Torbay and South Devon NHS Foundation Trust

SALARY ON APPOINTMENT/PROMOTION AND INCREMENTAL CREDIT (H18)

If you require a copy of this policy in an alternative format (for example large print, easy read) or would like any assistance in relation to the content of this policy, please contact the Equality and Diversity team on 01803 656680.

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Date of Issue:	January 2017	**Next Review Date:**	July 2023
Version:	1.3	**Last Review Date:**	July 2021
Author:	People Hub		
Directorate:	People Directorate		
Approval Route			
Approved By:		**Date Approved:**	
JCNC		December 2015	
Links or overlaps with other policies:			
Acting up Secondment Policy			

Amendment History

Issue	Status	Date	Reason for Change	Authorised
1.1	Approved	Jan 2017	Clarification of Local Authority Service Para 5.5	Deputy Director of Workforce
1.2	Approved	15 Jan 2019	General review and audit	HR Advisor
1.3	Approved	July 2021	Updated wording around People Hub Team & People Directorate / contact details / logo / Version / date	People Hub

Torbay and South Devon NHS Foundation Trust

Rapid Equality Impact Assessment

Policy Title (and number)	H18 Salary on Appointment/Promotion & Incremental Credit				
Policy Author	People Hub				
Version and Date (of EIA)	1				
Associated documents (if applicable)					
RELEVANCE: Does the aim/purpose of the policy relate to each of the aims of the Public Sector Equality Duty?					
• **Eliminate unlawful discrimination or other conduct prohibited by the Equality Act 2010**					**Yes**
• **Advance equality of opportunity between people from different groups**					**Yes**
• **Foster good relations between people from different groups**					**Yes**
SIGNIFICANCE AND IMPACT: Consider the nature and extent of the impact, not the number of people affected.					
Does the policy affect service users, employees or the wider community? (if no, proceed to sign off)					**Yes**
Does the policy affect service delivery or business processes?					**No**
Does the policy relate to an area with known inequalities (deprivation/unemployed/homeless)?					**No**
EQUALITY ANALYSIS: How well do people from protected groups fare in relation to the general population? ***PLEASE NOTE: Any 'Yes' answers may trigger a full EIA and must be referred to the equality leads below***					
Is it likely that the policy/procedure could treat people from protected groups less favorably than the general population? (see below)					
Age	**No**	Disability	**No**	Sexual Orientation	**No**
Race	**No**	Gender	**No**	Religion/Belief (non)	**No**
Gender Reassignment	**No**	Pregnancy/ Maternity	**No**	Marriage/ Civil Partnership	**No**
Is it likely that the policy/procedure could affect particular 'Inclusion Health' groups less favorably than the general population? (substance misuse; teenage mums; carers; travellers; homeless; convictions; social isolation; refugees)					**No**
Please provide details for each protected group where you have indicated 'Yes'.					
What if any, is the potential for interference with individual human rights? (consider the FREDA principles of Fairness/ Respect/ Equality/ Dignity/ Autonomy)					
None					
RESEARCH AND CONSULTATION					
What is the reason for writing this policy? (What evidence/ legislation is there?)					
Ensure consistency and fair principles for the financial remuneration on appointment and promotion and award of incremental credit.					
Who was consulted when drafting this policy/procedure? What were the recommendations/suggestions?					
Joint Consultation and Negotiating Committee					
ACTION PLAN: Please list all actions identified to address any impacts					
Action			**Person responsible**		**Completion date**
AUTHORISATION					
Name of person completing the form	HR Manager		**Signature**		
Validated by (line manager)			**Signature**		

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1 Policy Statement

1.1 The aim of this policy is to ensure that where possible there is a consistent approach to the salary offered on appointment to the Trust and those employees being promoted, including the use of incremental credit.

2 Introduction

2.1 Giving incremental credit without good reason is contrary to the principle of fair pay within Agenda for Change. Therefore it is important to adopt a consistent approach to ensure that equivalent knowledge and skills are treated equitably. There will be occasions where the appointing manager will need to consider if previous experience should be rewarded.

2.2 The underlying principles to consider when determining a balanced approach to the award of incremental credit are:

- Rewarding long service
- Flexibility in recruitment
- Equity with existing staff
- An assumption that experience in similar sectors will be relevant for the purposes of calculating incremental starting point. It will not count for the purposes of working out continuous service dates for entitlements such as redundancy.
- Continuous NHS service will be recognised as it stands at the point in time a person joins the Trust.
- Promoting the NHS employment package as containing progressive terms and conditions in excess of basic salary, e.g. employer's pension contribution.

