



HR POLICY & PROCEDURE (SCAS/HRA01)

PAY PROTECTION POLICY

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EQUALITY IMPACT ASSESSMENT

1. SCOPE

- 1.1 This policy applies to any employee who, as a consequence of organisational change, is required to move to a post with a lower salary / remuneration or required to move to a post with a reduction in basic hours worked within the standard working week.
- 1.2 The policy provides:
- 1.2.1 Short-term protection of earnings where the banding of the new post is the same as the post prior to organisational change but earnings have reduced; eg, if additional payments are no longer payable (loss of on-call etc).
- 1.2.2 Long-term protection of basic wage or salary where the banding of the new post is lower than the post before the organisational change and/or the hours of the post have reduced. The protection will be implemented for the individual from the date of appointment to the new position.
- 1.2.3 Protection of certain other conditions of service, as specified.

2. EQUALITY STATEMENT

- 2.1 The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marriage and civil partnership, disability, race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity or any other basis not justified by law or relevant to the requirements of the post.
- 2.2 By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.
- 2.3 The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of race, ethnic or national origin, colour or nationality; gender (including marital status); age; disability; sexual orientation; religion or belief; length of service, whether full or part-time or employed under a permanent or a fixed-term contract or any other irrelevant factor.
- 2.4 Where there are barriers to understanding; eg, an employee has difficulty in reading or writing, or where English is not their first language, additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the HR Department.

3. DEFINITIONS

- 3.1 The following expressions used in this policy have the meanings ascribed to them below:
- 3.1.1 **Organisational Change:** any structural or managerial change in the organisation of the Ambulance Trust.
- 3.1.2 **Reckonable service:** total NHS service (as defined within s16.5-6 of the NHS Terms & Conditions Handbook), excluding where:
- there has been a break in service of twelve months or more the period of employment prior to the break will not count as reckonable service (with the exception of identifiable career breaks);

- service has been the subject of a redundancy payment or other compensatory or terminal payment, it will not count as reckonable service;
- the employee has previously been given pensions benefits, any employment which has been taken into account for the purposes of those benefits will not count as reckonable service;
- an employee has previously been dismissed from NHS employment on disciplinary grounds, former employment will not count as reckonable service.

3.1.3 **Basic wage or salary:** the weekly or monthly sum due in respect of basic hours worked by the individual concerned within the standard working week.

3.1.4 **Protectable earnings:** a combination of basic pay and (if they are a regular requirement of the job) additional payments such as on-call or unsocial hours only. Protectable earnings are computed using a 13-week average or over the period in which one cycle of the rota is completed, whichever most accurately reflects the normal pattern of working.

3.1.5 **Earnings in the new post:** the basic salary of the new post along with any other payments, *if* they are a regular requirement of the job.

3.1.6 **A lower graded or banded post:** where the hourly rate or maximum point of the band of the new post is lower than that of the post held previously, or the salary is lower than that of the previous post.

3.1.7 **A more senior post:** a post that carries an hourly rate, or a salary scale with a maximum point higher than that applying to the new post or any subsequent post to which an employee may have moved.

4. LONG-TERM PROTECTION

4.1 Long-term protection of basic wage or salary is triggered where the grade or banding of the new post is lower than the post before the organisational change.

4.2 An employee to whom this agreement applies is entitled to have basic wage or salary in the former post protected, with general increases but not increments, as follows:

<u>Length of Continuous Service</u>	<u>Period of Protection</u>
5+ years	5 years
4-5 years	4 years
3-4 years	3 years
2-3 years	18 months
1-2 years	6 months
Less than 1 year	None

4.3 The period of protection will end when the:

- total level of payments in the new role exceed the level of protected pay, **or**
- the employee is appointed to a post in which the normal basic wage or salary is equal to or exceeds the protected basic wage or salary, **or**
- the protected employee changes job voluntarily

5. SHORT-TERM PROTECTION

5.1 An employee to whom this agreement applies is entitled to have protectable earnings in the former post protected on a mark-time basis for a period as follows:

<u>Length of Continuous Service(in job)</u>	<u>Period of Protection</u>
5+ years	6 months
3-5 years	4 months
1-3 years	2 months
Less than 1 year	None

5.2 Earnings in the new post will be offset against protectable earnings. If, for any particular pay period, the earnings in the new post exceed the protectable earnings, protection of earnings is extinguished and earnings in the new post are paid in full for that particular pay period.

5.3 When calculating earnings in the new post, the rates used for calculating payments in respect of any additional payments beyond basic wage or salary shall be those applicable to the new post.

