

Document Control

Title			
Protection of Earnings Policy			
Author		Author's job title Assistant Director of HR	
Directorate Workforce		Department Human Resources	
Version	Date Issued	Status	Comment / Changes / Approval
0.1	June 2007	Draft	First draft circulated to key stakeholders for consultation at Joint Policy Group Meeting in June 2007
0.2	Mar 2008	Draft	Considered at Policy Group in March 2008 and suggested amendments put forward
0.3	May 2008	Draft	Considered at Policy Group in May 2008 and suggested amendments put forward
0.4	Aug 2008	Draft	Considered at Policy Group in August 2008 and suggested amendments put forward
0.5	Dec 2008	Draft	Revisions made in response to comments from staff side at policy group in November 2008. Submitted to Executive Directors' Group in December 2008 for approval
0.6	Jan 2009	Draft	Considered and agreed at JNCC meeting in January 2009
0.7	Jan 2009	Draft	Further comments received at Executive Directors' Group in January 2009, subject to agreed amendments.
1.0	Mar 2009	Final	Ratified at Trust Board 3 March 2009. Submitted to Tarkanet
1.1	Jun 2009	Revision	Minor amendments to Document Control Report page by Corporate Affairs Corrected header and footer
1.2	Feb 2012	Revision	Review date extended by 12 months at the request of the Director of Personnel and Development on 1st February 2013.
1.3	Sep 2017	Revision	Policy on the work plan of the Pay & Reward Sub Group scheduled for 25th October 2017. Extension of review to 31.01.18
1.4	July 2018	Revision	Policy reviewed and assessed as fit for purpose. Date extended by Assistant Director of Nursing.
1.5	Mar 2019	Revision	Reviewed and assessed as fit for purpose until March 2020.
1.6	June 2021	Extension	In April-21 Governance Committee it was agreed that this document would have extended due dates until 31st May

			2022.
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Lead Director Director of People			
Superseded Documents Protocol for the management of Protection Pay Trust Policy, Northern Devon Healthcare NHS Trust			
Issue Date June 2021	Review Date May 2022	Review Cycle Extension	
Consulted with the following stakeholders: <ul style="list-style-type: none"> • Staff Side Representatives • Full time Trade Union Officers • Joint Policy Group Members • Executive Team • Pay & Reward Group 			
Approval and Review Process <ul style="list-style-type: none"> • Pay & Reward Group 			
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Policy categories for Trust's internal website (Bob) HR		Tags for Trust's internal website (Bob) Pay-protection	

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1. Introduction

This document sets out Northern Devon Healthcare NHS Trust's system for the Pay Protection Arrangements for staff. It provides a robust framework to ensure consistency and fairness.

2. Purpose

This policy is a statement of the Trust's commitment to supporting its employees through organisational change, where this change has an adverse effect on the employees' earnings levels.

For the Trust to be able to better meet the demands for its services; to meet service contracts; or to implement advances in modern medicine, may necessitate that the Trust reorganises or reconfigures existing services and develops new services. Such organisations developments require a framework for change.

This policy is just one of those Trust policies that supports that framework for change and should be read in conjunction with the Managing Organisational Change Policy and the Redeployment of Staff Policy.

3. Definitions

Short Term Protection

- 3.1. This is when, at the request of the Trust an employee is required to undertake training for a period of time or an employee reduces his/her contractual hours of work, or undertakes less remunerative work pattern (but at the same grade/spine point).

Long Term Protection

- 3.2. This is when, at the request of the Trust or when an employee is displaced as result of a re-organisation of the directorate or department and an employee accepts a new position at a lower level/spine point, she/he will receive protection.

Continuous Service

- 3.3. For the purpose of this policy, in calculating the length of protection, continuous service is defined as the length of time in that specific post, not continuous NHS service or service within Northern Devon Healthcare Trust.

4. Responsibilities

Role of the Director of People

4.1. The Director of People is responsible for:

- Ensuring that this policy is maintained and updated in accordance with best practice.
- Ensuring that this policy is implemented consistently and fairly

Role of Operational Managers

4.2. Operational Managers are responsible for:

- Ensuring that the payroll department are notified of any changes to the individual's terms and conditions of employment.

Payroll Department

4.3. The Payroll department is responsible for:

- Ensuring protection of pay ceases at the end of the protection period or if the salary for the new position overtakes the protected salary, whichever is the lesser.

5. How the Policy will be Implemented

Short Term Protection

5.1. This applies where, at the request of the Trust to undertake training for a period of time or an employee reduces his/her contractual hours of work, or undertakes a less remunerative work pattern (but at the same grade / spine point). The previously established level of earnings will be protected on the following basis:

Continuous Service	Protection Period (Months)
4-12 months	2
1-2 years	4
2-3 years	6
3-4 years	8
4-5 years	10
5+ years	12

Continuous Service Protection Period (Months)

Long Term Protection

- 5.2.** For staff with less than six months service there will be no protection. For staff with over six months service where, at the request of the Trust or when an employee is displaced as a result of a re-organisation of the directorate or department and an employee accepts a new position at a lower level / spine point, she/he will receive protection in accordance with the table below. He/she therefore will continue to receive his/her existing salary level for a period of up to three years, or until such time as the salary for the new position overtakes the protected salary, whichever is the lesser. The protection applies to the notional salary only. Any further changes, for example, a reduction in hours or a less remunerated work pattern, will be protected in accordance with the short term protection arrangements detailed in paragraph 5.1.

Continuous Service	Protection Period (Months)
6-12 months	4
1-2 years	6
2-3 years	12
3-4 years	24
4-5 years	30
5+ years	36

5.2.1. During the period of protection, staff will be on marked time i.e. they will not receive annual cost of living awards or incremental rises.

