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1. **Introduction**

Discretionary Points are a financial award, which each NHS Board is required to make available to Consultants, who have reached pay point 5 of the pay scale or its equivalent for those consultants on the transitional salary scales and Associate Specialists who have reached pay point 7 and remain on the old contract, to reward excellence in service delivery. The awards reflect the value the Board places on the contribution made by these staff in supporting and delivering against the aims and objectives of the Board.

The minimum number of points the Board can award each year to Consultants is based on the number of eligible Consultants multiplied by 0.35. The minimum number of points the Board can award each year to Associate Specialists is based on the number of eligible Associate Specialists multiplied by 0.35.

Where an individual already holds discretionary points when they take up a post with the Board (including cases which are a result of transfer of services into this Board) the Board will recognise any discretionary points held.

The awards are pensionable and remain with the Consultant/Associate Specialist until such time as they either leave NHS employment or are given a Distinction Award.

2. **Key Principles**

The process for awarding discretionary points will:

- Be clearly stated and communicated to all eligible members of staff;
- Be based on a system that reflects the value the Board places on the professional activities of those eligible;
- Ensure there is equity of opportunity to all those eligible to apply and to be awarded points;
- Seek to ensure consistency in application of the scheme. This will be done through the Board Discretionary Points Awards Committee auditing the process;
- Seek to ensure awards are allocated to as wide a range of deserving applicants as possible. This will be done through the Board Discretionary Points Awards Committee conducting a comparison of those applying to the process from various specialties;
- Ensure all committee/panel members are trained in assessing and marking applications prior to receiving applications for consideration;
- Include an appeals mechanism that has a clear framework for dealing with aggrieved applicants;
- Recognise that eligible Consultants and Associate Specialists may apply every year.
3. NHS Lothian Board Discretionary Points Awards Committee

The role of the Board Discretionary Points Committee is to:

- Ensure the Board Consultants and Associate Specialists Discretionary Points Awards Advisory Panel adopts a consistent approach/methodology to the award process;
- Receive scores and rankings for applications from the panel in order to decide upon the allocation of discretionary/optional points on a Board wide basis;
- Remit back to the panel any applications, which are considered not to have been properly considered/assessed;
- Allocate any further points the Board has agreed to fund;
- Provide an annual report to the Corporate Management Team, Local management teams and to the LNC on the allocation and distribution of discretionary points;
- Seek to ensure awards are allocated to as wide a range of deserving applicants as possible;
- Audit the process to highlight any issues arising from the distribution of points and review the award process to address any potential discrimination against staff on grounds of gender, age, ethnic origin, specialty or employment relationship (NHS or Honorary);
- Ensure an appropriate appeals mechanism is established to consider cases where applicants feel they may have been disadvantaged by the award process;
- Confirm that there are no conflicts of interest for the members of the Committee in respect of any applicants discussed.

The membership of the Committee will be as follows:

- Director of HR and Organisational Development (Chair);
- Medical Director (Deputy Chair);
- General Manager, University Hospital Services and a General Manager as a CHP representative;
- Medical Director, University Hospitals Services responsible for the Discretionary Points process;
- Nominated representatives from the Medical Staff Committees (or equivalent), College of Medicine and Veterinary Medicine, University of Edinburgh, CHP’s and Public Health Medicine;
- 3 LNC Representatives including 1 LASASC representative;
- Associate Director of HR;

A member of the HR Pay and Policy Team will provide administrative support to the committee.

Meetings of the Board Discretionary Points Awards Committee will be quorate with at least 60% of the full membership in attendance including 50% of the LNC Representatives.
The HR Pay and Policy team will:

- Advise the Board Discretionary Points Awards Committee of the total number of points available for award;
- Advise the Board Discretionary Points Awards Committee of the number of eligible consultants;
- Be responsible for convening the meetings;
- Be responsible for ensuring that the scores for each application are entered correctly and double checked to ensure consistency;
- Be responsible for an equal opportunities analysis and its circulation;
- Be responsible for keeping the records of all scores and raw score sheets;
- Be responsible for keeping full minutes of all the meetings, together with a list of those attending;
- Convey the results of the Board Discretionary Points Committee’s deliberations to all consultants who have applied;
- Advise NHS Lothian’s Remuneration Committee of the decisions of the Board Discretionary Points Committee.

