# Employer Based Awards for Clinical Excellence to Consultants

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<tr>
<th>Reference Number:</th>
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<tbody>
<tr>
<td>Author &amp; Title:</td>
<td>Sue Davis</td>
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<tr>
<td></td>
<td>Head of HR</td>
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<tr>
<td>Responsible Director:</td>
<td>Claire Buchanan</td>
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<td></td>
<td>Director of HR</td>
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<tr>
<td>Review Date:</td>
<td>26 February 2018</td>
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<tr>
<td>Ratified by:</td>
<td>Joint LNC Policy Sub Group/TCNC</td>
</tr>
<tr>
<td>Date Ratified:</td>
<td>26 February 2015</td>
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<td>Version:</td>
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**Related Policies and Guidelines**

- Appraisal Policy
- NHS Consultants' Clinical Excellence Awards Scheme (ACCEA Guidelines)
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## Amendment History

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<td>Update</td>
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<td>3.1</td>
<td>Final</td>
<td>Jan 2016</td>
<td>Removed 2014 from the title as not relevant to the policy itself</td>
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1. Policy Summary

- The Policy and Procedure supersedes all other Policies and Procedures regarding the awarding of Employer Based Awards (EBA’s), formerly known as Clinical Excellence Awards within the Trust.

- This Policy and Procedure does not incorporate the National Clinical Excellence Awards which are centrally administered by Advisory Committee on Clinical Excellence Awards (ACCEA). Information regarding the National Clinical Excellence Awards will be disseminated annually by the Trust’s Medical Director in association with the Trust’s Human Resources Directorate.

- This Policy and Procedure applies to all Trust Consultants eligible to apply for Employer Based Awards, a definition of which is included in this document.

- The document is designed to ensure that awards are given purely on merit and that there is no discrimination on any grounds in respect of these awards. In making awards of Clinical Excellence, the Trust will ensure that all Consultants are treated equally, regardless of their gender, sexual orientation, marital status, responsibility for dependants, disability, race, national origin, age, religion, political or trade union affiliations, HIV status or socio-economic background, and will, where appropriate, undertake an Equality Impact Assessment of the process.

- This policy and procedure should be read in conjunction with the Trust’s Appraisal Policy and Procedure.

2. Policy Statements

- This document establishes the procedure by which the Royal United Hospitals Bath NHS Foundation Trust will award its annual Employer Based Awards Levels 1 – 9.

- The purpose of Employer Based Awards is to reward those Consultants & Dentists 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 including those who have done so through their contribution to academic medicine.

- Employee Based Awards are not seniority payments and will not be awarded on the basis of seniority.
• This document sets out the process whereby eligible Consultants may apply and be considered for awards.

• This document also deals with the 5 yearly review of local Level 9 award holders.

• All levels of award will be made against the same criteria to reflect nationally agreed objectives as outlined in the National Assessment Criteria outlined in the Guide for Applicants (ACCEA).

3. Definition of Terms Used

• Throughout this Policy and Procedure the Royal United Hospitals Bath NHS Foundation Trust is referred to as ‘The Trust’.

4. Duties and Responsibilities

4.1 Applicants

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

• In submitting an application the individual concerned consents to have their application made available to all Consultants if the application is successful.

4.2 Employer Based Awards Committee

• The designated Panel for considering applications for Employer Based Awards is responsible for ensuring that all awards are made in line with this guidance and on the sole merit of the application presented.

• The Employer Based Awards Committee must include appropriate representation from the Consultant body with diversity in terms of the spread of specialties, the experience level and age, gender, ethnicity etc. They will include women and members drawn from ethnic minority groups as well as one lay member.

• The Trust will ensure that Consultant members of the Employer Based Awards Committee are not prevented from attending these meetings by other Trust duties except in the case of a clinical emergency that cannot be managed by any other Consultant.
• The Committee will have between ten and fifteen members, of whom at least 50% will be substantive Consultants employed by the Trust. The composition of the Employer Based Awards Committee will be as follows:-

  ▪ Chief Executive (or a representative as chairman); (elected by CEO)
  ▪ Up to two other Management representatives, including the Medical Director;
  ▪ Three lay representatives with one from outside of the Trust Up to nine Consultants reflecting an appropriate range of specialties, gender and minority, one of which should be a non-award holder;
  ▪ An HR Representative who will act as the secretary to the Employer Based Awards Committee (non-scoring).

