

Document Control

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Pay Progression Policy			
Author			Author's job title Assistant Director of HR
Directorate Workforce			Department HR
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1. Purpose

The 2018 framework agreement on the reform of the national Agenda for Change terms and conditions of service introduced provisions to move to a new pay system with faster progression to the top of the pay Band through fewer pay step points. It also introduced a revised pay progression framework to underpin the new pay structure. This pay progression framework requires a manager/staff submission process to be followed for pay step points to be achieved i.e. staff will not progress through pay step points unless Payroll are notified through the manager/staff submission process that the requirements to move to the next pay step have been met. It removes “automatic” incremental pay progression.

This policy sets out the requirements for pay progression in line with the national terms and conditions of service. It is supported by a pay progression process tool kit.

The policy applies to all Trust staff on National (formerly Agenda for Change) Terms and Conditions of Service. This excludes staff on Medical and Dental and Very Senior Managers (VSM) terms of service.

The aims of this policy are as follows: -

- To implement and maintain a system for pay progression;
- To ensure that a fair and consistent approach is operated throughout the organisation when reviewing pay progression

2. Definitions

Appraisal

- 2.1. Appraisal is defined as a formal review of performance by a line manager, nominated deputy or a senior colleague within that speciality. Appraisal will take place at least annually for all staff. Other terms with the same meaning include: Individual Performance Review (IPR) or Development and Review (D&R).

Pay Progression / Pay Step Points

- 2.2. Previously known as incremental pay progression / incremental points which were annually earned until staff reached the top point of their respective pay band. Pay progression will now be conditional on having met the pay progression standards detailed below.

Deferment

- 2.3. Pay progression may be deferred from the pay step date (previously known as incremental date) until the criteria for pay progression are achieved.

Statutory and Mandatory Training

- 2.4. Mandatory training is essential training required for each role and a training matrix is available via BOB or STAR, detailing what this training is for each role. Statutory training is often referred to and is included under the definition of mandatory training.

3. Responsibilities

The Chief Executive has overall responsibility for ensuring that the pay performance framework policy is complied with.

The Director of People is responsible to the Trust Board for the operation of this policy.

The Assistant Director of Human Resources will ensure that managers are supported in the implementation of this policy.

The Assistant Director of Workforce Development is responsible for ensuring there is access and capacity to deliver mandatory training to all staff as required by their role.

Directors and Senior Managers are responsible for ensuring the implementation of the policy within their services.

Line managers are responsible for ensuring that their staff have annual appraisals in a timely manner and ensure staff are released to undertake mandatory training.

Individual members of staff have a responsibility to undertake their mandatory training as specified by the Trust; to actively engage in the appraisal process, to attend work in order to deliver their objectives.

4. Criteria for Pay Progression

Staff will progress to the next pay step point on their pay step date where the following can be demonstrated:

- I. The appraisal process has been completed within the last 12 months and outcomes are in line with the organisation's standards.
- II. There is no formal capability process in place.
- III. There is no formal disciplinary sanction live on the staff member's record.
- IV. Statutory and/or mandatory training has been completed.
- V. For line managers only – appraisals have been completed for all their staff as required.

A “capability process” as detailed above refers to a situation where an individual is being performance managed in accordance with the formal stages of the Trust’s Capability Policy. Investigations, informal stages and processes for dealing with absence due to ill health are all excluded from this pay progression policy.

A “disciplinary sanction” as detailed above refers to sanctions in relation to conduct only, and excludes warnings applied in relation to absence due to ill health. It refers to formal disciplinary sanctions issued in accordance with the Trust’s Disciplinary Policy such as formal warnings. It does not include investigations, informal warnings, counselling or other informal activities that come within the Disciplinary Policy.

If a disciplinary sanction in place at the time of the pay step date is subsequently repealed, for example as a result of a successful appeal, the pay step will be backdated to the pay step date if all other standards have been met.

5. Decisions to delay a Pay Step

It is expected that staff will achieve the required standards at the point of their pay step date. It is also expected that staff and their line manager should have regular discussions about any problems in reaching the required standards before the pay step date. This will allow time for issues to be raised and possible solutions found to enable the pay step point to be opened on time.

Where the criteria for pay progression have not been met and there are no extenuating circumstances (see Section 6 below) an individual’s pay step will be delayed subject to the arrangements set out below.

The line manager must use the pay step review meeting to discuss the standards that have not been met and review previous discussions about these, consider any mitigating factors, and record their decision.

The line manager should advise the member of staff of their right to contest any decision (using the appeal process set out below) where the required level of performance is deemed not to have been met and pay progression is deferred. If an appeal is upheld, the pay step will be applied backdated to the pay step date

The line manager should also discuss and agree a plan with the staff member for any remedial action needed to ensure that the required standards for pay progression are met, including a timescale, and how any training and support needs will be met.

