Medical Director.

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14 The Process for Consultants Discretionary Points
(Process Flowchart Appendix V)

**Setting of Timetable**
The Senior HR Advisor will liaise with NHS Grampian to set the timetable for the detailed process for each round and to confirm the list of eligible consultants.

**Applications sent out**
Applications will be sent out to the eligible consultants electronically within the 1st 2 weeks of April (or in line with Grampian timeframes), with copy to their manager. The closing date will be specified (a minimum of 6 weeks after issue).

**Returning Applications**
Applications should be e-mailed to lorraine.hall@nhs.net by the closing date. No late applications will be accepted.

**Remuneration Committee Ratification**
A remuneration committee will be scheduled to be held in a timely fashion following Grampian timeframes. The Director of Human Resources & Support Services will present the report to the remuneration committee for ratification of payment.

The Senior HR Advisor will write to all applicants within 10 days of the remuneration committee meeting, informing them of the allocation. In the letter the Senior HR Advisor will detail the process to be followed in the event of an appeal.

**Support for Applicants**
Management shall ensure that appropriate advice is made available to all consultants in regard to the completion of CV questionnaire forms in order to promote equality of opportunity.

Management will ensure that all applicants have adequate access to secretarial and IT resources in order to ensure that applicants are not disadvantaged in completing their CV questionnaire form.

15 **Review of Agreement**

NHS Shetland will review arrangements after this round to take cognisance of the fact that it is a new process and to get local Consultants views and evaluation prior to agreeing a more long-term approach.