3 Scope

3.1 This policy applies to all staff employed by the Trust, together with those on a joint contract with the organisation and another employer, except those on very Senior Managers pay and conditions and Medical and Dental staff for whom separate provisions apply.

4 Equality and Diversity Statement

4.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trusts will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.

4.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis.

5 New Starters Joining the NHS for the first time or re-joining the NHS

5.1 Offers will be made at the minimum of the relevant pay band for those who have had no previous experience of the role they are recruited to.

5.2 Where an individual has relevant previous experience in or outside of the NHS in an equivalent or higher post, one incremental point on the band can be awarded for each complete 12 month block of aggregated experience. Account should be taken of the position of other staff in the same pay band, particularly where the new employee will be working alongside those staff. No new employee should be paid at an incremental point higher than the second gateway of the band except in exceptional circumstances and this should be discussed with the People Hub team.

5.3 Service will need to be evidenced to and agreed by the appointing manager to the post who will sign that they accept the application and knowledge and skills as at least equivalent to the post they have been recruited to. This can be evidenced by reference to the application forms, references and previous job descriptions. The appointing manager's decision must then be authorised by the Director/Head of Service/Service Delivery Unit Manager or nominated deputy. Where a decision is likely to have an impact across a profession, only the professional head of that profession can determine the equivalency of any service.

5.4 The appointing manager must be able to objectively justify and defend their decision by considering the following points:

- Previous experience and the level of the experience.
- Impact on existing team members when considering if the salary being requested is higher than that of existing team members and whether this can be justified, bearing in mind the length of service or equivalent experience obtained in another health related role.
- Impact on other teams/departments when considering if the salary being requested is higher than that or existing team members and whether this can be justified, bearing in mind the length of service or equivalent experience obtained in another health related role.
- The whole package: e.g. the individual's annual leave entitlement and benefits which needs to be considered alongside the Trust's entitlements and benefits (e.g. pension scheme).
- Budget and any financial implications.
- The risks of possible equal pay claims and grievances.

5.5 The form at appendix 1 should be completed and attached to the Appointment Form and submitted to the Payroll department as usual. This form should be completed and authorised **before** any offers of higher salaries are made. Please note previous employment with a Local Authority will not automatically qualify as service for incremental progression or towards any other entitlement. A business justification form should be completed as outlined above.

6 New Appointments (currently employed in the NHS)

6.1 In order to try and place new starter on the correct pay scale from day one, they will be asked to bring with them, on their first day of service, their most recent NHS payslip. The Payroll department will refer to the incremental point on the payslip in establishing the correct pay point in accordance with Agenda for Change terms and conditions of service, depending on whether the new job is at:

- ***Same Band:*** the same pay point they were paid previously and retain their incremental date.
- ***Higher Band:*** (i.e. promotion) the minimum of the new pay band or, if this would result in no pay increase the first pay point that would deliver an increase to pay. The incremental date will move to the start date of the new salary.
- ***Lower Band:*** the point they would have reached had time served in jobs at the same or a higher band been served in the new lower band job.

6.2 When the most recent payslip or previous NHS service is not confirmed by the first day of appointment to the Trust, the Payroll department will pay at the minimum of the band, pending confirmation of previous service.

6.3 Where the current salary exceeds the maximum point of the pay band, the appointment will be at the maximum point of the band and protection will not apply. However, if the appointment is as a result of organisational change, protection may apply and advice should be sought from the People Hub team.

7 Promotion to a Higher Pay Band

7.1 Promotion should be a competitive selection process for internal candidates.

7.2 Opportunities for promotion should be as widely publicised as possible and open to anyone with either the skills, or potential after training, to meet the requirements of the job description.

7.3 If on promotion, the working pattern remains substantially the same, staff will move to the first incremental point producing an increase when basic pay, any long-term recruitment and retention premium and the percentage enhancement for unsocial hours, are combined.

7.4 If the working pattern changes on pay on promotion should be set either at the minimum of the new pay band or, if this would result in no pay increase, the first pay point in the band which would deliver an increase in pay (by reference to basic pay plus any recruitment and retention premium, if applicable).

7.5 Where movement into a higher pay band results in only one extra pay point the increment date remains the same. Where movement results in more than one extra pay point the increment date for the period of the temporary movement becomes the date the movement began.

