

TRUST-WIDE POLICY DOCUMENT

Clinical Excellence Awards (Employer Based awards)

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| Policy Number: | HR36 |
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| Lead Executive Director: | Medical Director |
| Lead Author(s): | Human Resources Business Partner |

TRUST-WIDE CLINICAL POLICY DOCUMENT

2016 – Version 1

Quality, recovery and
wellbeing at the heart
of everything we do

TRUST-WIDE CLINICAL POLICY DOCUMENT

Clinical Excellence Awards (Employer Based Rewards)

Further information about this document:

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|---|---|
| Document name | Clinical Excellence Awards (Employer Based Rewards) HR36 |
| Document summary | The purpose of Employer Based Awards is to reward those Consultants who have delivered beyond the expectations of their role and who have made a significant contribution to the delivery of a safe, high quality and continuously improving patient centred experience |
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| To be read in conjunction with | Not Applicable |
| This document can be made available in a range of alternative formats including various languages, large print and braille etc | |
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Version Control:

| | | Version History: |
|-------------------------------------|---------------------------------------|------------------|
| Draft for consultation Version 1 | Agreed at Local Negotiating Committee | August 2016 |

SUPPORTING STATEMENTS

this document should be read in conjunction with the following statements:

SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and vulnerable adults, including:

- being alert to the possibility of child/vulnerable adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child/vulnerable adult;
- knowing how to deal with a disclosure or allegation of child/adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child/vulnerable adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or vulnerable adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, gender, race, religion or belief, sexual orientation and transgender. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line the with a Human Rights based approach and the FRED A principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

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1. PURPOSE AND RATIONALE

- 1.1 These arrangements will apply to all consultant medical and dental staff whether employed under national terms and conditions of service, new Consultant Contract or a Trust specific Contract of Employment.
- 1.2 The purpose of Employer Based Awards is to reward those Consultants who have delivered beyond the expectations of their role and who have made a significant contribution to the delivery of a safe, high quality and continuously improving patient centred experience.
- 1.2 All such consultants who have at least 1 year's service at Consultant level as at the 1st April in any particular year will be eligible to apply for payment of Employer Based Awards (EBA) (Clinical Excellence Awards), except existing distinction award holders in accordance with the arrangements described in "The New NHS Consultant Rewards Scheme" – Clinical Excellence Awards. (Available from the web site address www.advisorybodies.doh.gov.ukEBACcea). The "Guide to the NHS Consultants' Clinical Excellence Awards Scheme" is also available on www.doh.gov.ukEBACcea.
- 1.3 All levels of award are pensionable.
- 1.4 Consultants will retain Employer Based Awards awarded by one NHS employer or appointment to another subject to appropriate review.

2. SCOPE

- 2.1 This policy applies to all Consultants employed by the Mersey Care NHS Foundation Trust who have a minimum of 12 months service with the Trust except:

Consultants employed in the following categories are not eligible for Clinical Excellence Awards:-
 - Locum consultants
 - Consultants employed in general management position, such as chief executive or general managers and who do not undertake clinical work as a consultant under a separate clinical contract.
- 2.2 This Policy and Procedure **does not** incorporate the National Clinical Excellence Awards which are centrally administered by Advisory Committee on Clinical Excellence Awards (ACCEA).

3. DEFINITIONS

- | | | |
|-----|-------|--|
| 3.1 | ACCEA | Advisory Committee on Clinical Excellence Awards |
| 3.2 | EBA | Employer Based Awards |
| 3.3 | EBAP | Employer Based Awards Panel |
| 3.4 | AMD | Associate Medical Director |

4. DUTIES

4.1 Employer Based Awards Panel

- 4.1.1 The Employer Based awards Committee (EBAP) will have delegated authority to consider applications for and determine the level of Employee Based Award, within the limits established by the Trust Board.
- 4.1.2 The composition of the EBAP will have a minimum of 12 members, including consultants, employer representatives and lay members. At least half of the members should be consultants and a quarter employer representatives, and three should be lay members, including ideally a lay Chairman. The EBAP will comprise of the following:
- Non Executive Director (as Chair)
 - Chief Executive (employer representative)
 - Medical Director (employer representative)
 - Executive Director of Workforce (employer representative)
 - At least two lay representatives,
 - Consultants (reflecting an appropriate range of specialties, gender and ethnic minority balances) and excluding any who have applied for consideration in that year.
- 4.1.3 A member of the Medical Staffing team will act as Secretary to the Committee.
- 4.1.4 The EBAP will publish an annual report showing the distribution of local awards and those consultants receiving each level of ward, this will be shared with the LNC and other consultants.

4.2 Medical Director

The Medical Director is responsible for overseeing the awarding Employer Based Awards.