5.4 When a part-time employee is moved to a new post on a lower grade or band and the hours in the new post are the same or fewer than before, long-term protection entitlement is assessed on the basis of actual hours worked in the new post paid at the hourly rate applicable to the previous post. If the hours in the new post exceed hours worked previously, long-term protection entitlement is based on (hours worked previously) x (rate applicable previously). The additional hours in the new post are paid at the rate applicable to the new post.

6. PROTECTION ARISING FROM INCREASED TRAVEL TO WORK

6.1 An employee to whom this agreement applies, and who moves to a new base as a result of the organisational change, is entitled to a maximum of four years' daily travel expenses, that is, payment of the additional mileage at public transport rate in accordance with s17.29 of the NHS National Terms and Conditions of Service Handbook.

7. PROTECTION OF PERIOD OF NOTICE

7.1 Employees required to move to a new post are entitled to protection of the period of notice appropriate to the former post (to a maximum of six months' notice).

8. PROTECTION OF ANNUAL LEAVE

8.1 Employees on Trust contracts required to move to a new post on Agenda for Change Terms and Conditions with less annual leave entitlement will retain the annual leave allowance from the former post on a long-term basis (as set out in s4 above).

9. ENTITLEMENT TO OPT FOR TERMS AND CONDITIONS OF THE NEW (OR ANY SUBSEQUENT) POST

9.1 Employees with an entitlement to long-term protection may at any time opt for the complete package of remuneration and conditions of service applicable to the new (or any subsequent) post. This option, once exercised, cannot be cancelled.

10. CONDITIONS

10.1 Short-term protection of earnings is conditional on:

10.1.1 the employee undertaking, if required, overtime, shift work or other additional duties up to the level at which their earnings are protected. *For example, an employee receiving 21% Unsocial Hours Allowance could be requested to work up to 21 unsocial hours.*

- 10.1.2 the employee accepting any subsequent offer of another suitable post with the same employer, which attracts a basic wage or salary in excess of the basic wage or salary applying to the new post.
- 10.2 Long-term protection of basic wage or salary where downgrading is involved is conditional on
 - 10.2.1 the employee agreeing to accept any offer of a suitable more senior post with the Trust. If an employee subsequently unreasonably refuses to apply for or to accept a more senior post, protection ceases.

11. SUBSEQUENT CHANGES OF POST

- 11.1 Each subsequent change of post (due to an organisational change) that is covered by this agreement shall attract protection in its own right.

12. APPEALS

- 12.1 Appeals arising out of the application of this policy shall be dealt with under the Trust's Grievance Policy.

13. RELATED POLICIES AND INFORMATION

- 13.1 Overtime Policy
- 13.2 NHS National Terms & Conditions

14. MONITORING AND REVIEW

- 14.1 This policy will be reviewed by the Assistant Director HR (Operations) in partnership with SCAS's recognised Trade Union organisations in 3 years' time (or sooner in the case of legislative change or change to NHS terms & conditions).

Equality Impact Assessment Form Section One – Screening

Name of Function, Policy or Strategy: Pay Protection Policy

Officer completing assessment: Judy Macdonald

Telephone: 01869 365055

1. What is the main purpose of the strategy, function or policy?
To clarify the parameters of pay protection – circumstances; period of application
2. List the main activities of the function or policy? (for strategies list the main policy areas)
To give clear definitions; To show the difference between long- and short-term protection;
3. Who will be the main beneficiaries of the strategy/function/policy?
Managers for implementation; any member of staff who, as a consequence of organisation change, has to take a post on a lower salary.
1. Use the table overleaf to indicate the following:- a. Where do you think that the strategy/function/policy could have an adverse impact on any equality group, i.e. it could disadvantage them? b. Where do you think that there could be a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relations within equality target groups?

		Positive Impact	Negative Impact	Reasons
GENDER	Women	Yes	N/A	Work-life balance – especially with reference to the care of children and elderly relatives.
	Men	N/A	N/A	
RACE	Asian or Asian British People	N/A	Yes	Possible language difficulties, where English not first language.
	Black or Black British People	N/A	Yes	
	Chinese people and other people	N/A	Yes	
	People of Mixed Race	N/A	Yes	
	White (inc Irish) people	N/A	N/A	
	Disabled People	N/A	Yes	Possible learning difficulties
	Lesbians, gay men and bisexuals	N/A	N/A	
	Transgender	N/A	N/A	
AGE	Older People (60+)	N/A	N/A	
	Younger People (17 to 25) and children	N/A	N/A	
	Faith Groups	N/A	N/A	
	Equal Opportunities and/or improved relations	N/A	N/A	Yes – ensuring that a fair and consistent process is followed for all Trust staff.

