

## **SCOTTISH TERMS AND CONDITIONS COMMITTEE**

### **REVIEW OF AGENDA FOR CHANGE POSTS CURRENTLY EVALUATED AND PAID ON PAY BAND 1**

#### **Introduction**

In 2015, the Scottish Government asked employers across NHS Health Boards in Scotland to undertake a review of all posts which had been evaluated and were paid on Agenda for Change Pay Band 1. It was suggested that the roles and responsibilities of staff in these posts should be reviewed and wherever possible enhanced to achieve a Pay Band 2 outcome.

The Scottish Terms and Conditions Committee (STAC) were tasked with agreeing the parameters of such a review and produced, through NHS Circular PCS(AFC)2016/3, detailed guidance to assist local Area Partnership Forums in progressing this work.

STAC also agreed to produce a Question and Answer (Q&A) list to address any issues arising nationally and locally as the review is taken forward.

#### **Questions and Answers**

This document outlines the Q&A which have already been raised but will remain a live document and updated as and when new issues are brought to the attention of STAC. Questions which arise locally should, in the first instance be referred to the management and staff side leads nominated by each Health Board. Any issues arising that the joint leads feel require a national view should be referred to STAC for consideration.

**Q1 What is the implementation date for posts that are reviewed and result in a Band 2 outcome.**

A1 The agreed implementation date is 1 October 2016 and all employees who are in posts that move to Band 2 should be paid from that date whether or not the Board has concluded the process. Please also see Q&A 5 below which outlines the position when posts remain at Band 1 but employees wish to be considered for a Band 2 post.

**Q2 What happens if an employee wishes to take up a Band 2 post but doesn't have the ability and or competency to pass the training required to fulfil the duties of the Band 2 post?**

A2 STAC expects that the vast majority of staff will successfully complete any training programme that may be required to enable them to fulfil the Band 2 role. However, it is possible that there may be a very small number of staff who are unable to complete the training required. Should this occur the member of staff will remain in a Band 1 role and be paid the Band 1 salary.

**Q3 What happens if an employee is unable to complete the training to move to a Band 2 role because of leave, eg maternity or long term sick leave?**

**Q&A Version 2 (June 2016)**

- A3 The member of staff will complete the training on return from leave and, in line with paragraph 2b(i) of PCS(AFC)2016/3, will be transferred to Band 2 and paid accordingly from 1 October 2016. They will take up the extended role as soon as training has been satisfactorily completed.
- Q4 There may be occasions where an employee is in a Band 1 post which is reviewed and moves to Band 2 but, for personal reasons, that employee wishes to remain at Band 1. If this occurs what role will the employee undertake?**
- A4 In this situation the employee would stay in their Band 1 role and be paid on the Band 1 salary. However, if remaining in their Band 1 role would cause service difficulties, they may be required to move to an alternative Band 1 role. If that employee then left, the Board would advertise and fill the extended role at Band 2.
- Q5 There may be a small number of cases where an employee in a Band 1 post which remains at Band 1 expresses a wish to move into a Band 2 post. If there are insufficient posts available, what action should Boards take?**
- A5 STAC will be able to pick this up from monitoring forms and identify numbers affected and they may choose to discuss the issue with Boards individually to seek a resolution. Boards should record the interest of the member of staff and ensure that they are moved into a suitable role as soon as one becomes vacant. Payment at Band 2 will commence once the employee has moved into the Band 2 role.
- Q6 What is the mechanism for the sharing of Band 2 job descriptions and matched job reports between Boards?**
- A6 HRDs and Deputy HRDs have been asked and agreed that job descriptions and matched job reports should be shared between Boards to aid the process. Joint leads in Boards should contact their colleagues in neighbouring or other Boards to obtain appropriate job descriptions and matched job reports.
- Q7 How should Boards deal with Band 1 vacancies which arise before 1 October 2016?**
- A7 There should be no freeze on the filling of Band 1 vacancies. Boards should recruit to the Band 1 vacancy and the post will go through the Band 1 review process.
- Q8 Can Boards still recruit to Band 1 posts after 1 October 2016?**
- A8 If Boards have posts which remain at Band 1 following the review then, yes, they can still recruit at that level. All other posts should be filled at Band 2.
- Q9 What is the process for a band 1 employee who wishes to move to a Band 2 post after the completion of this review process?**
- A9 The employee should be advised to apply for a Band 2 vacancy when advertised and the normal selection process will apply.

**Q10 How will this review be applied to “as and when required” workers?**

A10 STAC expect “as and when required” workers to be treated in the same way as substantive staff and be offered training to allow them to be able to cover band 2 posts.

**Q11 What approach should be taken towards staff who are part of the employability scheme?**

A11 There should be individual discussions with the staff members. Boards should treat these staff members sympathetically to ensure that they do not feel that they are being treated unfairly. Every effort should be made to provide additional training if the member of staff could undertake a Band 2 role satisfactorily. However, where this cannot be achieved, the Band 1 role should remain in place for the individual staff member to ensure their continued employment.

**Q12 There will be some posts, eg domestic assistant posts in offices and health centres, some catering posts, where there is nothing additional that can be added to the role. What should be done in such situations?**

A12 Boards should consider whether by making such roles part of wider rotations, there is an opportunity to develop Band 2 job descriptions.

**Q13 What is the position in relation to private contractors?**

A13 STAC are not yet in a position to offer guidance on this but it is intended to cover this issue in future versions of the Q&A.

**Q14 Will a move from Band 1 to Band 2 affect an employee’s entitlement to Tax Credits or other Benefits?**

A14 Boards are not in a position to answer this question as this is based on each individual employee’s circumstances. Employees should seek advice from HMRC or the Citizen’s Advice Bureau on such issues.

**Q15 Will a move from band 1 to Band 2 have any impact on my NHS Scotland Superannuation Scheme pension contributions?**

A15 Under the NHS scheme regulations, contributions are based on whole time equivalent pensionable earnings. The rate payable whilst on band 1 is 5.2% and a move to band 2 will result in an increase to the next tier of 5.8%.

**Q16 When will I start to receive pay uplifts?**

A16 Pay uplifts will apply once you have reached the point where your protected salary is overtaken by your actual earnings.

**Any questions in relation to the above should be addressed to Janis Millar at [janismillar@nhs.net](mailto:janismillar@nhs.net) and Sonia Pollock at [spollock@nhs.net](mailto:spollock@nhs.net)**