The staff member must take all necessary steps to meet the requirements as soon as possible and the line manager must provide the necessary support.

A further pay step review meeting should be arranged at an agreed date to review progress and, where satisfactory, initiate the opening of the pay step. The effective date for progressing to the next pay step should be the earliest date that the relevant requirements are shown to have been met. The pay step date for future years will remain unchanged.

Where a pay step is delayed due to a live disciplinary sanction, or a formal capability process, the line manager should initiate a pay step review meeting before the expiry of the sanction or capability plan. This should be used to confirm that all other requirements have been met and to ensure that the staff member progresses to the next pay step, effective the day after the sanction expires. The pay step date will remain unchanged

A disciplinary sanction cannot be applied retrospectively to delay a pay step if it comes into effect after the pay step date.

6. Extenuating Circumstances

Appraisal

- 6.1. All employees are required to have meaningfully participated in and completed their annual appraisal including agreement of a personal development plan and agreed set of objectives.

Managers and staff must take responsibility for ensuring an annual appraisal takes place and in the event of cancellation of the appraisal both parties will be required to evidence that every attempt was made to reschedule the appraisal. In the event the manager fails to hold an appraisal and is unable to provide evidence to show attempts to arrange an appraisal meeting the member of staff will not have their pay progression withheld.

If the first attempt to undertake the appraisal is not able to go ahead, the manager will rearrange another date in a timely manner. If the individual fails to attend the re-arranged date for the appraisal, they will be written to advising that their pay progression will be deferred.

Mandatory Training

- 6.2. All employees are required to attend mandatory training that has been identified as essential for their role and for them to be able to provide safe patient care.

A list of mandatory training that is required for each role is provided via the organisations training matrix available via BOB and Managers will also make their staff aware of this through local induction and appraisal. They will also make them aware of how the training can be accessed and of what they should do if they have problems in accessing the training.

Where staff fail to complete 100% of their mandatory training, within the required period, then, unless there are exceptional mitigating circumstances (see below), the manager will defer the individual's pay progression.

Pay progression will not be withheld if there is evidence (provided by the staff member) that they were not able to attend due to their manager's decision not to release them or where training has not been available.

The onus is on the staff member to take responsibility for completion of their mandatory training and ensuring any cancellation of mandatory training or appraisal is evidenced and re-booked.

The manager is responsible for facilitating and supporting staff to attend training, reviewing the monthly training reports and ensuring any cancellation of mandatory training or appraisal is evidenced and recorded.

Maternity / Adoption Leave

- 6.3.** Where a period of Maternity or Adoption Leave coincides with the pay progression date the manager should seek advice from their HR manager in relation how this should be managed.

If a member of staff has meaningfully participated and completed their annual appraisal and mandatory training prior to going on a period of Maternity or Adoption Leave they will receive their pay progression.

In the event they have not meaningfully participated and completed their annual appraisal and mandatory training prior to going on a period of Maternity Leave or Adoption Leave the manager will write to the member of staff notifying them of this, including the reasons, and that they are withholding the pay progression point until the employee returns to work.

Paternity Leave / Parental Leave / Carers Leave

- 6.4.** As the period of these types of leave is relatively short, managers are encouraged to ascertain whether a pay progression date may occur during the absence and plan ahead to undertake the appraisal before the leave of absence occurs.

If this is not possible it will be expected that should the member of staff have meaningfully participated and completed their annual appraisal and mandatory training the pay progression point will be awarded and the appraisal will be completed on the staff members return to work.

In the event the member of staff has not meaningfully participated and completed their annual appraisal and mandatory training. The manager will write to the member of staff notifying them of this, including the reasons, and that they are withholding the pay progression point until the employee returns to work.

Long Term Sickness

- 6.5.** Where a period of Long-Term Sickness coincides with the pay progression date the manager should seek advice from their HR manager in relation how this should be managed.

If a member of staff has meaningfully participated and completed their annual appraisal and mandatory training prior to going on a period of Long-Term Sickness they will receive their pay progression.

In the event they had not meaningfully participated and completed their annual appraisal and mandatory training prior to going on a period of Long-Term Sickness the manager will write to the member of staff notifying them of this, including the reasons, and that they are withholding the pay progression point until the employee returns to work.

7. Re-earnable process for Bands 8c, 8d & 9

The principles and standards for pay progression and then re-earnable pay for staff in bands 8c, 8d and 9 are the same as the principles and standards for all other staff.

