

# **Policy on Salary and Terms and Conditions on Appointment**

**November 2007**

## POLICY REFERENCE INFORMATION

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## DOCUMENT REVISION RECORD

<b>Version</b>	<b>Description of change(s)</b>	<b>Reason for Change</b>	<b>Author</b>	<b>Date</b>
1.0	New paragraphs 2.3, 2.4 and 4	To reflect SMT decisions	Helen Pottinger	3 September 2007

## RELATED POLICIES AND LEGISLATION

<b>Policy Reference Number</b>	<b>Policy Title</b>
	NHS Terms and Conditions of Service Handbook (November 2004)
	SHAs Policy on Recruitment and Retention Premia
	SHAs Policy on Acting Up or Temporary Movement to a Higher Pay Band

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## **1. INTRODUCTION**

This policy has been developed in accordance with the NHS Terms and Conditions of Service Handbook (November 2004) (the Handbook) and should be read in conjunction with the SHAs Policy on Recruitment and Retention Premia.

The policy applies to new appointments where staff are transferring within the NHS and new appointments where staff have no previous NHS employment.

Managers with responsibility for recruiting staff should not make any commitments regarding salary or terms and conditions of service on appointment until the requirements of this policy have been met.

## **2. TRANSFERS WITHIN THE SHA OR FROM ELSEWHERE IN THE NHS**

### **2.1 Staff transferring from one post to another post in the same pay band**

Staff transferring from one post to another in the same pay band within the NHS will enter the band at the same point that they were previously on. Previous NHS service will be subject to confirmation by the Payroll Department. Until such confirmation has been received, it has been agreed that if the new employee provides a copy of their last payslip from their previous NHS employer together with a copy of their contract of employment this will be used to calculate the point of entry to the band on commencement. When confirmation of previous service has been received any necessary adjustment will be backdated to the date of commencement.

### **2.2 Staff promoted within the NHS**

Staff promoted within the NHS will enter the new pay band at the minimum or the first point of the new pay band that gives them an increase in salary. Previous NHS service will be subject to confirmation by the Payroll Department. Until such confirmation has been received, it has been agreed that if the new employee provides a copy of their last payslip from their previous NHS employer together with a copy of their contract of employment this will be used to calculate the point of entry to the band on commencement. When confirmation of previous service has been received any necessary adjustment will be backdated to the date of commencement.

### **2.3 Discretion in relation to starting salary on promotion where pre-existing Agenda for Change protection applies**

Paragraph 46.12 of the Terms and Conditions Handbook will supersede paragraph 6.33 for existing staff who are promoted whilst they continue to be protected under Agenda for Change assimilation rules.

Paragraph 46.12 states:

'Where basic pay before assimilation is between the new minimum and maximum of the new pay band, staff will assimilate to the next equal or higher pay point in the new pay band.'

Advice and clarification should be sought from the Human Resources Team prior to any communication with staff.

#### **2.4 Discretion in relation to starting salary on promotion following a period of acting-up**

The SHA has agreed that paragraph 6.33 of the Terms and Conditions of Service can be varied for existing staff so that periods of acting-up can be counted for the purposes of determining starting salary and incremental dates on promotion to a higher pay band. This would normally only occur where, exceptionally, the period of acting-up exceeds twelve months and occurs immediately before the promotion takes effect.

Advice and clarification should be sought from the Human Resources Team prior to any communication with staff.

#### **2.5 Staff with a break in NHS service of more than one year**

Staff having had a break of more than one year from the NHS will normally enter the pay band at the minimum. However Directors may, with advice from the Associate Director of Strategic HR/Senior HR Manager, agree to count previous completed years of NHS service in an equivalent or higher band in full or in part for the purposes of determining the starting salary. Directors will need to consider to what extent the previous service will be of relevance to their new post.

#### **2.6 Incremental date**

Staff appointed under 2.1 will retain their previous incremental date unless they have had a break from NHS employment of less than a year in which case their incremental date will be deferred by an equivalent number of days to the length of the break. Payroll will calculate the incremental date when confirmation of previous service has been received.

Staff appointed under 2.2 to 2.5 will take their date of appointment to the new post as their incremental date.

Details of previous NHS employment must be entered on the joining form to enable Payroll to confirm the service with the previous employer.