4.3 Heads of Division

• Heads of Division are responsible for nominating at least two substantive consultants from within the Division who are not eligible to apply for an Employer Based Awards to sit on the Committee.

• Heads of Division will work to ensure that there is a wide diversity in terms of age, length of service, gender, ethnicity etc. of these nominees to ensure that the Committee is fully representative. Heads should also consider that, where possible, some continuity of membership from one year to the next to ensure consistency of approach is favourable.

• Heads of Division are responsible for verifying applications submitted by Consultants within their division.

4.4 Nominated Consultants

• The nominated Consultants should not be eligible for Employer Based Awards Level 1 - 9 or should confirm that they are not applying for an award.

4.5 The Secretary of the Employer Based Awards Committee (Representative from HR)

• The Trust’s Human Resources 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 Committee.

• 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 Committee Meeting and storing of the same with related applications, scoring and associated paperwork.
4.6 Human Resources

- The Trust’s HR department will maintain an accurate record of all Clinical Excellence Awards (both National and Employer Based) in place for the existing Consultant body within the Trust.

- The HR Department will provide the Medical Director with information regarding eligible consultants, and those with level 9 awards requiring review, on an annual basis to support the initiation of the Employer Based Awards process.

- Prior to the launch of the Employer Based Awards, the Trust’s HR department is responsible for updating local guidance on the awarding of Employer Based Awards.

- The HR department will be responsible for informing the consultant body of the successful applicants.

- The HR department will report on Employer Based Awards on a regular basis (currently yearly) to the Trust Equality & Diversity Committee (E&DC) and the Local Medical Negotiating Committee (LMNC) prior to the Trust’s reporting requirements to the ACCEA.

4.7 Medical Director

- The Trust’s Medical Director is responsible for overseeing the awarding Employer Based Awards and for notifying eligible consultants as to when applications can be submitted, in line with this process.

4.8 Joint Local Negotiating Committee (JLNC)

- The LNC are responsible for the annual review of the guidance for Employer Based Awards as well as annual review of the Clinical Excellence Awards reports regarding applications which the committee will assess for compliance to local and national requirements.
5. Employer Based Awards

- Employer Based Awards can be made at levels 1-9 of the scheme at values set out annually via the Medical and Dental Pay circulars.

- Copies of current and historical pay circulars are available via NHS Employers on the NHS Employers website: www.nhsemployers.org;

- The Trust will make available 0.20 of an EBA per eligible full time Consultant employed as at 1st April each year.

- The Trust will make available a proportion of 0.20 of a CEA equal to the whole time equivalent of each eligible part time consultant as at 1st April each year, e.g. 6 PAs will equate to 0.6 x 0.2.

- Part-time Consultants will be granted awards on a pro-rata basis.

- The Employer Based Awards Committee (EBAC) will be permitted to make awards which advance Consultants by more than one level in one year.

- Where a Consultant is awarded an Employer Based Award but is also awarded a National CEA in the same year, the Employer Based Award allocated to that Consultant will be reallocated to another Consultant and back dated to 01st April of the qualifying year. Where possible the alternative allocation will be based on the original scores awarded by the Employer Based Awards Committee, the award going to the Consultant with the next highest score who will be identified by the Employer Based Award Committee as the ‘reserve’ candidate. However, where this is not possible the Employer Based Award Committee will be reconvened to review the original applications and reallocate the points.

5.1. Eligibility to Apply for an Award

- To be eligible to apply for an Employer Based Award a Consultant must:
  - Be substantively employed by the Trust under either the old or new consultant contract;
  - Have been substantively employed in a consultant post with the Trust for 12 months or more as at 01st April for that year’s round of awards;

- Practitioners who are under investigation may apply in the normal way for Employer Based Awards whether or not the process is internal or external (e.g. GMC, NICE or Police Authority). There is further advice on practitioners under investigation in 8 of this document.
5.2. Applying for an Award

- Once invited to apply by the Trust’s Medical Director, Consultants wishing to submit an application should do so electronically using the application form available on the Trust intranet.

