

---

## AfC Starting Pay and AfC Pay Progression Policy

---

*Solent NHS Trust policies can only be considered to be valid and up-to-date if viewed on the intranet. Please visit the intranet for the latest version.*

Purpose of Agreement	This policy sets out the requirements under the AfC framework agreement for determining the correct point of scale a new or newly promoted employee is to be placed on, together with information on when recruitment and retention awards can be made and pay progression in general terms.
Document Type	<input checked="" type="checkbox"/> Policy
Reference Number	Solent NHST/Policy/ HR60
Version	1
Name of Approving Committees/Groups	Policy Steering Group, Trust Management Team
Operational Date	November 2019
Document Review Date	November 2022
Document Sponsor (Job Title)	Chief People Officer
Document Manager (Job Title)	Senior Pay and Remuneration Manager
Document developed in consultation with	Staff Side, People and Organisational Development Group, various Managers and staff
Intranet Location	Business Zone > Policies, SOPs and Clinical Guidelines
Website Location	Publication Scheme
Keywords (for website/intranet uploading)	Pay, Recruitment and Retention, Promotion, Pay Progression, Policy, HR60

**Amendments Summary:**

Amend No	Issued	Page	Subject	Action Date
1	01/04/19		New policy	

**Review Log:**

Version Number	Review Date	Lead Name	Ratification Process	Notes
1		L Bicknell	JCC, ODG	

# **AfC STARTING PAY AND AfC PAY PROGRESSION POLICY**

## **SUMMARY OF POLICY**

In April 2018 the NHS Staff Council agreed a new pay framework on the reform of Agenda for Change (AfC) pay. Part of this pay framework was introduced in July 2018 back dated to April 2018, and the remainder has been implemented in April 2019.

The framework will help ensure that all employees have the appropriate knowledge and skills they need to carry out their roles so that they make the greatest contribution to patient care. It introduces fewer steps in each pay band and means that employees will spend more time between pay steps but will reach the top of their band more quickly. As a result of this framework the requirements on starting pay for employees new to the NHS, and pay on promotion are strengthened which should ensure a more consistent approach across the NHS.

These changes require clear evidence why an employee is not placed on the bottom point of scale when starting in the Trust or being promoted within the Trust. This is not only good practice but also assists the organisation in ensuring that all staff are treated in a fair, transparent and consistent manner thereby reducing the risk to the Trust of equal pay claims.

The NHS has already stated that it will be monitoring the levels of pay given to new starters, and promotions, which it can do anonymously via the ESR data warehouse. If discrepancies are found, the NHS will expect Trusts to account for these. It is therefore essential that a clear audit trail is maintained for all variances to the norm.

In order to ensure a consistent approach is being taken the Trust has set up a Pay Group along the lines of the People Management Advisory Forum. This group which has Director level membership, scrutinises all requests where a higher point of scale has been recommended. Any decision they make is final.

This policy outlines the NHS requirements and provides managers with assistance determining the correct level of pay, taking into account other benefits of being employed by the NHS, which does not unnecessarily inflate the Trust pay bill, but fairly rewards employees with the correct level of pay.

If these changes are applied consistently throughout the Trust it is anticipated that it will aid recruitment, and should assist in the retention of staff. This policy has therefore been split into eight separate sections:

- 1: Pay for employees new to the NHS and Trust
- 2: Pay for employees new to the Trust who are already working within the NHS
- 3: Pay for newly appointed apprentices
- 4: Pay for Work Based Learners
- 5: Pay for employees within the NHS who are being promoted to a new pay band
- 6: Recruitment and Retention Additions
- 7: Consistency checking
- 8: Pay progression

# AfC STARTING PAY AND AfC PAY PROGRESSION POLICY

## Table of Contents

Item	Contents	Page
1	INTRODUCTION AND PURPOSE	5
2	SCOPE AND DEFINITION	5
3	PROCESS REQUIREMENTS	5
3.1	PAY FOR EMPLOYEES NEW TO THE TRUST	5
3.2	PAY FOR EMPLOYEE' NEW TO THE TRUST - ALREADY WORKING WITHIN THE NHS	7
3.3	PAY FOR NEWLY APPOINTED APPRENTICES	7
3.4	PAY FOR WORK BASED LEARNERS	8
3.5	PAY FOR EMPLOYEES WITHIN THE NHS BEING PROMOTED TO A NEW PAY BAND	8
3.6	TEMPORARY ACTING INTO A HIGHER BAND	9
3.7	PAY FOR EMPLOYEES ON A WIDENING ACCESS TRAINING SCHEME	9
3.8	RECRUITMENT AND RETENTION ALLOWANCES (R&R)	10
3.8.8	RECRUITMENT AND RETENTION ALLOWANCES (R&R) REVIEWS	12
3.9	TRUST PAY ADVISORY FORUM	12
3.10	PAY PROGRESSION	13
3.10.8	BANDS 8C, 8D, AND 9	14
3.10.9	EXCEPTIONS	14
3.10.10	PAY STEP RISE DEFERMENTS (DELAY)	15
3.10.11	EMPLOYEES WHO WERE EMPLOYED PRIOR TO APRIL 2019 AND HAVE NOT BEEN PROMOTED	16
3.10.12	RIGHT OF REVIEW (APPEALS)	16
4	ROLES AND RESPONSIBILITIES	16
4.1	EMPLOYEES' RESPONSIBILITIES	16
4.2	MANAGERS' RESPONISBILITIES	17
4.3	OPERATIONAL DIRECTORS' RESPONSIBILITIES	17
4.4	PS (HR) RESPONSIBILITIES	18
4.5	TRUST PAY ADVISORY FORUM RESPONSIBILITIES	18
5	TRAINING	18
6	EQUALITY IMPACT ASSESSMENT AND MENTAL CAPACITY	18
7	SUCCESS CRITERIA/MONITORING EFFECTIVENESS	18
8	REVIEW	19
9	REFERENCES AND LINKS TO OTHER DOCUMENTS	19
APPENDICES		
A	PAY ON RECRUITMENT AND PROMOTION FLOW CHART	20
B	PAY PROGRESSION FLOWCHART	21
C	EXAMPLES OF PAY RISE DEFERMENTS AND EXCEPTIONS	22
D	EQUALITY IMPACT ASSESSMENT	27

# AfC STARTING PAY AND AfC PAY PROGRESSION POLICY

## 1. INTRODUCTION & PURPOSE

- 1.1 The Trust recognises that in order to provide the services it is contracted for, it needs to recruit and retain employees with the correct skills and experience. In order to do this, one of the important factors for employees is to ensure that they are paid in a fair, transparent and consistent manner. This policy provides the pay framework under which the Trust and managers are required to work.
- 1.2 By ensuring that there is a consistent approach, employees are likely to be retained, and the risk of equal pay claims against the organisation should be reduced.
- 1.3 For the first time it sets out the requirements for determining the point of scale new employees to the Trust, or a person being promoted will be placed on, and gives a transparent process managers will need to follow which can be audited at both Local and National levels, as appropriate. This policy also introduces the new pay progression process which applies from April 2019.

## 2. SCOPE & DEFINITIONS

- 2.1 This policy applies to permanent, and fixed term contract employees employed under the AfC terms that hold a contract of employment or engagement with the Trust, in line with Solent NHS Trust's Equality, Diversity and Human Rights Policy.
- 2.2 The definitions used in this policy are as follows:
- |                           |  |
|---------------------------|--|
| AfC:                      | Agenda for Change  |
| ESR:                      | Electronic Staff Records   |
| R&R:                      | Recruitment and retention  |
| PS (HR):                  | People Services  |
| IAT:                      | Inter Authority Transfer   |
| HMRC:                     | HM Revenue and Customs   |
| Disciplinary Sanction:    | The period that a warning issued under the Disciplinary Policy is valid for (Section 5.6).                                   |
| Formal Capability Action: | Formal warning issued under the Performance Management Policy (Section 9)  |
| Acting Up:                | is a temporary move to a higher pay band for 6 months or less, 12 months or less if covering maternity, adoption leave.      |
| Temporary Promotion:      | Transfer to a higher band for over 6 months, over 12 months if covering maternity, adoption leave, or shared parental leave. |
| Temporary moves:          | Includes secondments   |

## 3. PROCESS/REQUIREMENTS (See Appendix A)

### 3.1 *Pay for employees new to the NHS and Trust*

- 3.1.1 The Trust recognises that managers will have an indication of the salary an applicant is receiving from their application form at the point of interview. It is important when discussing salary levels the wider NHS terms and benefits are taken into account, for example sick pay arrangements, enhanced annual leave, life insurance (death in service benefits) provided by membership of the NHS pension scheme, and the additional contributions the Trust pays into the NHS pension scheme for each employee, currently 20.6% of pensionable pay, the Department of Health paying the difference between 14.3% and 20.6% until the end of March

2020, when the Trust becomes liable for the full 20.6%. Although an applicant may wish to be paid a higher rate of pay than the norm, it is the highly relevant experience they have which can be substantiated that determines the point of band that an individual is placed on, not their current salary.