- An employee in receipt of a protection payment may be required to work additional hours, to a level covered by the protection payment, without additional recompense. If such hours fall into unsocial hours arrangements, appropriate enhancements will be paid.
- An employee in receipt of a protection payment may be required to undertake additional duties and responsibilities to a level covered by the protection payment, without additional recompense, for example, covering sickness, annual leave, short term vacancies (less than three months) etc. Should a situation arise where such cover is becoming a regular event (assessed on a case by case basis), a further review of recruitment plans and/or skill mix should take place.
- Where, during pay protection period, a member of staff is successfully redeployed or accepts a post at their original band, they will be appointed to the pay point they would have reached had they not been subject to pay protection, i.e. they will receive any incremental benefit had this been applied.

6. Exclusions

Neither short-term nor long-term protection applies where the employee is redeployed due to capability to undertake the full duties of the post including health reasons.

7. Monitoring Compliance with and the Effectiveness of the Policy

Standards/ Key Performance Indicators

7.1. Key performance indicators comprise:

- Number of grievances/complaints arising from implementation.

Process for Implementation and Monitoring Compliance and Effectiveness

7.2. Line managers are responsible for ensuring this policy is implemented across their area of work.

Support for the development and management of procedural documents will be provided by the Corporate Affairs team on request. Guidance notes will be available on BOB.

Monitoring compliance with this policy will be the responsibility of the Director of People. This will be undertaken by reviewing management of change processes as they are implemented. Where non-compliance is identified, support and advice will be provided to improve practice and the situation rectified with immediate effect.

8. Equality Impact Assessment

Table 1: Equality impact Assessment

Group	Positive Impact	Negative Impact	No Impact	Comment
Age			X	
Disability			X	
Gender			X	
Gender Reassignment			X	
Human Rights (rights to privacy, dignity, liberty and non-			X	

degrading treatment), marriage and civil partnership				
Pregnancy			X	
Maternity and Breastfeeding				
Race (ethnic origin)			X	
Religion (or belief)			X	
Sexual Orientation			X	

9. References (Optional)

- Devon Primary Care Trust Pay Protection Policy 2006
- Devon Partnership Trust Pay Protection Policy
- South Devon Healthcare NHS Trust Pay Protection Policy
- Agenda for Change Terms and Conditions of Service Version 2

10. Associated Documentation

- Managing Organisational Change Policy
- Redeployment of Staff Policy

Appendix A - Checklist for the Review and Approval of Procedural Document *(If required)*

To be completed and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.

	Title of document being reviewed:	Yes/No/Unsure	Comments
1.	Title		
	Is the title clear and unambiguous?		
	Is it clear whether the document is a guideline, policy, protocol or standard?		
2.	Rationale		
	Are reasons for development of the document stated?		
3.	Development Process		
	Is the method described in brief?		
	Are people involved in the development identified?		
	Do you feel a reasonable attempt has been made to ensure relevant expertise has been used?		
	Is there evidence of consultation with stakeholders and users?		
4.	Content		
	Is the objective of the document clear?		
	Is the target population clear and unambiguous?		
	Are the intended outcomes described?		
	Are the statements clear and unambiguous?		
5.	Evidence Base		
	Is the type of evidence to support the document identified explicitly?		
	Are key references cited?		
	Are the references cited in full?		
	Are supporting documents referenced?		
6.	Approval		
	Does the document identify which committee/group will approve it?		
	If appropriate have the joint Human Resources/staff side committee (or equivalent) approved the document?		
7.	Dissemination and Implementation		

	Title of document being reviewed:	Yes/No/Unsure	Comments
	Is there an outline/plan to identify how this will be done?		
	Does the plan include the necessary training/support to ensure compliance?		
8.	Document Control		
	Does the document identify where it will be held?		
	Have archiving arrangements for superseded documents been addressed?		
9.	Process to Monitor Compliance and Effectiveness		
	Are there measurable standards or KPIs to support the monitoring of compliance with and effectiveness of the document?		
	Is there a plan to review or audit compliance with the document?		
10.	Review Date		
	Is the review date identified?		
	Is the frequency of review identified? If so is it acceptable?		
11.	Overall Responsibility for the Document		
	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?		

Individual Approval

If you are happy to approve this document, please sign and date it and forward to the chair of the committee/group where it will receive final approval.

Name		Date	
Designation			

Committee Approval

If the committee is happy to approve this document, please sign and date it and forward copies to the person with responsibility for disseminating and implementing the document and the person who is responsible for maintaining the organisation's database of approved documents.

Name		Date	
Designation			

Acknowledgement: Cambridgeshire and Peterborough Mental Health Partnership NHS Trust

Appendix B - Plan for Dissemination and Implementation of Procedural Documents (if required)

To be completed and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.

Acknowledgement: University Hospitals of Leicester NHS Trust.

Title of document:			
Date finalised:		Dissemination lead:	
Previous document already being used?	Yes / No (Please delete as appropriate)	Print name and contact details	
If yes, in what format and where?			
Proposed action to retrieve out-of-date copies of the document:			
To be disseminated to:	How will it be disseminated, who will do it and when?	Paper or Electronic	Comments

Dissemination Record - to be used once document is approved.

Date put on register / library of procedural documents		Date due to be reviewed	
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Disseminated to: (either directly or via meetings, etc)	Format (i.e. paper or electronic)	Date Disseminated	No. of Copies Sent	Contact Details / Comments

Implementation Plan

Task	Details	Responsibility
Implementation		
Training & Support		

Completed by:
Name
Designation

**Trust
Date**

Northern Devon Healthcare NHS Trust