Notes:

Faith groups cover a wide range of groupings, the most common of which are Muslims, Buddhists, Jews, Christians, Sikhs and Hindus. Consider faith categories individually and collectively when considering positive and negative impacts.

The categories used in the race section refer to those used in the 2001 Census. Consideration should be given to the specific communities within the broad categories such as Bangladeshi people and to the needs of other communities that do not appear as separate categories in the Census, for example, Polish.

5. If you have indicated that there is a negative impact, is that impact:		
	Yes	No
Legal (it is not discriminatory under anti-discriminatory law)	<input type="checkbox"/>	X
Intended	<input type="checkbox"/>	X
Level of Impact	High	Low
	<input type="checkbox"/>	X
If the negative impact is possibly discriminatory and not intended and/or of high impact then please complete a thorough assessment after completing the rest of this form.		
6(a). Could you minimise or remove any negative impact that is of low significance? Explain how below:		
Clear, simple language used. Line managers support and guide their staff to understand what has been written in the policy and the impact/effect it would have on them.		
6(b). Could you improve the strategy, function or policy positive impact? Explain how below:		
By using clear and simple language.		
7. If there is no evidence that the strategy, function or policy promotes equality, equal opportunities or improves relations – could it be adopted so it does? How?		
N/A		

Please sign and date this form, keep one copy and send one copy to the Trust's Equality Lead.

Signed:

Name:

Date:

Equality Impact Assessment Form Section Two – Full Assessment

Name of Function, Policy or Strategy: Pay Protection Policy

Officer completing assessment: Judy Macdonald

Telephone: 01869 365055

Part A

1. Looking back at section one of the EqIA, in what areas are there concerns that the strategy, policy or project could have a negative impact?

Gender

Race

✓

Disability

✓

Sexuality/Transgender

Age

Faith

2. Summarise the likely negative impacts:-

..... Difficulties with understanding relating to language problems and/or learning

..... disabilities

..... No perceived issues relating to other groups; actively addresses some

.....

3. Using the table below, give a summary of what previous or planned consultation on this topic, policy, function or strategy has or will take place with groups or individuals from the equality target groups and what has this consultation noted about the likely negative impact?

Equality Target Groups	Summary of consultation planned or taken place
Gender	None
Race	None

Equality Target Groups	Summary of consultation planned or taken place
Disability	None
Sexuality/Transsexuality	None
Older People	None
Younger People	None
Faith	None

4. What consultation has taken place or is planned with Trust staff including staff that have or will have direct experience of implementing the strategy, policy or function?

..... No consultation is planned. Policy will apply to all staff and only problems
 foreseen are possibly with understanding.....

5. Check that any research, reports, studies concerning the equality target groups and the likely impact have been used to plan the project and guide or indicate what research you intend to carry out:-

Equality Target Groups	Title/type of/details of research/report
Gender	
Race	
Disability	
Sexuality/Transsexuality	

Equality Target Groups	Title/type of/details of research/report
Older People	
Younger People	
Faith	

6. If there are gaps in your previous or planned consultation and research, are there any experts/relevant groups that can be contacted to get further views or evidence on the issues?

Yes (Please list them and explain how you will obtain their views)

.....

.....

.....

No

Part B

Complete this section when consultation and research has been carried out

- 7a. As a result of this assessment and available evidence collected, including consultation, state whether there will be a need to be any changes made/planned to the policy, strategy or function.
- 7b. As a result of this assessment and available evidence, is it important that the Trust commissions specific research on this issue or carries out monitoring/data collection?

(You may want to add this information directly on to the action plan at the end of this assessment form)

.....

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.....

.....

8. Will the changes planned ensure that negative impact is:

Legal?

(not discriminatory, under anti-discriminatory legislation)

Intended?

Low impact?

9a. Have you set up a monitoring/evaluation/review process to check the successful implementation of the strategy, function or policy?

Yes

No

9b. How will this monitoring/evaluation further assess the impact on the equality target groups/ensure that the strategy/policy/function is non-discriminatory?

Details:

.....

.....

.....

.....
Please complete the action plan overleaf, sign the EQIA, retain a copy and send a copy of the full EQIA and Action Plan to the Trust's Equality Lead.

Signed:

Name:

Date:

EQIA ACTION PLAN

Issue	Action Required	Lead Officer	Timescale	Resource Implications	Comments
Difficulties of understanding	Plain English, simple language		During drafting	Built into process	
Ditto	Managers to support staff to understand		In use, ongoing	Shouldn't be any.	

Please continue on another sheet if you need to.