- 3.1.2 Newly appointed employees new to the NHS will start on the bottom of the pay band for their post unless they have previous reckonable NHS service, or experience acquired from an employer outside the NHS which is considered 'highly relevant' to the role they will be undertaking.
- 3.1.3 "Highly Relevant Experience" is defined as completed years paid employment in a non-NHS role of equivalent level and responsibility, using equivalent knowledge and skills required for the role to which they are appointed in a similar profession where skills are transferable.
- 3.1.4 Examples of employers outside the NHS deemed to be relevant to the NHS include service within: GP practices, Nursing homes, Civil Service, Local government, Private Industry and the Voluntary sector, this list is not exhaustive. Examples can include:
- \* Someone who has worked in a GP practice as a practice nurse for two years will have similar professional skills which are transferable to practice nurse roles in the NHS
  - \* A care assistant in a private nursing home would have some transferrable skills for a health care assistant role in the NHS
  - \* However if someone had worked as an admin assistant in a private nursing home, before becoming a care assistant, it would only be the time spent as a care assistant that would be highly relevant experience for a health care assistant role in the NHS
  - \* Time spent as a health care assistant, although it may be beneficial, would not be highly relevant to a Registered nurse role because the work is not at the same level see paragraph 3.1.5
  - \* An IT engineer could have worked as an IT engineer in private industry using the same skills as they would need for a role in the NHS
  - \* A secretary could have been working for a private company using the same skills as required for a secretary in the NHS
- 3.1.5 Other factors that must be taken into account when considering transferrable skills are the level/grade of work the individual has been undertaking. For example if someone has been a nurse in a private company, they may have some transferrable clinical skills, but managers need to establish that those skills are at the same level as required for the role they are being appointed to. For example if they are appointing to a band six team leader role and the employee has never line managed staff, they would have some transferrable clinical skills but not the management experience required. They would therefore not be able to be placed on any point above the point an employee already within the NHS would be placed on following promotion (From April 2019 this will be the bottom of the band).
- 3.1.6 In determining the starting salary, the skills they have acquired and used in previous roles, compared to other staff undertaking the same role in the NHS may be taken into account fully or partially, based upon years of experience, which can be added to the minimum of the band.
- 3.1.7 Service in a bank role or work with an Agency will not count towards continuous service. However the skills obtained in these roles may be highly relevant to the role they are being appointed to, and as such those highly relevant skills could count towards the point of scale on which they are appointed to.
- 3.1.8 In order to ensure consistency of these criteria, managers must complete the 'highly relevant skills form' for non-NHS organisation service together with the new starter form using the link below and send via the Operational Director to the PS (HR) team. This form will inform the

number of years highly relevant service the individual has so that the point of band can be determined. Any queries on the information given will need to be validated.

<http://intranet.solent.nhs.uk/TeamCentre/PeopleServices/peopleservicestoolkit/Recruitment/EmployingaCandidate/Pages/Home.aspx>

- 3.1.9 Before completing the form, the manager must be able to justify his/her request, including the impact upon:
- \* Others already in post
  - \* Others outside the immediate department/ward
  - \* Consistency locally, and
  - \* Budget demands
- 3.1.10 Any decision likely to have an impact across a Nursing or Allied Health Professional group must be made in conjunction with the Chief Nurse, who will inform the Trust Pay Advisory Forum.
- 3.1.11 To ensure consistency, the PS (HR) team will review the evidence provided to justify the salary and query any missing evidence. In all cases a copy of the previous employers payslip will be required and until received the employee will be placed on the bottom point of the band. If the point on scale being recommended is outside of the normal AfC terms the PS (HR) team will refer the matter to the Trust Pay Advisory Forum for a decision before an offer is confirmed to the successful applicant see paragraph 3.10.

### **3.2 *Pay for employees new to the Trust but are already working within the NHS***

- 3.2.1 For employees already working in the NHS all-be-it in a different Trust, the years of experience that they have worked in the pay band will determine the point of scale the employee is placed on. This is usually the same as the point of scale they are being paid on at the point of transfer. Until the salary is verified by either a copy of the payslip or IAT (see below for explanation) they are placed on the bottom point of scale.
- 3.2.2 In cases where an employee is currently being paid in one pay band, but has applied for a post in a higher band, this would be treated as a promotion and paragraph 3.5 would apply.
- 3.2.3 If the employee is applying for a lower banded role then they would normally be placed on the same or highest point of the lower banded scale. For example an employee on a band 6 with a full time equivalent salary of £32,525 applies for a band 5 role, they would normally be placed on £30,112 of the band 5 scale (based on April 2019 pay scales). The exception to this would be if someone chooses to change profession (nurse to admin, or occupational therapist to pharmacist) at their own request.
- 3.2.4 In all cases the PS (HR) team will run an IAT via the ESR system to obtain the point of band the individual is to be placed on.

### **3.3 *Pay for newly appointed apprentices***

- 3.3.1 From April 2019 all apprentices who are new to the NHS will be placed at the bottom point of the band to which they are working. Whilst on an apprenticeship if the employee moves to another position within the Trust whether through an advertised vacancy or internal move they will remain on the apprentice rate of pay until they have completed their Apprenticeship.
- 3.3.2 It is recognised that some apprenticeships may involve band changes as specific competencies and qualifications are achieved. These will be outlined when the apprenticeship is advertised. Any move to a higher band will be to the bottom point of the new pay band.

### **3.4 Pay for work based learners**

3.4.1 In accordance with paragraph 6.17 of the National Terms and Conditions an employee who re-trains for wider service or operational reasons through an apprenticeship will maintain their salary immediately prior to the start of the course, but it will contain two parts:

Part A: Apprentice pay rate plus

Part B: Pay protection to maintain the difference between the current pay rate and Apprentice pay rate.

3.4.2 The employee will continue to receive pay steps throughout their course as long as they achieve the requirements for pay progression in accordance with paragraph 3.10.5.

3.4.3 If an employee is in an apprenticeship covered by paragraph 3.3.2, a move to a higher pay band will be treated as a promotion and the normal promotion rules will apply.

### **3.5 Pay for employees within the NHS being promoted to a new pay band**

3.5.1 Employees already working within the NHS who are promoted will be placed on the bottom point of the band (from April 2019) or the next point on the pay band that would give them a pay increase. For example based on April 2019 pay scales, a band 2 on:

£17,983 would be placed on £18,813 whereas a band two on

£19,020 would be placed on £19,332

3.5.2 Care must be taken when determining the correct point of band on promotion as an employee who has previously worked in the band being promoted to, will have that previous service at the higher band taken into account. For example:

<b>Annual pay</b>	<b>Current salary</b>	<b>Salary following normal promotion rules</b>	<b>With seven years previous experience as a band 6</b>
<b>Band</b>	5	6	6
<b>Salary</b>	30,112	30,401	34,782

So if they have worked as a band 6 for seven years in another role prior to stepping down to work as a band five, on promotion to a band 6 the correct point of band they would be placed on is £34,782.