4. **NHS Lothian Board Discretionary Points Awards Advisory Panel**

The role of the Panel is to:

- Receive, individually assess and score each application against the criteria for awarding discretionary points;
- Meet to consider the individual scores and agree a consensus score for each application;
- Resolve any issues regarding tied scores and agree a ranking;
- Ensure the panel secretary completes the scoring and recommendation pro-forma and forwards it to the Board Discretionary Points Awards Committee to enable the Committee to ensure consistency and fairness;
- Ensure that there are no conflicts of interest for members of the Panel in support of any application;
- Ensure that discretionary points are allocated on merit and to work positively to address any perceived bias either for or against those of a particular gender, ethnic origin, age, specialty or basis of employment i.e. NHS or Honorary.

The membership of this Panel will be as follows:

- Medical Director, University Hospitals Services responsible for the Discretionary Points process; (Chair);
- Managers nominated by Directors of Operations UHD, CHP, and Public Health Medicine;
- CHP representative;
- 40 - 50 Consultant Volunteer Markers are required to carry out the marking of applications however to be quorate a minimum of 3 markers are required to be in attendance at the meeting;
- 2 LNC Representatives as observers;
- Associate Director of HR;
A member of the HR Pay and Policy team will provide administrative support to the panel.

5. **Timescales for the Awards Process**

The following steps will normally apply to the Discretionary Points process upon receipt of formal communication from Scottish Government that arrangements for Discretionary Points Scheme will progress:

- Board ratify number of points to be awarded in that year;
- Everyone email sent / paperwork made available on Intranet sites and communication sent to home addresses of eligible Consultants;
- Assessors trained in the assessment process;
- Closing date for receipt of applications;
- Marking exercise takes place;
- Board Discretionary Points Awards Advisory Panel meet to assess/ mark applications and consensus scores & rankings;
- Board Discretionary Points Awards Committee meet to ratify points awarded;
- Board Remuneration Committee meet to ratify proposed awards;
- Notification of awards to applicants both successful and unsuccessful;
- Notification of awards to Pay Office, University, MRC & applicants;
- Payment of awards in next available salary.

6. **Eligibility for Discretionary Points**

The scheme guidelines state that the application process is open to all Consultants who:

- Currently hold between 0 and 7 discretionary points;
- Are not in receipt of a Distinction Award;
- Are on the old consultant contract and have reached the maximum of the salary scale by April 1st
  OR
- Are on the new contract, and have reached pay point 5 of the salary scale, or its equivalent, for those consultants on the transitional salary scales, by April 1st.

The scheme guidelines state that the application process is open to all Associate Specialists who:

- Remain on the old contract and who have not transferred to the new Associate Specialist Terms and Conditions;
- Associate Specialists must have reached pay point 7 of the salary scale, by April 1st;
- Currently hold between 0 and 5 discretionary points.
Please note:

- Consultants or Associate Specialists 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.

- If the Consultant or Associate Specialist is the subject of a formal investigation under NHS Circular No 1990 (PCS) 8 as amended by NHS Circular 1990 (PCS) 32, the NHS Lothian disciplinary procedure or the General Medical Council procedures, the Chair of the Discretionary Points Awards Committee will be informed in confidence after a decision on the recommendation on the award of points has been made. The individual may be considered for points but the Discretionary Points Awards Committee will defer payment of any award until the outcome of the disciplinary process is known.

- A Consultant or Associate Specialist who has been disciplined or has a warning on file under the NHS Lothian procedure up to the level of a final written warning will not be considered for points for the duration of the disciplinary penalty.

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

If having read the documentation you are not sure whether you are eligible to apply for discretionary points, contact HR Pay and Policy team for advice

7. **Notification of Process**

All Consultants and Associate Specialists will be notified of the opening of the Discretionary Points process by an everyone email and a letter sent to each eligible Consultant/Associate Specialist at their home address. The information will also be made available to all on the HR Online. This will include:

- Application paperwork with notes on how to complete this;
- Discretionary Points Policy and Procedure detailing the process for awarding Discretionary points. This also contains the eligibility criteria and application period;

If you are eligible and you wish to apply for discretionary points, applications must be received by the closing date shown on the application form. No late applications will be accepted.
8. **Guidance on Completion of the Discretionary Points Application**

Please provide as much relevant, concise and accurate information as you can to ensure your application receives full and fair consideration. Please include dates wherever possible and make it clear what work has been carried out since the last award of Discretionary Points to give the Committee an indication of how current/continuous your contribution is.