4.3 Consultants

Applicants are required to provide a full and accurate application in line with the procedure outlined within this document.

4.4 Secretary of the Employed Based Awards Panel (representative from Medical Staffing)

The Trust's Medical Staffing Department is responsible for the collation of all applications for Employer Based Awards made in line with Trust policy and provision of the same to the Panel.

The Secretary will also be responsible for the convening of the panel and the provision to that Panel of necessary information and guidance. In addition the Secretary will be responsible for the maintenance of accurate notes of the Panel Meeting and storing of the same with related applications, scoring and associated paperwork.

4.8 Medical Staffing

The Medical Staffing department will be responsible for informing the consultant body of the successful applicants.

5. PROCESS

5.1 CRITERIA

Employee based awards are intended for consultants who are performing “over and above” that which is contractually expected. Consultants are expected to highlight their achievement in the domains on the application form. It is not expected that a candidate will demonstrate “over and above” achievement in all five domains (see 3.1) in order to be worthy of an award. Much will depend on the type and nature of the post.

5.2 Consultants must link the achievement of the domains to the Trust’s Strategic Objectives (from time of creation or for the preceding three years, whichever period is shorter). In other words, they must demonstrate tangible outcomes linked to Trust priorities.

5.3 Decisions on Employer based awards will be based strictly on an individuals contribution to:-

- Delivering a high quality service
- Developing a high quality service
- Managing a high quality service
- Research and innovation

The domains should be used to draw attention to the most important examples of the consultant’s local and where appropriate, national and international work. It is essential that these achievements are dated to show when they started and ended or if they are ongoing and listed in chronological order, anything not dated will be discounted.

For those already holding awards and applying for a higher level the information provided must emphasise achievements since the previous award was granted. Consultants should not include evidence that has been submitted for an earlier award except to illustrate how initiatives have been further developed. This condition may be relaxed under outstanding circumstances with employer based award applications when the interval between gaining awards can be less and some overlap with an achievement is acceptable.

Applications are considered by lay and professional members of committees. What applicants write must be intelligible to all those who assess the application (remembering some assessing are lay members). Where completing the form applicants must:

- Adhere strictly to the guidance
- Clearly identify dates of all activities
- Not use abbreviations to indicate names of societies, groups etc.
- Not exceed the box word limit
- Be succinct
- Use a new line for each entry

5.4 A summary of the applicants job plan as agreed with the employer should be provided with the application for an award, if a summary is not included the application will be discounted. The application form should clearly indicate whether or not the work described is remunerated. It should describe your working week for each post held (e.g. consultant surgeon, clinical director, senior lecturer, college or faculty regional advisor, faculty or specialist society officer). In the case of applications citing research, a statement of the amount of funding for this research and its source should be clearly stated. Similarly, time allocated for teaching and for personal involvement in audit should be stated. This is not a comprehensive list.

5.5 Consultants should describe the reasons why they believe they should be considered for a Employee Based Award. The focus should be on the most significant achievements and the most important examples of local, national and internal work. This statement is not scored by the panel but provides them with an overview of the applicants activities.

- 5.6 The application should be accompanied by a statement of authenticity from the Associate Medical Director for the Division /Deputy Medical Director to confirm the application is an accurate representation of achievement that fall within the scope of 'over and above' that normally expected within the element of the job plan. If there is no statement of authenticity the application will not be considered. Consultants have a further opportunity for their application to be amended. Details are to be verified by the Associate Medical Director for the Division/Deputy Medical Director following feedback. In the situation where an Associate Medical Director/Deputy Medical Director is applying for an award, or where there is disagreement between the Consultant and the Associate Medical Director/Deputy Medical Director, the application should be forwarded to the Medical Director for a decision.

NOTE: if any application is altered after the Medical Director/Deputy Medical Director's verification of authenticity this will be considered under the policy for Maintaining High Professional Standards in a Modern NHS.