3.5.3 For bands 2 and 3 employees who are promoted who work unsocial hours where their working pattern in their new role remains substantially the same, a calculation needs to be completed in accordance with paragraph 2.13 of the National terms and conditions. In these cases the basic pay, recruitment and retention addition, and unsocial hours in payment for the old role, must be compared against the basic pay, recruitment and retention addition and unsocial hours for new role. The point of band they will be placed on is the next point in the scale that would give them a pay increase after these elements are taken into account. In order for this paragraph to apply employees would normally be working within the same team on the same roster, but it could be a different team if the working pattern is the same in both teams. For example:



An employee is a band 2 working 20 hours per week all of which are worked during unsocial hours periods. They are currently paid a full time equivalent salary of £17,652 per annum (April 2019 rates)

Annual pay	Current	Normal promotion rules	Correct point of scale
<b>Band</b>	2	3	3
<b>Unsocial hours % as at April 2019</b>	84%	70%	70%
<b>Hourly rate</b>	9.0275	9.6212	9.8867
<b>Annual basic pay **</b>	9,414.40	10,033.60	10,310.40
<b>Annual enhancement *</b>	5,931.07	5,267.64	5,412.96
<b>Total</b>	<b>15,345.47</b>	<b>15,301.24</b>	<b>15,723.36</b>

\*\* In this example the annual part time salary is determined by dividing the annual full time salary by 37.5 hours and multiplying by 20 hours

\* Unsocial hours are calculated by multiplying the weekly unsocial hours by 52.143, multiplying the resulting figure by the percentage rate and then the hourly rate.

In this example the employee would need to be placed on a salary of £19,332 in order to receive a pay rise.

3.5.4 From April 2019 all employees who are promoted will have their grade step date changed to the anniversary of the date they were re-banded.

### **3.6 Employees who are Temporary Acting into a higher banded role**

3.6.1 If an employee is acted up or seconded into a higher banded role on a temporary basis for a period of six months or less, unless the employee is covering a period of maternity/adoption/shared parental leave where it can be for up to one year or less, they will have their pay adjusted but they will not move onto the new pay progression system. This will be shown as acting up allowance on their payslip.

3.6.2 If the period of acting up or secondment is likely to last longer than six months, twelve months if covering maternity or adoption or shared parental leave, it will be treated as a period of temporary promotion. The role will need to be advertised either internally or externally as a permanent or fixed term period promotion. Anyone who is temporarily promoted in these circumstances will move onto the new pay progression system. Paragraph 3.10.9.6 covers employees returning from secondment to their substantive band.

3.6.3 In either case the higher rate of pay will be calculated by placing the employee on the next point of scale that would give them a pay rise. From April 2019 in most instances this will be the bottom of the next pay band.

### **3.7 Pay for Employees on a Widening Access training course**

3.7.1 When an employee is receiving full time instruction from a university or similar institution in order to widen their professional knowledge, which is due to last for at least one academic year during which at least 20 weeks of full time instruction is received. Scholarship income of up to £15,480 per academic year is not subject to tax or National Insurance. If the scholarship income is for more than this amount National Insurance is payable but not tax.

3.7.2 From the 1<sup>st</sup> September 2019 the HR Revenue and Customs have clarified the rules relating to widening access. In order to be eligible for this scheme the employee must be in receipt of scholarship income rather than a salary. Scholarship income is an award based on merit which is

intended to sustain the trainee for the duration of the course. Anyone who is paid on an NHS pay scale appropriate to the work they are undertaking evaluated in accordance with a job evaluation system goes beyond simply sustaining the individual for the duration of the course and is considered to be a salary rather than scholarship income so will not be on a widening access scheme.

3.7.3 The HMRC and NHS Pensions have confirmed that scholarship income is not pensionable. Therefore if any payment is to be treated as a training allowance no pension will be payable on these payments.

3.7.4 Within this Trust as all individuals are paid in accordance with a NHS pay scale it is not anticipated that there will be any new widening access schemes. However those individuals who commenced their course prior to 1<sup>st</sup> September will continue on a widening access scheme until the original course end date is reached or they finish the course if earlier.

3.7.5 The scheme does not apply to apprentices or work based learners.

3.7.6 Anyone who is on a widening access scheme will not be entitled to be paid enhancements and no annual leave will be shown on the Health roster system for the duration of the course, as they are classed as being in education rather than employment.

### **3.8 Recruitment and Retention Allowances (R&R)**

3.8.1 The Trust acknowledges that there may be rare occasions when a role is difficult to recruit to (paragraph 3.8.5) or retain experience staff (paragraph 3.8.6) due to national shortages with that particular skill set. In these circumstances it may be necessary to consider the award of a recruitment and retention addition. The criteria surrounding recruitment additions are different to those applying to retention additions, so they have been separated for the purposes of this policy. In all cases recruitment and retention additions:

- are paid to an individual post or group of posts where market pressures would otherwise prevent the Trust from being able to recruit staff to and retain them in sufficient numbers for the posts concerned at the normal salary for the weight of the job
- awarded by the Trust will be paid on the following basis:
  - they may be paid on a one off basis or for a fixed term period
  - will be reviewed each April,
  - may be withdrawn or adjusted subject to a six month notice period and
  - will not exceed 30% of basic pay.

3.8.2 Trust Recruitment and Retention additions may be short term or long term.

- The majority will be paid on a short term basis and will not be pensionable, count towards the purposes of overtime, unsocial hours or other payments linked to basic pay
- In exceptional circumstances when the labour market conditions are deep rooted and are likely to last at least three years, the payments will be paid on the same basis as national awards which are explained in paragraph 3.8.4.

3.8.3 Recruitment and retention payments are made for specific posts, and if an individual moves to a different post even, if it is within the same team, the payment will cease from the date of the move.

3.8.4 National recruitment and retention premiums may be awarded to specific groups of staff where the Pay Review Body (NHSPRB) accepts there are national recruitment and retention pressures. These payments are normally awarded on a Long term basis. This means that they:

- will be reviewed annually
- may be awarded to new staff at different rates than existing staff, and
- will be pensionable, count towards overtime, unsocial hours, and any other payments linked to basic pay.

### 3.8.5 Trust Recruitment (R&R) Premiums

3.8.5.1 A recruitment R&R payment is an additional payment paid to the post where market pressures would otherwise prevent the Trust from being able to recruit to it. Recruitment R&R payments applied to one post would not apply to any other post unless those specific conditions apply to other roles. This can mean that one individual receives an addition but no one else does. However if there are several people undertaking the same role, using the same job description then an award of an R&R payment to one person could mean that all others undertaking the same role may need to be considered for a retention payment below in order to ensure equality.

3.8.5.2 In all cases when a recruitment R&R payment is being considered the manager will need to determine:

- Whether the post is hard to fill (for example how many times has it been advertised, where it has been advertised, for how long the advertisements have been for, how many applicants there have been, what the relevant national vacancy data states about this role and results of local benchmarking).
- The manager should then consider if any non-pay improvements could be made to the role; for example guaranteed training opportunities.
- The specific reason why this post needs an R&R payment compared to other posts within the Trust.
- The impact an award to this post would have on others within the service/Trust?
- Confirmation that the Chief Nurse is in agreement for any recruitment R&R payments which impact on Nurses and AHPs
- After the post has been advertised with the inclusion of a R&R payment the manager must consider the following points and provide the PS (HR) team with the necessary information, so that a referral can be made to the Trust Pay Advisory Forum:
  - The point of the scale employee should be placed on considering their NHS service or highly relevant experience (see paragraph 3.1 and 3.3)
  - If the employee does not currently work in the NHS, what sick pay entitlements, annual leave entitlements do they have in their current role? How much do they pay towards their pension and how much does their current employer pay. Do they have any life insurance connected to their employer's pension? Do they receive additions for working unsocial hours or overtime? (see paragraph 3.1)
  - If there are any other employee's undertaking the same role working to the same job description who would also be affected by an award of an R&R payment
  - Whether the payment is to be made as a one off or on-going payment (one off payments will be treated as a bonus)
  - How much is to be awarded and for how long

3.8.5.3 Managers should be aware that unless the role has been advertised with the inclusion of an R&R payment, no R&R award should be made.