### **3. NEW STAFF WITH NO PREVIOUS NHS EMPLOYMENT**

#### **3.1 Pay point on commencement**

New staff will normally be appointed to the minimum of the pay band. However, during the period when the special transitional points are in use for any member of staff in the same unit or equivalent work area, any new member of staff appointed to the same pay band will be placed on the lowest transitional point currently in use.

#### **3.2 Counting previous equivalent service outside of the NHS for incremental credit on commencement**

In exceptional circumstances Directors may, with advice from the Associate Director of Strategic HR/Senior HR Manager, consider appointing to a point on the pay band that takes account of previous equivalent service outside the NHS. Documentary evidence of any previous equivalent service to be counted will be required to support decisions. Directors should also consider if the application of a Recruitment and Retention Premium might be a more appropriate option (see Recruitment and Retention Premia Policy). In considering the case for counting previous equivalent service outside of the NHS, account should be taken of other terms and conditions of service applicable to the post, for example:

- Any additional allowances attached to the post eg. Working outside normal hours; On-call; Recruitment and Retention Premia etc.
- The final salary Occupational Pension Scheme
- Annual Leave and Sick Leave entitlements

### **4. COUNTING PREVIOUS SERVICE AS 'RECKONABLE SERVICE' IN RESPECT OF NHS AGREEMENTS ON REDUNDANCY, MATERNITY, SICK PAY AND ANNUAL LEAVE**

#### **4.1 Previous NHS service**

In accordance with Section 12 of the Handbook, an employee's continuous previous service with any NHS employer counts as reckonable service in respect of NHS agreements on redundancy, maternity, sick pay and annual leave.

##### Redundancy Pay

A definition of 'reckonable service' for the purposes of an NHS redundancy payment is provided in paragraph 16.5 of the Terms and Conditions Handbook.

### Maternity Pay

In accordance with paragraph 15.7 of the Terms and Conditions Handbook, entitlement to paid or unpaid maternity leave depends upon the employee having twelve months continuous service with one or more NHS employers.

### Sick pay

On returning to NHS employment, a previous period or periods of NHS service will be counted towards the employee's entitlement to sick leave where there has been a break or breaks in service of 12 months or less.

### Annual Leave

On returning to NHS employment, a previous period or periods of NHS service will be counted towards the employee's entitlement to annual leave.

## **4.2 Previous service with employers outside the NHS**

The SHA has the discretion to count previous service with employers outside the NHS that is judged to be relevant to NHS employment for the purposes of calculating entitlement to redundancy, maternity, sick pay and annual leave. This discretion may be exercised on appointment as part of the contract of employment entered into on commencement. Discretion will not be exercised retrospectively.

### Previous service with the Department of Health

The SHA has agreed, as a general principle, to exercise its discretion to count previous continuous service with the Department of Health for the purposes of calculating entitlement to redundancy pay, maternity, sick pay and annual leave for newly appointed staff who move, and for existing staff who have previously moved, without a break, from employment with the Department of Health to employment with the Strategic Health Authority.

### Previous service with other non-NHS employers

#### Annual Leave

Directors may, subject to the advice of the Associate Director of Strategic HR/Senior HR Manager, agree to count previous service, in full or in part, with employers outside the NHS that is judged to be relevant to NHS employment for the purposes of calculating entitlement to annual leave.

This would normally occur where the annual leave entitlement in the previous employment is higher than the basic entitlement to annual leave for the NHS employment.

## Redundancy Pay, Maternity and Sick Pay

Exceptionally, and subject to the agreement of the Director of Workforce and Education, Directors may agree to count previous service, in full or in part, with employers outside the NHS that is judged to be relevant to NHS employment for the purposes of calculating entitlement to redundancy pay, maternity and sick pay.

In considering the case for counting previous equivalent service outside of the NHS, account should be taken of other terms and conditions of service applicable to the post, for example:

- Any additional allowances attached to the post e.g. working outside normal hours; On-call; Recruitment and Retention Premia etc.
- The final salary Occupational Pension Scheme
- Annual Leave and Sick Leave entitlements

## **5. EQUALITY IMPACT ASSESSMENT**

At this time, an equality impact assessment (EIA) has not been carried out on this policy. However, an EIA will be carried out as soon as possible and by no means later than six months of the issue date stated on the policy cover sheet.