6 PROCESS FOR THE DETERMINATION OF AWARDS

- 6.1 Eligible consultants will be invited each year to submit an application for consideration describing their contribution towards the Trust's strategic objectives and the national criteria. However if a consultant has been awarded CEA's in the previous years awards then they will not normally be eligible to apply in the following year unless they have made exceptional contributions following their last award, if they do apply they must give specific evidence of advancements they have made following their last award. Exceptional circumstances would include:
- Leading service change that has improved the patient experience
 - Leading service change that has improved health outcomes and/or system enhancement in line with NICE Quality Standards
 - Leading service change that has improved patient safety systems
 - Leading change that has ensured value for taxpayers' money
 - Leading change that has improved job and pride in work for our staff
- 6.2 Eligible consultant will receive both an email and written invitation to apply for the Clinical Excellence Awards for that year. The email invitation will be accompanied by the current Clinical Excellence Awards Policy and by a list of the Trust's Strategic Objectives (from time of creation or for the preceding three years, whichever period is shorter). Invitations will be sent out by the Medical Staffing team, with details and times of when applications should reach the Clinical Director, timescales of when Clinical Directors will verify authenticity and return applications by. It is then the responsibility of the consultant to forward the agreed application to the Medical Staffing team by the indicated date. Applications must be completed electronically and submitted via email for the consideration of the Local Awards Committee (EBAC). The "Guide to the Scheme and Application form Form A" are available to download from www.advisorybodies.doh.gov.uk/EBACcea. Applications which do not already carry the endorsement of the Clinical Director (or Medical Director) and any that are late will not be accepted.
- 6.3 Each application will be scored individually by each EBAC member prior to the formal meeting. The criteria will allot a maximum of 10 points for each domain and will be weighted equally, between the domains.
- 6.4 Credit will only be given for what has been achieved since the last Employer Based Award.

6.5 **Employer Based Awards Panel Meeting**

- 6.6 The issuing of awards will be solely based on the written application submitted.
- 6.7 The Panel will be advised of the total number of awards and equivalent minimum financial sum available for the awards.
- 6.8 The EBAP will announce their decisions in writing to all those eligible consultants who have applied and offer feedback to unsuccessful applicants. All consultants will be informed of successful awards.
- 6.9 The awards will be effective from 1st April of any given year.

7 APPEALS MECHANISM

- 7.1 Any Consultant who is dissatisfied with the outcome of their application may seek a review of the process by appealing to a panel comprising of a non-executive director of the Trust and 2 consultant representatives nominated by the LNC, one of which will be the Chairman. A member of the Human Resources Department will act as secretary to the appeal panel.
- 7.2 The appeal must be submitted in writing within 4 weeks of the awards being announced and must state in detail the grounds on which it is being pursued. The individual consultant may attend the appeal hearing accompanied by a recognised trade union representative or work colleague and make a statement in support of their appeal against the process. The Local Appeals Panel cannot award additional Employer based award points as this is the role of the EBAP.
- 7.3 Successful appeals will need to be referred back to the EBAP for reconsideration and will not compromise award decisions already made.
- 7.4 If a candidate who has exhausted the Local Appeals process, still wishes to pursue their appeal against the process to a higher level it should be sent to the ACCEA Secretariat within 4 weeks on the receipt of the outcome of the Local Appeal.

8 EFFECTS OF ELIGIBILITY FOLLOWING CHANGES IN CIRCUMSTANCES

- 8.1 There are a number of changes that may effect payment of, or eligibility for Clinical Excellence Awards, which will be reviewed by the EBAP. These include:
- Change in specialty – if an award holder ceases to practice in the specialty for which the award was granted.
 - General Management – if a consultant ceases to practice in the specialty for which the award was granted and moves in to a full or part time general management post.
 - Unpaid leave – where the period of leave is in excess of 12 months.
 - Secondments – if consultants are seconded full time to a post with a non-qualifying employer, they will not be eligible for consideration for an award during the period of

9 TRAINING AND SUPPORT

Training on completion of application forms and the marking of application forms will be provided by the Associate Medical Director/Deputy Medical Director, Consultant body and the Human Resources staff as and when required.

10 MONITORING

The medical staffing department will report on the outcome of the Employer Based Awards Committee on an annual basis to the Local Negotiating Committee.

11 CONSULTATION

Consultation was undertaken by the Local Negotiating Committee and the British Medical Association.

11 EQUALITY AND HUMAN RIGHTS ANALYSIS

10 Equality and Human Rights Analysis

| |
|---|
| Title: Clinical Excellence Awards (Employer Based Rewards) |
| Area covered: Trust wide Non Clinical Policy |

| |
|--|
| <p>What are the intended outcomes of this work? <i>Include outline of objectives and function aims</i> The purpose of Employer Based Awards is to reward those Consultants who have delivered beyond the expectations of their role and who have made a significant contribution to the delivery of a safe, high quality and continuously improving patient centred experience.</p> <p>Who will be affected? <i>e.g. staff, patients, service users etc</i> All consultant , medical and Dental staff whether employed under national terms and conditions of service, new Consultant Contract or a Trust specific Contract of Employment.</p> |
|--|