3.8.5.4 A form is available on solnet which the manager will need to complete when recommending an R&R award to the Trust Pay Advisory Forum

### 3.8.6 Trust Retention (R&R) Payments

3.8.6.1 Retention payments can be paid to existing staff where there are particular recruitment/retention issues. In these circumstances the manager must consider:

- If there are any non-pay options that could aid retention for example guaranteed training opportunities, mentoring, flexible working, etc.
- Local turnover rates compared to national data
- Results of exit surveys and the annual staff survey which assesses how far pay is a factor in an employee's decision to leave
- The impact of making an award to this role will have on others within the service and Trust
- Results of consultations with other members of the STP/stakeholders about the impact it will have on them if a retention R&R is paid
- The Chief Nurse is in agreement with any retention R&R payment which could impact on professional staff e.g. Nurses and AHP's.

3.8.7 Once the results of the above are known the manager will need to consider if the retention R&R payment should be paid as a one-off or on-going payment which is reviewed annually and whether it should be paid on a long term or short term basis. The manager will need to complete the form on Solnet [DN Insert link] and forward it to the Operational Director for agreement before forwarding to the PS (HR) team, for consideration by the Trust Pay Advisory Forum.

### 3.8.8 Recruitment and Retention Reviews

3.8.8.1 The PS (HR) team will extract a list of all recruitment and retention additions in payment each April and will refer them to the Manager and Operational Director/Associate Director for review. The manager will consider:

- how far the recruitment and retention payment has enabled the Service and Trust to reduce its vacancy rates, and turnover
- that there are and continues to be no equality issues associated with other employees working to the same job description
- the likely impact on business continuity by removing or reducing the RRP
- any changes in the labour market circumstances
- whether the payment should remain the same, be withdrawn, reduced, increased, or changed from a short term addition to a long term addition
- The manager should then complete the review form and refer their recommendations to the Operational Director/Associate Director for consideration, who will in turn advise the PSS (HR) team of their recommendation to the Trust Pay Advisory Forum.

### 3.9 Trust Pay Advisory Forum

3.9.1 The Trust Pay Advisory Forum will review all requests for /reviews of recruitment and retention additions and increases to pay points which are outside of the normal AfC scope to ensure a consistent application across the Trust. The Chief People Officer, Finance Director, Chief Nurse and Chief Operating Officers meet weekly to discuss cases. The Senior Pay and Remuneration Manager will provide technical guidance to the group as required. The decision of this group will be final.

### **3.10 Pay progression (see flow chart at appendix B)**

3.10.1 As a result of the 2018 AfC Framework Agreement on the reform of Agenda for Change, changes to the way pay step rises occur were introduced from April 2019. From 01 April 2019 employees newly appointed to the Trust, or existing employees who are promoted on or after this date, will not receive an incremental pay rise. Instead they will receive a pay step rise after a set period of time as long as they meet certain criteria.

3.10.2 Existing employees in post as at the 01 April 2018 who remain on their current band will move onto this system in April 2021, by which time the majority will be at the top point of their band. They will still be required to meet the conditions in 3.10.5.

3.10.3 Pay step rises will allow faster progression to the top of the pay band, provide meaningful pay increases, encourage employees to take responsibility for showing that they meet the defined standards by undertaking all mandatory training and undertaking their appraisal in a timely manner. In addition managers must ensure that all of the employee's they have responsibility for have completed their mandatory training and appraisals.

3.10.4 Pay step rises will be as follows:

<b>Band</b>	<b>First pay step point</b>	<b>Second pay step point</b>
<b>2</b>	Two years	-
<b>3</b>	Two years	-
<b>4</b>	Three years	-
<b>5</b>	Two years	Four years
<b>6</b>	Two years	Five years
<b>7</b>	Two years	Five years
<b>8a</b>	Five years	-
<b>8b</b>	Five years	-
<b>8c</b>	Five years	-
<b>8d</b>	Five years	-
<b>9</b>	Five years	-

3.10.5 Prior to their pay step date managers will receive a notification from ESR (or the PS (HR) team if managers self-service is not available) confirming that the employee is due a pay step. The manager will need to check ESR and agree with the employee at a one to one that they:

- have received an appraisal in the preceding 12 months prior to the grade step date and the outcomes are in line with the Trust's standards
- all their mandatory training is up to date
- there are no live disciplinary sanctions on file
- no formal capability (formal performance warning) has been issued where action is on-going, and
- if they are a line manager all their employee's appraisals and mandatory training is up to date.

They will then complete the pay progression meeting review form within the appraisal function of ESR.

3.10.6 Managers will receive a notification four months, and one month before their pay step review date via ESR. Managers will receive notifications monthly detailing the pay step dates of all direct reports due in the next 90 days. These will initially be issued by the PS (HR) team until ESR Managers self-service is implemented. From that date they will be issued via an ESR notification.

3.10.7 If the manager does not complete the pay progression meeting review form the employee will not progress to the next pay step point, initially these will need to be sent to the PS(HR) team

but as soon as ESR managers self-service is implemented this will need to be completed on line <http://intranet.solent.nhs.uk/TeamCentre/PeopleServices/learninganddevelopment/PerformanceExcellence/Pages/Home.aspx>].

### 3.10.8 *Employees on Band 8c, 8d and 9*

3.10.8.1 As per the national terms employees paid on bands 8c, 8d, and 9 will be required to annually earn the final pay step salary every year after they have reached the final pay step. If they do not meet the requirements stated above in paragraph 3.10.5 they will be transferred to the lower pay step for a 12 month period. No pay protection will apply in these circumstances. <http://intranet.solent.nhs.uk/TeamCentre/PeopleServices/learninganddevelopment/PerformanceExcellence/Pages/Home.aspx>]

### 3.10.9 *Exceptions covered within the Pay Framework*

3.10.9.1 Within the framework there are several exceptions that are covered. The following paragraphs outline some of these exceptions:

3.10.9.2 Employees who could not complete their appraisal or mandatory training on time for reasons outside of their control, for example an appraisal is cancelled by the manager due to organisational issues, or training cancelled due to adverse weather, bereavement of an immediate family member, etc. (this list is not exhaustive). As long as the employee satisfies all other requirements and a new appraisal or training course has been booked they should not be disadvantaged.

3.10.9.3 In cases where an employee has been unable to meet their appraisal objective through no fault of their own they should not be disadvantaged, when reaching their pay step point.

3.10.9.4 For those employees on long term sick leave, shared parental leave, adoption leave or maternity leave at the point their pay step date is reached, who were:

- up-to-date with their mandatory training,
- had an appraisal which met organisational standards at the point they began their absence, and
- did not have any live disciplinary sanctions on their record or a live formal capability penalties in place with on-going action

they will receive a pay step rise on their pay step date, as the manager must complete the pay progression review form in their absence.

3.10.9.5 For employees on unpaid leave of four weeks or more, but less than twelve months who satisfy the requirements to receive a pay step, as set out in paragraph 3.10.5 immediately prior to the commencement of the absence, they will be awarded a pay step rise on their return to work.

3.10.9.6 If an employee is seconded to a higher banded post, on their return to their substantive post the time spent on secondment will count toward the pay step date. For example:

An employee is on the entry point of a band four with a pay step date of April 2022. In June 2021 they are seconded to a band 5 role for 12 months. On their return from secondment in June 22 they will have passed their pay step date and as long as they return to their substantive band their pay will be placed on the next point of the band 4 scale.