Once staff in bands 8c, 8d and 9 have reached the top of their band, the expectation is that they will meet the required standards and will re-earn the relevant element of pay annually. The first point at which the re-earnable element becomes relevant is 12 months after employees have passed through their pay step point to reach the top of the band.

In the year after an individual has reached the top of bands 8c, 8d or 9, 5 per cent or 10 per cent of basic salary will become re-earnable i.e. is not guaranteed. Re-earning the relevant portion of salary is conditional on meeting the required standards. Where the standards set out in Section 4 are met, salary is retained at the top of the band. If standards are not met salary may be reduced by 5 per cent or 10 per cent from the pay step date, unless there are exceptional circumstances (see above). The employee will be able to restore their salary to the top of the band at the end of the following year by meeting the required standards. The employee has the right to contest a decision to reduce their pay using the appeal process set out below.

Staff who were already on one of the top two points of these bands at 31 March 2013 have reserved rights to the relevant point. This reserved right will be retained on a marked time basis. At the end of 2020/21, 5 per cent of pay will become annually earned and then, when annual increases to the top of the band add a further 5 per cent, annually earned pay will apply to 10 per cent of basic pay

Further information pertaining to re-earnable pay for staff on Bands 8c, 8d and 9 can be obtained from the HR team.

8. Right of Appeal

A staff member has the right to appeal against the decision to defer their pay progression. Staff at the top of Bands 8c, 8d and 9 has the right to appeal against a decision to withhold re-earnable pay.

Employees wishing to lodge an appeal should complete the Pay Step Appeal Form (see Appendix 1) and submit this to the Assistant Director of HR.

An Appeal panel will be convened on receipt of an appeal to consider the case.

The remit of the Appeal panel is to consider whether the deferment of pay progression (or the withholding of re-earnable pay) was fair and reasonable taking into account of the circumstances, and whether or not the criterion was met.

In exceptional circumstances the Trust reserves the right at appeal to defer the decision until relevant information is provided to ensure all information is considered.

The employee has the right to be represented or accompanied at the appeal by either a Trade Union Representative or work place colleague.

The appeal hearing will consist of one Senior Manager and a member of the HR Team.

Please refer to Appendix 2 for the formal order of proceedings for the Appeal Hearing.

The Appeal Hearing will be the final appeal stage and there will be no further Trust policy or procedure the staff may use to appeal further.

In the event the appeal is upheld the appeal panel will make arrangements for the staff members pay progression point to be awarded and backdated.

Staff will be notified of the outcome of their appeal in writing within 7 calendar days.

9. Monitoring

Quarterly reports will be presented to Workforce Governance Committee and Partnership Forum.

10. Training Requirements

Training will be provided to managers in performance management (disciplinary / capability) and absence management.

Management guidelines and toolkit are available on BoB.

11. The Development of the Policy

11.1. Document Development Process

As the accountable Director, the Director of People is responsible for developing the policy and for ensuring stakeholders were consulted with.

Draft copies were circulated for comment before approval was sought from the relevant committees.

11.2. Equality Impact Assessment

The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. An Equality Impact Assessment has been undertaken (Section 17).

12. Consultation, Approval and Ratification Process

Consultation Process

12.1. Consultation on this policy included:

- The Pay & Reward Sub Group
- Partnership Forum

Policy Approval Process

12.2. Initial approval of the policy will be sought from the Partnership Forum.

Ratification Process

12.3. Ratification of the policy will be sought from the Workforce Governance Committee.

13. Review and Revision Arrangements including Document Control

Process for Reviewing the Policy

13.1. The policy will be reviewed no less than every 3 years. The author will be sent a reminder by the Corporate Affairs Manager four months before the due review date. The author will be responsible for ensuring the policy is reviewed in a timely manner.

Process for Revising the Policy

- 13.2.** In order to ensure the policy is up-to-date, the author may be required to make a number of revisions, e.g. committee changes or amendments to individuals' responsibilities. Where the revision are minor and does not change the overall policy, the author will present the revised version to the Partnership Forum via the Pay & reward Sub Group for approval.

Significant revisions will require final approval by the Partnership Forum and ratification by the Workforce Governance Committee.

All revisions will be recorded by the author in the document control report.

Document Control

- 13.3.** The author will comply with the Trust's agreed version control process, as described in the organisation-wide Guidance for Document Control.

14. Dissemination and Implementation

Dissemination of the Policy

- 14.1.** After approval the author will provide a copy of the procedure to the Corporate Affairs Manager to have it placed on the Trust's intranet. The procedure will be referenced on the home page in the Policy Update News as a latest news release.

Information will also be included in the weekly Chief Executive's Bulletin, which is circulated electronically to all staff.