| |
|---|
| Evidence |
| <p>What evidence have you considered? The policy</p> |
| <p>Disability (including learning disability) No issues identified within discussions.</p> |
| <p>Sex No issues identified within discussions.</p> |
| <p>Race <i>Consider and detail (including the source of any evidence) on difference ethnic groups, nationalities, Roma gypsies, Irish travellers, language barriers.</i> No issues identified within discussions.</p> |
| <p>Age <i>Consider and detail (including the source of any evidence) across age ranges on old and younger people. This can include safeguarding, consent and child welfare.</i> No issues identified within discussions.</p> |
| <p>Gender reassignment (including transgender) <i>Consider and detail (including the source of any evidence) on transgender and transsexual people. This can include issues such as privacy of data and harassment.</i> No issues identified within discussions.</p> |
| <p>Sexual orientation <i>Consider and detail (including the source of any evidence) on heterosexual people as well as lesbian, gay and bi-sexual people.</i> No issues identified within discussions.</p> |
| <p>Religion or belief <i>Consider and detail (including the source of any evidence) on people with different religions, beliefs or no belief.</i> No issues identified within discussions.</p> |
| <p>Pregnancy and maternity <i>Consider and detail (including the source of any evidence) on working arrangements, part-time working, infant caring responsibilities.</i></p> |

| |
|--|
| No issues identified within discussions. |
| Carers Consider and detail (including the source of any evidence) on part-time working, shift-patterns, general caring responsibilities. No issues identified within discussions. |
| Other identified groups Consider and detail and include the source of any evidence on different socio-economic groups, area inequality, income, resident status (migrants) and other groups experiencing disadvantage and barriers to access. No issues identified within discussions. |
| Cross Cutting implications to more than 1 protected characteristic No issues identified within discussions. |

| Human Rights | Is there an impact? How this right could be protected? |
|--|---|
| Right to life (Article 2) | Not engaged |
| Right of freedom from inhuman and degrading treatment (Article 3) | Not engaged |
| Right to liberty (Article 5) | Not engaged |
| Right to a fair trial (Article 6) | <p>Human Rights Based Approach Supported</p> <p>7 APPEALS MECHANISM</p> <p>7.1 Any Consultant who is dissatisfied with the outcome of their application may seek a review of the process by appealing to a panel comprising of a non-executive director of the Trust and 2 consultant representatives nominated by the LNC, one of which will be the Chairman. A member of the Human Resources Department will act as secretary to the appeal panel.</p> <p>7.2 The appeal must be submitted in writing within 4 weeks of the awards being announced and must state in detail the grounds on which it is being pursued. The individual consultant may attend the appeal hearing accompanied by a recognised trade union representative or work colleague and make a statement in support of their appeal against the process. The Local Appeals Panel cannot award additional Employer based award points as this is the role of the EBAC.</p> <p>7.3 Successful appeals will need to be referred back to the EBAC for reconsideration and will not compromise award decisions already made.</p> |

| | |
|--|-------------|
| Right to private and family life (Article 8) | Not engaged |
| Right of freedom of religion or belief (Article 9) | Not engaged |
| Right to freedom of expression Note: this does not include insulting language such as racism (Article 10) | Not engaged |
| Right freedom from discrimination (Article 14) | Not engaged |

Engagement and Involvement *detail any engagement and involvement that was completed inputting this together.*

Medical staffing team
 Medical team
 HR

Summary of Analysis *This highlights specific areas which indicate whether the whole of the document supports the trust to meet general duties of the Equality Act 2010*

Eliminate discrimination, harassment and victimisation

This is a new policy looking at clinical excellent awards.
 There will need to be monitoring within the application process in relation to the protected characteristic within the yearly report.

Advance equality of opportunity

Positive action to be considered if needed following review of applications.

Promote good relations between groups

What is the overall impact?

No negative impact detected

Addressing the impact on equalities

See action plan below

Action planning for improvement

Detail in the action plan below the challenges and opportunities you have identified. *Include here any or all of the following, based on your assessment*

- Plans already under way or in development to address the **challenges** and **priorities** identified.
- Arrangements for continued engagement of stakeholders.
- Arrangements for continued monitoring and evaluating the policy for its impact on different groups as the policy is

implemented (or pilot activity progresses)

- *Arrangements for embedding findings of the assessment within the wider system, OGDs, other agencies, local service providers and regulatory bodies*
- *Arrangements for publishing the assessment and ensuring relevant colleagues are informed of the results*
- *Arrangements for making information accessible to staff, patients, service users and the public*
- *Arrangements to make sure the assessment contributes to reviews of DH strategic equality objectives.*

For the record

Name of persons who carried out this assessment:

Sarah Corley, HR Officer

George Sullivan, Equality & Human Rights Advisor

Pauline Copland, HR Business Partner

Date assessment completed:

18th August 2016

Name of responsible Director:

Amanda Oates, Executive Director of Workforce

Date assessment was signed:

August 2016

Action plan template

This part of the template is to help you develop your action plan. You might want to change the categories in the first column to reflect the actions needed for your policy.

| Category | Actions | Target date | Person responsible and their area of responsibility |
|---------------------------------|--|-------------|---|
| Monitoring | Monitoring re the protected characteristics. | | |
| Increasing accessibility | Policy and impact assessment to be placed on Trust website | | |