3.10.9.7 If an employee is seconded and remains in their current band, they would go through their pay step at the normal time as long as they meet the minimum requirements listed in 3.10.5. Paragraph 3.10.11 will apply to any employee who has been in their band prior to the 1<sup>st</sup> April 2019

- 3.10.9.8 As a suspension from work with pay is a neutral act, any employee who is suspended from work with pay, at the point of the pay step date, will receive a pay step rise without delay as long as they were up to date with the requirements in listed paragraph 3.10.5 immediately prior to the suspension.
- 3.10.9.9 At the point it is known the pay step rise should be awarded the manager must complete a pay progression review form.
- 3.10.9.10 If it is known that an employee will be taking an extended period of leave it is good practice to undertake an appraisal prior to the commencement of a career break or other extended leave.
- 3.10.10 *Pay step rise Deferment (Delay)*
- 3.10.10.1 In all cases where a deferment of a pay step rise is appropriate or being considered, the manager must interview the individual prior to making the final decision to understand if there are any mitigating factors and explain their decision which must be confirmed in writing within seven calendar days. The following will be reasons to defer a pay step rise the employee has:
- a live disciplinary sanction on file at the grade step point - their pay step pay rise would be delayed until the disciplinary sanction has expired
  - formal capability (formal performance warning) has been issued and action is on-going - the pay step rise would be implemented from the date improvement targets are met
  - not participated in an appraisal in the preceding 12 months
  - not undertaken the mandatory training required for the post
- 3.10.10.2 In cases where the employee did not meet the essential requirement for a pay step rise listed in 3.10.5 prior to starting extended paid leave (e.g. maternity, sickness absence) but meets the requirements for a rise /performance targets requirements within a short period of returning to work the pay step date should only be delayed by a period equivalent to the length of time the employee has taken to meet the requirements on their return to work. For example if the employee meets the requirements within one month of returning to work the pay step date should be delayed by one month, e.g. pay step date June 2020 but employee on maternity leave until Sept 2020. Attains standards Oct 2020. Pay step delayed by one month until July 2020.
- 3.10.10.3 The list is not exhaustive and some further examples are enclosed at appendix C
- 3.10.10.4 In all cases if an employee is not going to meet the requirements to achieve a grade step this should not be a surprise. In every case the manager must have interviewed the employee and advised them that their pay step will be delayed giving the reasons for the delay. The PS (HR) team should be advised via either ESR manager self-service or if this is not available completion of the form available using the attached link.  
<http://intranet.solent.nhs.uk/TeamCentre/PeopleServices/learninganddevelopment/PerformanceExcellence/Pages/Home.aspx>
- 3.10.10.5 As soon as the employee meets the requirement for the pay step they should be informed and the manager must complete a pay progression review form, giving the date it is to be effective from.
- 3.10.10.6 If an employee has a pay step deferred for any reason, and a further pay step is appropriate to their band, the next pay step date will not be affected, as long as the employee meets the criteria for an award. For example a band 5 has their first pay step delayed by six months, the final pay step will still remain at the four year point.

### 3.10.11 *Employees who were employed prior to April 2019 and have not been promoted*

3.10.11.1 For the purpose of pay progression this includes employees who:

- commenced work in the Trust post April 2019, but who were working in the same band as at the 1<sup>st</sup> April 2019 in a different Trust and continued to do so until they started work within this Trust
- are temporarily acting up into a higher band in accordance with paragraph 3.6.1, but this does not apply to any employee who is temporarily promoted in accordance with paragraph 3.6.2 on or after the 1<sup>st</sup> April 2019
- has had their post re-banded as a result of a role expansion which has been through the AfC matching process
- have transferred to a band 2 from the band 1 pay band as a result of the pay framework.

3.10.11.2 Although any employee who was in a particular band as at the 1<sup>st</sup> April 2019 will not receive pay steps, they will continue to receive automatic rises until April 2021. As with employees who have commenced work in the band on or after the 1<sup>st</sup> April 2019 they will still be required to satisfy the criteria mentioned in paragraph 3.10.5. The only difference for these employees is that the manager will need to advise the PS(HR) team if an incremental rise is to be withheld, which is the opposite of those staff who were employed on or after the 1<sup>st</sup> April 2019 or who have been promoted on or after 1<sup>st</sup> April 2019.

### 3.10.12 *Right of Review(Appeal)*

3.10.12.1 If an employee is unhappy about deferring a grade step/ incremental rise they should in the first instance speak to their manager. If this does not resolve the issue they will have a right of review with a different senior manager.

3.10.12.2 The employee must set out the grounds of the review request in writing within two weeks of receipt of the letter of confirmation deferring the grade step/incremental rise. They will have the right to be accompanied at the meeting by a work place colleague or staff side representative, providing they are not acting in a legal capacity. The employee's manager will also attend the meeting to explain why they believe the deferment of pay is appropriate.

3.10.12.3 Review requests can only be made if there is new evidence which was not previously available or the requirements of this policy have not been followed. Valid grounds of appeal may include:

- new evidence that was not previously available
- there was a failure to follow procedure
- non completion of mandatory training or appraisal which is outside of the employees control
- formal disciplinary sanctions were not live at the pay step date
- formal capability action was not in progress at the pay step date
- the delay in reaching performance levels was due to a long term absence, and the pay step date has not been adjusted to reflect the time available to meet capability levels

It is not sufficient just to disagree with the decision made.

3.8.12.4 The employee must be informed of the outcome of the review meeting within five working days (one week) of the date of the review meeting. The decision of this review meeting is final and there will be no further right of appeal under this or any other policy.

## 4. **ROLES & RESPONSIBILITIES**

### 4.1 *Employees' responsibilities*

4.1.1 It is the employee's responsibility to ensure they:

- should provide evidence of their experience on request



- produce a copy of the final payslips from their previous employer on request
- agree their objectives with their manager
- undertake all mandatory training in a timely manner
- meet their objectives, and where this is not possible make their manager aware in a timely manner of any organisational constraints which is preventing them meeting their objectives
- remind their manager when their appraisal is due
- actively participate in their appraisal
- have and maintain good conduct
- demonstrate they have reached a satisfactory level of performance in the preceding 12 months
- maintain a regular working pattern which does not bring their capability(performance) into question
- have undertaken appraisals for all of their staff and ensured that their mandatory training is up to date
- raise any questions or concerns within a reasonable timeframe

## 4.2 *Managers' Responsibilities*

4.2.1 It is the line managers responsibility to ensure they:

- make fair, reasonable, equitable and sustainable decisions in relation to the pay of employees
- take into account highly relevant experience which can be verified when determining the pay of new employees
- consider all relevant factors before making decisions on R&R payments
- ensure that all factors both non pay incentives and pay are taken into account when making decisions on pay
- forms are completed in a timely manner
- appraisals are programmed in and undertaken in a timely manner
- employees are allocated sufficient time to undertake mandatory training
- capability concerns are addressed in a timely manner in accordance with the relevant policy
- pay progression is discussed with employees in a timely manner and before any deferment of pay is instigated
- notify the employee of any deferment decision within one week
- discuss objective reasons for their decision to defer a pay step with the employee
- ensure that there is no bias in their decision to defer a pay step
- read notifications received from ESR about pay step dates
- ensure that ESR manager self-service is updated before the 5<sup>th</sup> of the month any pay step is due or the PS(HR) team are notified if manager self-service is not available
- notify the PS(HR) team of any employees employed prior to April 2019 if an increment is not due
- undertake their mandatory training
- demonstrate they have encouraged and supported employee's through the pay progression process
- ensure that all their staff receive an appraisal each year
- undertake appraisals for employees who will be absent for a long period prior to the leaving date if at all possible
- make employees aware of their review rights

## 4.3 *Operational Directors/Directors Responsibilities*

4.3.1 Operational Directors/Directors are responsible for:

- meeting the requirements of this policy in relation to themselves and the employee's they directly manage

- ensure that managers meet the requirements of this policy,
- that any decision made on pay is fair, equitable, justifiable and reasonable taking into account all the circumstances
- appeals are held in a timely manner
- ensuring that the Trust meets its responsibilities in relation to fair and equitable pay

#### 4.4 *PS (HR) Responsibilities*

4.4.1 The HR (PS) team is responsible for:

- ensuring that the Trust meets its requirements in relation to fair and equitable pay, questioning any decisions which do not appear to be sustainable and could put the Trust at risk
- providing information to NHSI, NHS Employers and the DH if rates of pay are outside of those set within the pay framework
- monitoring decisions made on pay to ensure that there is sustainable evidence to justify the decisions made
- retaining a record of the reasons for any decisions
- issuing pay step reminders to managers until ESR manager on line is available
- ensuring that notifications about pay steps received from managers within set deadlines are actioned within the payroll
- reviewing recruitment and retention decisions each April

#### 4.5 *Trust Pay Advisory Forum responsibilities*

4.5.1 The Trust Pay Advisory Forum is responsible for:

- ensuring that a consistent cost effective approach to pay is applied consistently across the Trust
- ensuring benchmarking with other Trust within the Sustainability and Transformation Partnership (STP) has been undertaken
- deciding on whether Recruitment and Retention Allowances are appropriate to be paid
- deciding on whether a pay point higher than that allowed for under the normal AfC terms can be paid
- making recommendations to the Trust Remuneration Committee where necessary

## 5. **TRAINING**

5.1 Managers will be provided with training about this policy as part of the core essential managers recruitment training. Workshops and presentations are provided to managers and a communications plan has been implemented for managers and staff

## 6. **EQUALITY IMPACT ASSESSMENT AND MENTAL CAPACITY**

6.1 In line with Trust policy, equality and human rights impact assessment has been completed and no significant issues have been identified. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or Trade Union membership or non-membership in relation to the application of this policy. The equality and human rights impact assessment is included at Appendix D. This policy has also been assessed and meets the requirements of the Mental Capacity Act 2005.