7.6 If the incremental date of the substantive post coincides with the date of the promotion, the salary increase attributed to incremental date will be actioned followed by the increase attributed to the promotion.

8 Temporary Movement to a Higher Pay Band

8.1 Agenda for Change terms and conditions of service provide explicit guidance of circumstances when it is appropriate to move an individual into a higher pay band. The following paragraphs are replicated from sections 6.18 to 6.20 of the NHS Terms and Conditions handbook:

> *"6.18 Individuals may be moved into a higher pay band where it is necessary to fill a post on a temporary basis when a vacancy is unfilled, but being advertised, or the post is being held open for someone who is due to return e.g. from long-term sick leave, maternity leave, or from extended training.*
>
> *6.19 Pay should either be set at the minimum of the new pay band or, if this would result in no pay increase the first pay point in the band which would deliver an increase in pay. Temporary movement into a new pay band should not normally last more than six months or less than one month except in instances of maternity or long-term sick leave where a longer period may be known at the outset."*

N.B. In circumstances where the individual is not required to carry out the full responsibilities of the post, it has been agreed locally that payment will be in accordance with the temporary allowances as set out in the Acting Up Secondment Policy

> *"6.20 Where temporary movement into a higher pay band results in only one extra pay point the increment date remains the same. Where temporary movement results in more than one extra pay point the increment date for the period of the temporary movement becomes the date the movement began."*

8.2 When the individual returns to their substantive post they will return to the pay point they would have been on had they remained in their substantive role. Their incremental date will return to their original incremental date, i.e. the date prior to the move to the higher band.

9 Breaks in Service

9.1 Reappointment with a break of three months or less

The individual will enter the pay band at their existing point of the band.

The incremental date will be deferred by the number of days of the break.

Progression through the pay band will be subject to the conditions documented in Section 6 of the Agenda for Change handbook, in particular those sections relating to gateways and pay progression.

9.2 Reappointment with a Break in Excess of three Months

The individual will enter the pay band at the point calculated by aggregating relevant service in a higher or equivalent band both within and outside the NHS. Only complete years of service will be used to determine the point of entry to the band.

10 NHS Professionals and Agency Workers

10.2 Salaries will not be matched to those paid by NHS Professionals or other agencies. Agency staff do not receive the same entitlements that are gained in substantive employment, e.g. sick pay, maternity/paternity/adoption entitlements, annual leave etc and therefore the whole package needs to be considered.

11 Decision Making Process

11.1 In all circumstances the appointing manager must agree the appropriate incremental point with their Senior Manager, unless the incremental point will be at the bottom of the pay band or the individual is transferring from another NHS organisation and the most recent payslip has been provided.

11.2 The Director/Head of Service/Business Unit Manager must approve any appointment on an incremental point above the bottom of the pay band as described above.

11.3 Advice and guidance is available from the People Hub team and the Agenda for Change management and staff-side leads.

12 Training and Awareness

12.1 Advice and support will be provided by the People Hub team to support staff and managers in understanding and adhering to this policy.

12.2 The People Hub team will raise awareness of this policy through the publication of information on ICON and to advise staff of changes to the policy through the staff bulletin and ratification processes.

13 Contact Details

13.1 Any queries regarding this policy should be directed to the People Hub Team within the People Directorate.

- People Hub Advice Line – 01803 655754 (ext. 55754) or
- Email - tsdft.humanresources@nhs.net

14 Monitoring, Audit and Review Procedures

14.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the People Directorate unless legislative changes determine otherwise.

15 Appendix 1 - **Starting Salary Business Justification Form**

All initial offers of employment should be made with salaries upon commencement at the **bottom** of the Agenda for Change pay scale of the post being offered.

This form should be completed and authorised **before** any offers of higher salaries are made in all cases if a request is being made for a salary above the bottom of the pay scale, and should only be in exceptional circumstance. No offer of employment should be made at any other salary until the business justification has been approved.

Any justification needs to take into account the whole employment package which needs to include salary, annual leave, contracted hours, sick pay, pension scheme, working patterns etc.

Job Title:		**Band:**	
Proposed Starting Spine Point:			
Justification: *(Refer to* Salary on Appointment/Promotion & Incremental Credit Policy*)*			

Appointing Manager:		Signed:		Date:	

Senior Manager Comments:

This request has been approved: Yes ☐ No ☐ (Please tick relevant box)

Director/Head of Service/ Business Unit Manager:		Signed:		Date:	

Copies: Personal File
Payroll (attached to Appointment Form)