In completing your application form you may find it helpful to discuss the detail required in your application with your senior colleagues. Vague or irrelevant information not linked to the criteria will disadvantage you. Do not presume the Committee ‘will know what you mean’.

**Important Points to Note:**

- Applications can only be made using the Board application paperwork - summarised guidance on completing the form is attached to the application form;
- All applications **must** be completed in Times New Roman at a minimum of font size 11 – no other font or text size will be accepted. **Should you paste text into the boxes, please ensure you check that the font and text size complies with the aforementioned guidance.**
- Applicants are permitted to use only one page per domain. The explanatory text, Job Plan Time and Marks boxes must remain at the bottom of each page and must not be altered or deleted;
- For those already in receipt of points a current application should only include details of work undertaken/achievements that have taken place since the last award – up to a maximum of 5 years;
- For those applying for the first time applications should include details of work undertaken/achievements that have taken place since being appointed to post – up to a maximum of 5 years;
- All applications must include:
  - a completed application form including Declaration Form and Equal Opportunities Questionnaire (1 hard copy) verified and signed by the relevant Clinical Director or Associate Medical Director
  - the applicants agreed job plan (signed by the relevant Clinical Director or Associate Medical Director)
- No other documents should be attached – no attachment will be considered;
- Applications must be submitted by the due date – **no late applications will be accepted**;
- Applications must be sent to HR Pay and Policy team, who will acknowledge receipt;
- If applicants do not receive an acknowledgement within 7 days, they should contact the HR Pay and Policy team to check safe receipt of their application;
- Applicants are asked to record their personal details on the Equal Opportunities monitoring form. This form will be removed prior to the application being assessed and forms no part of the decision making process;
The above conditions for application are rigidly applied. It is not the role of the HR Pay and Policy Team to check the details of individual applications as they are received. It is the responsibility of the applicant to ensure that everything is completed correctly including all relevant paperwork and copies are signed by their Clinical Director or Associate Medical Director as required and to ensure that all sections are present and completed in the submitted application form and the additional copies. If errors/omissions are determined at the marking phase the application will be rejected.

9. Criteria and Scoring Process

The criteria for the award of Discretionary Points are set out in the application form under the following headings together with guidance on how to present appropriate achievement/performance in each of these areas. The criteria are as follows:

1. Contribution to Improving and Developing Clinical Services;
2. Contribution to Management;
3. Significant Contribution towards the achievement of local NHS service priorities;
4. Contribution to Teaching and Training;
5. Contribution to Clinical Audit and/or Research;
6. Contribution to the Wider Role of the NHS.

Please note there are only 5 sections to the Associate Specialist application form, which are all of the areas noted above with the exception of bullet point 3 - Significant Contribution towards the achievement of local NHS service priorities.

Considering the Applications

- Markers (nominees from Management, from LNC and self nominees) will be trained in the assessment process prior to reviewing applications. Assessment and marking will be undertaken in a confidential environment. Monitoring of individual markers performance will be undertaken annually;
- The consolidated list of scores and rank order from the Discretionary Points Awards Advisory Panel will be submitted to the Board Discretionary Points Awards Committee for consideration. This Committee will confirm the award of discretionary points to each doctor.

Scoring

- All markers will be trained in the assessment and scoring process before they are issued with applications for assessment;
- All markers will also have received Equality and Diversity Training;
• All applications will be scored by 5 panel markers. Once this is done, their scores will be collated by HR Pay and Policy team;
• Applicants are required to complete all sections of the application form, as all boxes will count towards their final score. If an applicant has not completed a section then that section will be given a score of zero.

**Allocation of Scores**

Whilst an applicants’ job plan will be used to help clarify individual workload, they do not always reflect cases where applicants have a particularly heavy workload. If you feel your job plan does not reflect your workload adequately it is important that you provide details of how your workload exceeds that which would normally be expected. Similarly if the job plan indicates protected time for Teaching or Research you must explain why your input merits specific recognition beyond the expected output of the agreed post.

Each box within the application form will carry a maximum score of 10 points. Markers will examine the evidence in each box, some guidance is provided below on the levels of achievement and the level of score they will be likely to attract. The scores to be awarded are as follows:

**0 = No evidence of contribution in this area**
Either the box will not have been completed or the evidence provided does not demonstrate performance at a level superior to that which would normally be expected.