## 7. **SUCCESS CRITERIA / MONITORING EFFECTIVENESS**

7.1 The success of this policy will be monitored at least annually by the People and OD Committee via:

- Gender Pay Gap
- The number of Equal Pay claims received
- The number of pay reviews requested
- AfC matching review requests in respect of individuals rather than vacancies
- Recruitment and Retention payment reviews
- Accuracy of the data received within the PS (HR) team
- The number of underpayments made as a result of late notification of pay step reviews
- The number of pay step reviews deferred
- Number of referrals made to the Trust Pay Advisory Forum and the number that have the recommendations upheld

7.2 NHSI will monitor the implementation of the national Agreement via:

- monitoring of via the ESR data warehouse
- Mandatory reporting to NHSI from April 2019
- Gender Pay Gap
- Staff Survey

## **8. REVIEW**

8.1 This document may be reviewed at any time at the request of either staff side or management, but will automatically be reviewed 3 years from initial approval and thereafter on a triennial basis unless organisational changes, legislation, guidance or non-compliance prompt an earlier review.

## **9. REFERENCES AND LINKS TO OTHER DOCUMENTS**

9.1 This policy links to the following documents, policies and procedures:

- Apprentice Policy (being drafted)
- Performance Management Policy
- Managing Absence and Wellbeing Policy
- Disciplinary policy
- Pay protection policy
- Grievance Policy
- Equality Diversity and Human Rights Policy
- The NHS Staff Council Working in Partnership Framework Agreement on the reform of Agenda for Change

## PAY ON RECRUITMENT and PROMOTION FLOWCHART

Successful applicant will be an apprentice

- New to the NHS - the employee will be placed on the bottom point of the relevant pay scale
- Already employed within the NHS and they have applied for an external advert - treat as a successful applicant currently employed within the NHS.
- Already employed within the Trust and this is a development role, - employee will remain on current salary which may be made up of pay appropriate to the apprentice band plus pay protection

Successful applicant is currently employed within the NHS

- Remaining in the same band - stays on same point of scale
- Moving to a higher band - moves to the first point in the new pay band which would give them a pay rise taking into account any time previously worked at the higher band.
- Moving to a lower pay band - moves to a point in the lower band which matches or would give them the smallest reduction in pay - if move is due to an organisational change the pay protection policy will apply.

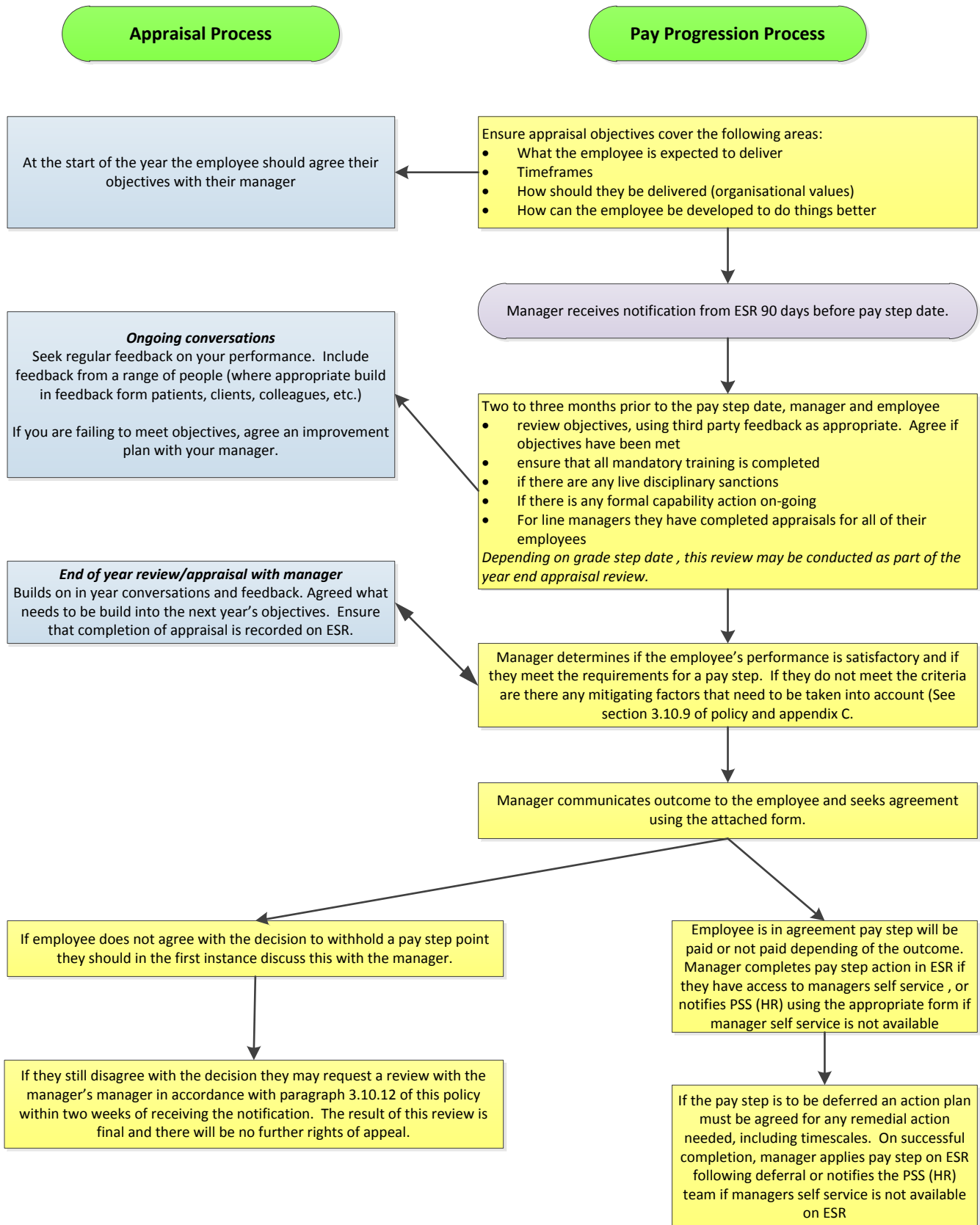
Successful applicant is not currently working within the NHS

- Does successful candidate have any previous NHS experience at this band? - advise PS (HR) team on the normal recruitment paperwork
- Do they have highly relevant non NHS experience at the level required by the post - complete Highly relevant experience form
- Is the vacancy known as a hard to fill post - consider a Recruitment and Retention addition by completing a R&R form
- *The Highly relevant experience form and R&R form should be sent to the PS(HR) Team after consideration by the Operational Director for referral to the Trust Pay Advisory Forum*

Considerations for a Recruitment and Retention addition

- Has the post been advertised with a Recruitment and Retention addition ?
- Are there any other non pay improvements that could be made to the role
- Are there any other employees working to the same job description or undertaking analogous work
- What is the likely impact to the rest of the health economy if an R&R premium is granted
- What are the benchmarked pay rates for similar roles within the STP area
- Is the shortage likely to last longer than 3 years

If an employee is promoted or demoted the bullet points in “Successful Applicant is currently employed within the NHS” will apply.