An email will be sent to senior management to make them aware of the procedure and they will be responsible for cascading the information to their staff.

Implementation of the Policy

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

The Human Resources Department will provide support for the implementation of this policy.

15. Document Control including Archiving Arrangements

Library of Procedural Documents

- 15.1.** The author is responsible for recording, storing and controlling this policy.

Once the final version has been approved, the author will provide a copy of the current policy to the Corporate Governance Manager so that it can be

placed on the Trust's Intranet site (BOB). Any future revised copies will be provided to ensure the most up-to-date version is available on the Trust's Intranet site (BOB).

Archiving Arrangements

- 15.2.** All versions of this policy will be archived in electronic format within the Human Resources Department policy archive.

Revisions to the final document will be recorded on the Document Control Report. Revised versions will be added to the policy archive held by the Human Resources Team.

Process for Retrieving Archived Policy

- 15.3.** To obtain a copy of the archived policy, contact should be made with the Human Resources Team.

16. Monitoring Compliance with and the Effectiveness of the Policy

Monitoring compliance with this policy will be the responsibility of Managers and Directors, in relation to the staff they line manage.

It is also their responsibility to ensure absence of their staff is monitored using the monthly Electronic Staff Record (ESR) Reports and that any shortfalls are addressed with the Employees on a one to one basis. The Human Resources Department will provide advice and support for on-going issues and any difficulties experienced by the Line Managers of the employees.

The Human Resources Department will monitor the overall compliance with the policy by undertaking an audit every year to ensure the procedures laid down in the policy have been followed. Any incidents of non-compliance will be fed back to the individual Line Managers to ensure the correct procedures are used in all cases.

Where non-compliance is identified, support and advice will be provided by the Human Resources Team to improve practice.

17. Equality Impact Assessment

The author must include the Equality Impact Assessment Table and identify whether the policy has a positive or negative impact on any of the groups listed. The Author must make comment on how the policy makes this impact.

Table 1: Equality impact Assessment

Group	Positive Impact	Negative Impact	No Impact	Comment
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Age			X	
Disability			X	
Gender			X	
Gender Reassignment			X	
Human Rights (rights to privacy, dignity, liberty and non-degrading treatment), marriage and civil partnership			X	
Pregnancy			X	
Maternity and Breastfeeding			X	
Race (ethnic origin)			X	
Religion (or belief)			X	
Sexual Orientation			X	

18. References

- National (formerly Agenda for Change) NHS Terms and Conditions of Employment Handbook

19. Associated Documentation

- Appraisal Policy
- Risk Management Training Policy

Appendix 1 – Performance Framework Appeal Form

Strictly Private & Confidential

To: Assistant Director of HR
Name:
Job Title:
Band:
Directorate:
Work Address:
Email Address:
Contact Telephone Number:
Line Manager:
Date of Appraisal:
Name of representative (if appropriate):
Contact number of representative:

I am appealing against the decision for my pay progression to be deferred/my re-earnable pay being withheld (*please delete as appropriate*). The grounds for my appeal are: (Detail here why you feel it is unfair)
(I.e. you dispute non-compliance; you have extenuating circumstances and detail those below. Please include any evidence you have to support the grounds for your appeal)

Please detail the steps you have taken to date to resolve this:

Employee's Signature:.....

Date submitted:

Details appendices attached:

Appendix 2 – Appeal Guidelines

1 The Case in Support of the Employee

- The employee or representative shall put their case to the appeal panel, in the presence of the Trust's representative.
- The Trust's representative shall have the opportunity to ask questions of the employee and their representative.
- The appeal panel shall have the opportunity to ask questions of the employee and their representative.

2 The Case in Support of the Trust

- The Trust's representative will present the Trust's management case/response to the Appeal Panel, in the presence of the employee and their representative.
- The employee or their representative will have the opportunity to ask questions of the Trust's representative.
- The appeal panel will have the opportunity to ask questions of the Trust's representative.

3 The Appeal Panel

- The appeal panel will be supported by a representative of the HR Department who will also keep a record of the hearing.
- Where it is identified that insufficient evidence has been submitted to support the case, or that a decision cannot be made due to lack of material evidence, then the appeal panel have the right to suspend a decision until appropriate evidence is provided. In such circumstances, the meeting will be reconvened at the earliest opportunity or that the final decision will be communicated in writing.

4 Reaching a Decision

- The appeal panel will deliberate in private only recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary both parties shall return notwithstanding only one is concerned with the point giving rise to doubt.
- Written confirmation of a decision will be provided within 7 calendar days of the hearing.

- The appeal panel's decision is final and concludes the Trust's Appeal Process.