

Livewell Southwest

**Out of Hours Acting Down Procedure for
Medical Staff**

Version No 1.2
Review: June 2017

Notice to staff using a paper copy of this guidance

The policies and procedures page of Healthnet holds the most recent version of this document and staff must ensure that they are using the most recent guidance.

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Reader Information

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Document Review History

Version No.	Type of Change	Date	Originator of Change	Description of Change
1	New policy.	February 2014	HR Medical Staffing	New policy.
1.1	Extended	June 2016	Information Governance , Records, Policies & Data Protection Lead.	Formatted to LSW and Extended
1.2	Reviewed	June 2016	HR Medical Staffing	Reviewed, no changes

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Out of Hours Acting Down Procedure for Medical Staff

1 Introduction

- 1.1 This agreement sets out the conditions under which additional payments will be paid to Consultants in situations where a Consultant, normally as a result of an emergency or crisis, is asked to undertake duties usually performed by a junior member of the Medical and Dental staff. It does not apply to duties which a Consultant undertakes as part of his/her normal workload, but those which a more junior member of medical staff may be competent and able to undertake.

2 Status

- 2.1 The arrangements in this document have been agreed by Livewell Southwest's Local Negotiating Committee. They are subject to review after six months in operation and are without prejudice to what arrangements may be appropriate following any amendments to the National 2003 Contract for Consultants.

3 Scope

- 3.1 These arrangements will apply to all Consultants who are employed by Livewell Southwest.

4 Conditions

- 4.1 These arrangements will not contribute towards private practice earnings and thus, would not be taken into consideration when applying the 10% rule. The payments will not be superannuable, but are taxable.

5 Application

- 5.1 This procedure should only be invoked once Livewell Southwest's cover arrangements have been exhausted. It includes those situations when an On-call Director has been unable to obtain appropriate cover.
- 5.2 The request to ask a Consultant to act down will be made by the Medical Director during normal working hours giving as much notice as reasonably practicable. During out of hours and public holidays the request will be made by the On-call Director. The Consultant being asked to "act-down" will normally be the Consultant rostered to be on-call for the speciality concerned.
- 5.3 It is the responsibility of the Consultant On-Call for the speciality concerned to decide whether or not the department concerned can continue to operate safely. It is recognised that a decision to close or restrict the work of a department must

take account of the implications for the patients and staff concerned, the knock-on effect on the other specialities and the neighbouring Trusts. The Consultant must make an assessment of his/her own ability to provide safe cover.

- 5.4 If the impact or risk of closing a department to new patients is greater than keeping a department open, then it cannot be closed. If potential problems are identified during normal working hours and an alternative being considered is the closure of a department, then this must be discussed with the Medical Director and the decision recorded in writing by way of an incident form. Where such a decision is required out of normal hours the Consultant On-call will communicate with the Director on call. Wherever possible the views of the Medical Director will be sought. The decision will be recorded in writing in the form of an incident report.
- 5.5 Where a Consultant agrees to act down to cover a junior member of staff out of hours, arrangements will be made for another Consultant of the same speciality to provide further Consultant cover as necessary. Only if the Consultant who agrees to act down is confident that they may cover both roles, should this requirement be waived.

6 Remuneration and Compensation for Acting Down

- 6.1 When a Consultant acts down for a period between 5pm and 9am or at a weekend and is required to either be resident on-call or participate in a shift system, they will be entitled to **three** programmed activities (PAs) off for every one on-duty (any period covered between these hours will be remunerated on a pro-rata basis). Alternatively, the Consultant may request financial remuneration at **double** their standard rate. Where a Consultant acts down for a period between 5pm and 9am or at weekends and is required to be on-call from home, they will be entitled to **two** programmed activities off for every one-day duty at home.
- 6.2 If the Consultant is called into the hospital during their period of non-resident on-call, they will be entitled to **three** programmed activities for every one spent at the hospital including travelling time to and from the hospital. Alternatively, the Consultant may request financial remuneration at **x 1¹/₂** their standard rate for the time spent on duty at home and double the sessional rate for time spent on duty at the hospital (including travelling time).
- 6.3 Following the period of acting down, the Consultant must obtain the appropriate form (see Appendix 1) from HR Medical Staffing and submit the completed form to HR Medical Staffing for the Medical Director's authorisation. The Medical Director will require a brief report by the Medical Staffing team as to why the acting down was necessary and what measures were taken to avoid it. This report should be produced within three working days of the request for its submission. The pattern of acting down will be regularly monitored and reviewed and if deemed necessary a more detailed investigation will be made.

7 Reorganisation of Clinical Duties Following a Period of Acting Down

- 7.1 Where as a result of acting down a Consultant is required to be resident on-call between 5pm and 9am, particularly in a shift system within this time, or if on-call from home, has spent more than three hours including travelling time at the hospital after midnight they will be entitled to have their clinical session cancelled the next day in the interest of patient safety.
- 7.2 It is recommended that circumstances may indicate that an appropriate mixture of time off in lieu and extra remuneration should be agreed.

8 Monitoring Compliance and Effectiveness

- 8.1 The Medical Directorate will be responsible for monitoring the effectiveness of this Policy in conjunction with managers and partners.
- 8.2 This Policy is subject to joint agreement and monitoring by the Local Negotiating Committee and Medical Directorate. It will be reviewed two yearly from the ratification date of the document or earlier where there is a significant change in practice, legislation, case law or National guidance.

Signed on behalf of Local Negotiating
Committee

Signed by Medical Director

All policies are required to be electronically signed by the Lead Director. Proof of the e-signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Locality Manager.

Signed: Medical Director

Date: 20th June 2016

**CLAIM FORM FOR REIMBURSEMENT FOR
CONSULTANTS ACTING DOWN OUT OF HOURS**

Personal Details		
Name <i>(please print)</i>		
Assignment/Payroll No		
Speciality		
Details of Claim		
Date		
Time	From:	
	To:	
Hours/Sessions Worked	In Hospital:	
	Non Resident:	
Person Acting Down For		
Reason for Acting Down		
Claimed	Financial Remuneration	<input type="checkbox"/>
	Annual Leave	<input type="checkbox"/>
I certify that I have performed these duties and claim the payment shown		
Claimant's Signature		
Date		
Authorised for Payment		
Medical Director's Signature		
Date		
HR MEDICAL STAFFING TO COMPLETE		
Claim Value	£ _____	Hours _____

**ALL CLAIM FORMS MUST BE SUBMITTED WITHIN THREE MONTHS OF WORK
UNDERTAKEN**