### Delayed Progression

#### **Example 1 – Mandatory Training not completed**

Julie commences employment on the entry point in band 5 on 1 August 2019 and therefore has a pay step date of 1 August 2021. Julie is subject to the new pay progression system. She has appraisals in December 2019 and December 2020 and her salary is updated by the annual cost of living awards in April 2020 and April 2021.

Julie's manager invites her to a pay step review meeting in June 2021 where they review whether the standards have been met, drawing on the outcomes from her December 2020 appraisal. Her manager confirms that she has met her objectives and organisational standards, but she is only 90% compliant with her statutory and mandatory training. The manager checks that Julie had access to the training and that there were no factors beyond her control that prevented her from completing the training. The manager defers her pay step progression. During the meeting they agree a plan for when and how this will be completed.

Julie completes all her training by 1 September 2021 and provides proof of this to her manager at a further pay step review meeting where they review progress. The manager follows their local process to authorise the pay step effective from 1 September 2021 (a delay of one month) and Julie progresses to the intermediate point in band 5. Her next pay step is due on 1 August 2023 when she is eligible to progress to the top of the band.

#### **Example 2 – Disciplinary Sanction**

Jim commences employment on 1 June 2019 on the entry point of band 6. His first pay step is due on 1 June 2021. He receives a disciplinary warning on 1 May 2021 for a period of six months. At his pay step review meeting in May 2021 Jim's manager confirms that his pay step can't be paid until the sanction expires. Jim therefore gets his pay step point effective from 1 November 2021. Jim is on band 6 so his next pay step date is due on 1 June 2024 when he is eligible to progress to the top of the band.

#### **Example 3 – Formal Capability Action**

Jayden commences employment on 1 October 2019 on the entry point of band 2. His first pay step is due on 1 October 2021. At the beginning of 2021, his manager raises concerns that he is not meeting the required standards. They formulate an action and support plan. Even with interventions, Jayden has still not met his requirements by 1 June 2021 and is put into a formal capability process.

At his pay step review meeting in September 2021, Jim's manager confirms that his pay step can't be paid until he meets expectations and the capability process is complete. On 15 December 2021, Jayden comes out of the formal capability process. His manager confirms in a pay step review meeting that Jayden's pay step will be paid effective from 15 December. Jayden is on band 2 so he has now reached the top of the band.

#### **Example 4 – Capability action**

Jeff commences employment on 1 April 2019 in band 5 and therefore has a pay step date of 1 April 2021. Jeff is subject to the new pay progression system. He has an annual appraisal in December 2019 and again in December 2020. At the December 2020 appraisal his manager informs him that he is not meeting his objectives and they agree to have on-going discussions and develop a plan. Jeff's manager invites him to a pay step review meeting in March 2021 where they review whether the standards have been met. The manager states that Jeff has still not met his objectives, so defers his pay step progression, but Jeff decides to contest the decision.

If his case is not upheld, then the decision stands and Jeff's pay step eligibility will be delayed until he has met his objectives. If this is upheld the pay step progression will be backdated to 1 April 2021.

*The case revolves around when formal capability action begins. Within this Trust it would be at the point the first stage warning was issued.*

**Progression and the interaction with periods of absence****Example 5 – Maternity no detriment**

Jessica commenced employment on 1 May 2019 on £24,214, the entry point of band 5. Jessica has an appraisal in September 2019 and is due to commence maternity leave on 1 July 2020. She will receive the annual cost of living award on 1 April 2020, taking her salary to £24,907, and another annual cost of living award in April 2021. Her pay step date is due on 1 May 2021, but Jessica is only due to return from maternity leave on 1 July 2021. To ensure she is not penalised, her manager arranges for her pay step to be paid effective from 1 May 2021 in her absence, and she progresses to the intermediate point in the band.

**Example 6 – Long term sickness absence no detriment**

Joaquin commences employment on 1 September 2019 on the entry point of band 7. Joaquin commences long term sickness on 1 February 2021 and is absent until 31 October 2021. His pay step is due on 1 September 2021. There were no concerns about his performance, he had undertaken an appraisal, met the organisational standards and his statutory and mandatory training was up to date at the time he went off sick. The manager follows the local process to authorise the pay step in his absence. Joaquin moves to the intermediate pay point in band 7 effective from 1 September 2021.

**Example 7 – Adoption Leave no detriment**

Johan commences employment on 1 April 2019 on the entry point of band 3 at £18,813 so therefore has a pay step date of 1 April 2021. His pay will increase to £19,737 on 1 April 2020 in line with the annual cost of living award under the three-year pay deal. He has an appraisal in September 2020 and is due to commence adoption leave on 1 March 2021. His appraisal was successful and before he starts his period of authorised leave his manager meets with him to confirm that he has, to date, met the pay progression standards and his pay step will be applied in his absence on 1 April 2021 taking his pay to the top of the band.

**Example 8 - Maternity leave deferment**

Misha commences employment on 1 August 2019 on the bottom of band 6 so therefore has a pay step date of 1 August 2021. Her pay will increase to £31,365 on 1 April 2020 in line with the annual cost of living award under the three-year pay deal. She has an appraisal in January 2021. Her appraisal is unsuccessful, and she is set a number of targets for improvement. In the meantime, her pay will increase again on 1 April 2021 in line with the annual cost of living award. She is due to commence maternity leave on 1 June 2021. Unfortunately, she does not meet the targets before she commences her leave, so her manager meets with her and informs her that her August pay step will be delayed.

She returns to work on 1 December 2021 and within one month meets the targets that had been set. Her manager meets with her and they agree that due to satisfactory completion, the pay step point will be backdated to an agreed date of 1 September 2021, one month after her pay step date. This puts her in the same position as if she had completed the improvement process without being absent.

**Example 9 - Career Break**

Delroy began his employment on 3 June 2019 in a band 5 position. He therefore has a pay step date of 3 June 2021. He has an annual appraisal in May 2020 which is positive. Agreement is reached to allow him to take a short unpaid career break of six months duration beginning on 6 July 2020.

Delroy returns to the same role on 6 January 2021. Following a successful appraisal and pay step review meeting in May 2021, he progresses to the intermediate point in the band on 3 June 2021. His ability to progress is not held up by the fact that he had a career break.

**Mitigating circumstances****Example 10 – Cancelled Appraisal**

Suki has a pay step date of 1 April 2021. Suki is due to have her appraisal in March 2021, but it is cancelled due to organisational issues which were beyond her control. She has met all the other standards required. Her manager takes full account of these factors and agrees that she should not be disadvantaged by organisational issues and authorises the pay step, so she gets her pay step from 1 April 2021. Her manager also ensures that the appraisal is re-scheduled as soon as possible.

**Example 11 – Failed to attend mandatory training due to a family bereavement**

Stanley has a pay step date of 1 July 2021. He has a face-to-face mandatory training session arranged in June 2021 but due to a family bereavement he is unable to attend. In his pay step review meeting, his manager notes that he has met all the other criteria and he has not had the opportunity to attend a re-arranged session but has booked on the next available session. Due to the mitigating circumstances his manager authorises the pay step.

**Example 12 – Manager fails to complete appraisals of staff due to covering additional teams**

Jill is a band 7 team leader with a pay step date of 1 May 2021 when she will be eligible to move to the intermediate point of band 7. Jill is responsible for doing the appraisals for the 8 people she directly line manages. Jill's department has been short-staffed in recent months and two of the six team leader posts are vacant. Jill is covering a second team in addition to her own, entailing a further five appraisals. Due to the additional demands on her time both to undertake the additional appraisals but also provide support and development to two teams, Jill has not been able to complete the appraisals for every member of her two teams. At her pay step review it is confirmed that she meets all the other standards so, in discussion with her manager, it is agreed that Jill will progress to the intermediate pay step in May 2021. The outstanding appraisals will be timetabled in the next quarter with priority being given to those members of the team also soon due a pay step.