- Applications should be evidence based – referring to benchmarking data as necessary – and clearly demonstrate an understanding of the guidance provided by the Advisory Committee on Clinical Excellence Awards (ACCEA) which is available through the Department of Health’s Website, and the Trust’s priorities, including:
  - Contribution towards the delivery of National or Local targets / Quality initiatives or indicators;
  - Contribution to the Quality, Improvement, Productivity and Prevention QIPP agenda;
  - Contribution to the Trust’s Clinical Governance and Infection Control practices;

- All applications should be made within the timeframes outlined within the initial communication from the Medical Director. No late applications will be accepted.

- Those Consultants who hold level 9 awards which are due for a five year review should submit an application form and covering letter explaining why award should continue. Should no application be received then the level 9 award will be withdrawn. Applicants requesting a five year review should be aware that their application will be judged against the same criteria as new applications for Awards.

5.3. Assessment of Applications

- Each Employer Based Awards Committee Panel Member will review all of the application forms submitted and score them independently against an agreed set of criteria which reflects the delivery of local objectives as outlined by the Trust Board.

- Credit will only be given for what has been achieved since the last Employer Based Award.

- Scoring of applications will be strictly confidential. The scoring of applications will not be discussed by any Committee member with any third party outside the Employer Based Award process.

- Once received, these scores will be collated by the Secretary of the Employee Based Awards (Representative from HR) in preparation for the Committee Meeting which the Secretary will be responsible for convening.
5.4. Employer Based Awards Committee Meeting

- The Employer Based Awards Committee will be quorate with at least 75% of the full membership in attendance.

- The Committee will not be quorate if there is not a majority of Consultants present.

- The issuing of awards will be solely based on the written application submitted.

- During the meeting the Chief Executive will:
  - Advise the Employer Based Awards Committee of the total number of awards and equivalent minimum financial sum available for award;
  - Advise the Committee of the number and names of eligible Consultants.

- In addition, following the Employer Based Awards Committee meeting the Chief Executive (or designated Deputy) will:
  - Convey the results of the Committee’s deliberations to all Consultants who have applied;
  - Advise the Board of the decisions of the Committee and the results of any appeals decisions.

- In the case of an equality of scores, the Employer Based Awards Committee will consider the applications in the light of all information contained in the application forms. In the event that the Committee does not reach a consensus, the Chairman should have a decisive role.

5.5. Confirmation of Awards

- Following the Employer Based Awards Committee, the Chief Executive will confirm to the successful candidates, in writing, those Consultants who have been allocated awards. The letter will detail the level award and the reasons for the award. This Chief Executive will also provide written confirmation of the outcome of the Committee to unsuccessful applicants. These letters will confirm the process for Appeal as outlined below.

- Feedback will be offered to unsuccessful applicants if requested.
5.6. Consultants who are subject to formal investigations

- If a Consultant who is the subject of a formal investigation, including a professional advisory panel, chooses to submit an application for Employer Based Awards, his/her application will be scored in the usual way.

- Should that Consultant, following the scoring process, not be in a position to be awarded Employer Based Awards because they are themselves subject to formal investigations, they will be withheld until such time as the formal investigation/disciplinary process is completed and will be informed of this by the Director of HR as soon as practicable. Neither the fact nor the details of the disciplinary concern will be disclosed to the Employer Based Award Committee.

- Following completion of the formal investigation/disciplinary process, the Employer Based Awards will either be awarded, if no disciplinary action is taken, or may be withheld if disciplinary action is taken, or while a warning is extant. Any awards that are withheld as a result of a warning being in place will be made subsequent to the lapse of that warning. The fact that Employer Based Awards have been withheld will be disclosed to the Chairman of the Joint Local Negotiating Committee so that the following year’s allocation may be properly verified. If they are not given to the individual, the award(s) should be reallocated retroactively with backdating.

- Each year eligible Consultants who have not received Employer Based Awards in the previous three years will be reviewed to ensure that there are bona fide reasons for non-receipt of awards.

5.7. Appeal

- An eligible Consultant who was not awarded an Employer Based Awards may appeal against this decision (as outlined in the NHS Consultants’ Clinical Excellence Award Scheme) within 4 weeks of the award winners being announced.