**1 – 2 = Little evidence of contribution above normal expectation**
The examples provided demonstrate that the applicant has been performing only at a slightly higher level than what would normally be expected.

**3 – 4 = Clear evidence of contribution above normal expectation**
Examples have been given which demonstrate that the candidate has successfully carried out more complex tasks, which have resulted in a demonstrable benefit to their patients, colleagues, department, etc.

**5 – 6 = Clear evidence of significant achievement in this area**
The applicant will have provided evidence that they have been instrumental in achieving significant benefits e.g. in service delivery, in patient care, in support of colleagues, or in achieving NHS Lothian objectives. At this level improvements will have been realised through their contribution to achieving a significant change in the way things were done. There should be clear evidence of one or two examples.

**7 – 8 = Strong evidence of significant achievement in this area**
The level of achievement for 8 points is the same as for 6 i.e. the applicant will have provided evidence that they have been instrumental in achieving significant benefits e.g. in service delivery, in patients care, for their colleagues or in achieving NHS Lothian objectives. At this level improvements will have been
realised through their contribution to achieving significant change in the way things were done with at least three or four examples of achievement/performance and there is confirmation or emerging evidence of one or more of the changes becoming embedded in practice.

9 - 10 = Strong evidence of outstanding achievement in this area

The applicant has provided evidence that they have been highly innovative, or have been responsible for achieving an outcome that has required very complex solutions. Applicants will have demonstrated that these achievements have far exceeded the level of performance normally expected or that they have far exceeded agreed objectives.

Calculating the Scores

- The scores for each section will be totalled to give a maximum mark out of 60 marks for Consultants and 50 marks for Associate Specialists;
- These scores will be added together from each assessor to obtain a total score for each applicant;
- All applicants' scores will then be ranked from highest to lowest;
- The Board Consultants Discretionary Points Panel will receive a monitoring report advising assessor scores, prior to, reviewing the final assessed scores and advising the distribution of, the discretionary points;
- The Board Consultants Discretionary Points Panel will then consider which Consultant applicants are deserving of more than one point. These are likely to be the candidates in the top 10% of the ranked order as agreed by the Committee. The case for any additional point(s) per candidate will be recorded in writing and presented to the Board Discretionary Points Committee;
- The Board Discretionary Points Committee will decide on the award of all points to ensure consistency.

10. The Appeals Process

Appeals will only be considered on procedural grounds, i.e. on the basis that candidates believe they have been disadvantaged by the assessment/award process. Appeals must be made in writing to the Associate Director of HR within one month of the candidate receiving notification that they will not be receiving an award.

On receipt of an appeal the HR Pay and Policy team will investigate and provide a report for the Chairman of the Health Board outlining the background to the appeal. This will then be considered by the Chairman who will confirm in writing to the appellant whether they have grounds for an appeal within 21 days of receiving their letter. If the appeal is to progress to an appeal panel hearing then the appropriate arrangements will be made.

Role of Appeals Panel

The Appeals Panel will meet to consider the documentary evidence from the assessment/award process to ascertain whether the process may have
disadvantaged the appellant. Members will consider what effect the process could have had on their scores/ranking and make recommendations on whether the applicant should be awarded discretionary points. The decision of the Appeals Panel will be final.

Membership of Appeals Panel

- Board Chairman/Non Executive Director;
- Director of Human Resources and Organisational Development;
- A Clinical Director;
- 2 Consultants nominated by the LNC;
- SAS doctor if appeal involves someone of that grade.

Relevant Documentary Evidence

Appeal panel members will receive the following documents in relation to each appeal;

- Appeal letter – setting out the grounds of appeal;
- Investigative report prepared for the Chairman;
- Appellant’s application;
- Guidance on assessment of applications;
- Discretionary Points Panel scoring and recommendation pro-forma;
- Discretionary Points Committee minutes relating to the panels recommendations.

Confirming the Outcomes of the Appeals Panel

- Confirm the outcome to the appellants;
- Ensure the Discretionary Points Awards Committee is made aware of any issues with the award process;
- Refer any recommendations to award the appellant to the Executive Management Team for funding approval, on the basis that an equivalent sum will be deducted from the Division discretionary point funding for the following year.

11. Notification of outcome

All applicants will be informed of the outcome of their application by letter to their home address.

Following the conclusion of the process and the outcome of all appeals being notified the list of successful applicants will be published on the intranet.