**Example 13 – Objectives not met due to factors outside of individual's control**

Jacob is a band 8b service development manager. His appraisal objectives are stretching and far-reaching as is appropriate in this role. They include a number of objectives, the achievement of which is not wholly within Jacob's control. Jacob has been in post nearly five years and is approaching his pay step date. He is a highly-regarded and high-performing senior member of staff. This year, however, a number of Jacob's objectives have not been met or have only been partly met. This is due to a range of factors outside his control –including short-staffing and re-prioritisation in other teams and departments within the trust, and the loss of some external funding. In discussion, Jacob and his manager agree that he will receive his pay step and move to the top point of the band. They also agree to amend the focus of future objectives to reflect the fact that elements of his work will be reliant on others, over whom Jacob does not have control.

**Changing position, acting up and secondments****Example 14 – Same band change of Trust**

Seamus applies for a position on the same band at a different organisation and starts on 1 August 2019. He will be treated as existing staff and continues to progress as he would have at his previous organisation. He will be subject to the pay progression arrangements his new organisation has in place for its existing staff (those employed before 1 April 2019).

**Example 15 - Secondment**

Sammy joined the NHS on 1 May 2019. Sammy takes a two-year secondment with effect from 1 July 2020 to a position in a higher band with an agreement in place between her current employer and the employer she will be seconded to. Before the secondment she was in band 3 on £18,813 (2019/20) with one-two years experience. When



she returns to her substantive post on 1 July 2022, the two years she was on secondment in the higher band will be taken into account to calculate her pay point. Therefore, she will be treated as having three-four years experience on a band 3 and will move to the top of band 3.

**Example 16 – Secondment 2**

Ann commences employment on 1 August 2019 on the entry point of band 7 (£37,570) so therefore has a pay step date of 1 August 2021. Her pay increases to £38,890 on 1 April 2020 in line with the cost of living award under the three-year pay deal. Ann has a successful annual appraisal on 29 July 2020 where she meets the standards required of her post.

In December 2020, Ann applies for a seconded position working for her trade union/professional association commencing on 1 February 2021 for 12 months. Ann's application is successful. The terms of the secondment are agreed between both organisations.

Prior to the commencement of the secondment, Ann and her line manager agree to schedule an appraisal. This takes place on 12 January 2021. At this meeting her manager confirms that Ann has been meeting the standards for pay progression to date. Ann commences in the seconded post on 1 February 2021. Her current organisation agrees that the time spent in the seconded post will count as reckonable service.

On 1 April 2021, Ann receives the annual cost of living award. On her pay step date (1 August 2021) Ann's pay will increase to the intermediate point in band 7 (the value of which is not yet known). Upon return from secondment she will retain her next step pay date of 1 August 2024 when she will move to the top-point of the band provided she meets the pay progression standards at this time. She will continue to have annual appraisals during this time and cost of living pay increases will also apply.

**Example 17 – Role re-evaluation**

William was employed in a band 2 post before 1 April 2019. He has his role re-evaluated under the local job evaluation process and this confirms that he should be re-banded to band 3. As this is not deemed a promotion, William will continue to be treated as existing staff and be subject to the pay progression arrangements his organisation has in place for its existing staff (those employed before 1 April 2019). His pay step date will become the anniversary of the agreed date that the new job description took effect, and therefore his pay journey in band 3 during transition will reflect the date that his re-banding was effective from.

**Example 18 - Promotion**

Sanjay was employed before the 1 April 2019 in band 7. He has a pay step date of 1 July. Sanjay applies for a new position and is promoted to a new role in band 8a on 1 May 2019. Sanjay's pay step date is reset so his next pay step is now due on 1 May 2024 and he is now subject to the new pay progression system. Sanjay starts at the entry point of band 8a on a salary of £44,606. Sanjay will continue to have an appraisal each year. His salary will increase to £45,753 on 1 April 2020, and by the annual cost of living awards applicable in 2021, 2022, 2023 and 2024. Prior to his pay step date, Sanjay will have a pay step review meeting and if all the standards are met he will progress to the top of the band on 1 May 2024.

**Example 19 – Temporary change of band acting up for six months**

Sandra started in a band 3 job in September 2019 where she is on the entry point with a pay step date due September 2021. From 1 July 2021 she acts-up into a band 4 position for six months. In September 2021, although she has met all the pay progression standards, her band 3 pay step, which would take her to the top of the band, is not applicable as she is being paid at the entry point for band 4 while on secondment which is higher than the top of band 3. When she returns to her substantive post on 1 January 2022, she meets with her manager to confirm that she has met all the pay progression standards and as her pay step is deemed to have occurred, so she is paid at the top of band 3 from this date.

**Example 20 – Demotion, reduction in band**

Marcia began her employment on 1 April 2019 in a band 4 post; she therefore has a pay step date of 1 April 2022. She was finding the work stressful and had a difficult appraisal in February 2020 when she was told that she would need to make some significant improvements and was given an action plan to follow by her manager.

Marcia had previously been employed for four years at a different NHS organisation in a band 3 position where she had been very successful and had progressed each year with no issues. Marcia volunteered to take on a similar band 3 post with her new employer which was agreed. She began her new band 3 position on 20 March 2020. Her pay step date is reset to 20 March.

She began her new band 3 position in March 2020 and her organisation agreed her salary would be £19,332 (the pay point for those with four-five years experience) to reflect her previous experience. On 1 April 2020 her pay rose to £21,142 as a result of the cost of living award under the three-year pay deal. Marcia is now at the top point in the band. She continues to have annual appraisals and benefits from annual cost of living awards.

**Example 21 – Demotion following organisational change, reduction in band with pay protection**

Bukky is working in a band 7 job following an organisational change process which saw her previous band 8a job deleted from the structure. She has three years of pay protection in line with the organisation's local policy, after which her basic salary will drop to the top point of band 7. She is not eligible for the pay step in band 8a as the local organisational policy states that basic salaries are frozen during periods of pay protection. She continues to have annual appraisals and at the end of her three years of pay protection, her salary drops to the top point of band 7. She continues to have annual appraisals and to benefit from annual cost of living awards.

<b>Step 1 – Scoping; identify the policies aims</b>		<b>Answer</b>		
1. What are the main aims and objectives of the document?	To provide advice and guidance to managers on the requirements when determining pay and progression for employees and potential employees.			
2. Who will be affected by it?	All staff paid via the National Terms and Conditions			
3. What are the existing performance indicators/measures for this? What are the outcomes you want to achieve?	A consistent, fair and equitable approach to pay across the Trust. There are national and local monitoring requirements.			
4. What information do you already have on the equality impact of this document?	An equality impact assessment has been undertaken at a National level and if the policy is applied consistently there will be no adverse impact on any particular group of employees			
5. Are there demographic changes or trends locally to be considered?	Yes market pressures, the recruitment market, and shortage occupations.			
6. What other information do you need?	None			
<b>Step 2 - Assessing the Impact; consider the data and research</b>		<b>Yes</b>	<b>No</b>	<b>Answer</b>  (Evidence)
1. Could the document unlawfully discriminate against any group?		x		This policy aims to prevent discrimination by ensuring consistency in application
2. Can any group benefit or be excluded?		x		No
3. Can any group be denied fair & equal access to or treatment as a result of this document?		x		No, there are exceptions included in this document to specifically prevent individuals from being denied fair and equal access
4. Can this actively promote good relations with and between different groups?	x			It provides an open, fair , and consistent approach to recruitment and retention
5. Have you carried out any consultation internally/externally with relevant individual groups?	x			Other Trust polices have been considered, presentations have been held with managers, and some managers have been asked to comment on the policy
6. Have you used a variety of different methods of consultation/involvement	x			Presentations, consultation, questions and answers
<b>Mental Capacity Act implications</b>				
7. Will this document require a decision to be made by or about a service user? (Refer to the Mental Capacity Act document for further information)		x		No
<b>External considerations</b>				
8. What external factors have been considered in the development of this policy?	x			National guidelines have been considered together with policies from other Trusts across the country. Equal Pay requirements, etc.
9. Are there any external implications in relation to this policy?	x			Changing legislative requirements. Equal Pay Legislation
10. Which external groups may be affected positively or adversely as a consequence of this policy being implemented?	x			Neighbouring Trusts, Local Authority staff

If there is no negative impact – end the Impact Assessment here