- An Appeal should be made in writing to the Chairman of the Trust Board and can only be made if the consultant feels the correct procedures have not been followed, e.g:
  - The EBA Committee did not consider material duly submitted to support an application i.e. application and citations
  - Extraneous factors or material were taken into account
  - Unlawful discrimination based on for example gender, ethnicity, age
- Established evaluation process were ignored
- Bias or conflict of interest on the part of the Committee

- Consultants cannot appeal simply because they disagree with the collective judgement of the EBA Committee

5.8. Pension

- All levels of award are pensionable and will be paid from 1st April each year.

5.9. Transfer of Service

- Consultants will retain Employer Based Awards awarded by one NHS employer on appointment to another subject to appropriate review.

6. Monitoring Compliance

6.1. Eligibility

Eligibility will be determined in line with the standards outlined by the Department of Health for Clinical Excellence Awards and will be established by the HR Team, verified by the Head of HR.

6.2 Application

Applications will be made in line with the national standards outlined by the Department of Health and will be assessed by a panel comprising of the requisite composition, as outlined within the Department of Health guidance. The constitution of this panel will be arranged by the Trust’s HR Department, verified by the Head of HR and reported to the Trusts Local Negotiating Committee.

6.3 Reporting

The HR Department will report on Employer Based Awards on an annual basis to the Trust Equality & Diversity Committee and the Local Negotiating Committee.
7. Review

This policy will be subject to a planned review every three years as part of the Trust’s Policy Review Process. It is recognised however that there may be updates required in the interim arising from amendments or release of new regulations, Codes of Practice or statutory provisions or guidance from the Department of Health or professional bodies. These updates will be made as soon as practicable to reflect and inform the Trust’s revised policy and practise.

The Local Negotiating Committee (LNC) are responsible for the annual review of this policy should the monitoring uncover any shortfalls in the implementation of the policy, the HR team will then work with the Medical Director and LNC members to draw up an action plan for improvement and revise the policy if necessary. This will take into account guidance from the Department of Health, ACCEA and British Medical Association (BMA).

Records are maintained by the HR Department to allow for review of previous EBA awards if required.

8. References

NHS Consultants’ Clinical Excellence Awards Scheme – ACCEA Guidance (Advisory Committee on Clinical Excellence Awards)
Dear Claire

Please review the following information to support the ratification of the below named document.

Name of document: Employer Based Awards 2014

Name of author: Sue Davis

Job Title: Head of HR

I, the above named author confirm that:

- The Policy presented for ratification meets all legislative, best practice and other guidance issued and known to me at the time of development of the Policy;
- I am not aware of any omissions to the Policy, and I will bring to the attention of the Executive Director any information which may affect the validity of the Policy presented as soon as this becomes known;
- The Policy meets the requirements as outlined in the document entitled Trust-wide Policy for the Development and Management of Policies (v4.0);
- The Policy meets the requirements of the NHSLA Risk Management Standards to achieve as a minimum level 2 compliance, where applicable;
- I have undertaken appropriate and thorough consultation on this Policy and I have documented the names of those individuals who responded as part of the consultation within the document. I have also fed back to responders to the consultation on the changes made to the Policy following consultation;
- I will send the Policy and signed ratification checklist to the Policy Coordinator for publication at my earliest opportunity following ratification;
- I will keep this Policy under review and ensure that it is reviewed prior to the review date.

Signature of Author: Sue Davis Date: 26.02.2015

Name of Person Ratifying this policy: Claire Buchanan

Job Title: HR Director

Signature: Claire Buchanan Date: 26.02.2015

To the person approving this policy:

Please ensure this page has been completed correctly, then print, sign and post this page only to: The Policy Coordinator, John Apley Building.

The whole policy must be sent electronically to: ruh-tr.policies@nhs.net
Consultation Schedule

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Equality Impact: (A) Assessment Screening
To be completed when submitted to the appropriate Executive Director for consideration and approval.

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If you answered **NO** to all the above questions, the assessment is now complete, and no further action is required.

If you answered **YES** to any of the above please complete the

**Equality Impact: (B) Full Analysis**