

## **Agenda item: 9.5**

### **Report title: Core HR Policies Update**

#### **1. Background**

The Agenda for Change Terms and Conditions handbook was updated on 1 April 2019 due to changes to the national pay scales and the new Pay Progression Framework. Due to these changes, a number of core Human Resources policies have been reviewed with small updates made to align with the new Terms and Conditions. This report seeks approval from the Governing Body to make changes to these policies

#### **2. Proposed Changes to Policies**

The new Pay Progression Framework currently only applies to staff newly appointed to the NHS on Agenda for Change Terms and Conditions from 1 April 2019 onwards or staff promoted up a payband from this date onwards. Staff who remain in their existing roles with no payband change or staff recruited to roles either internally or from other NHS organisations with no increase in payband are not subject to the framework until 1 April 2021 when this will apply to all staff.

The Disciplinary Policy, Sickness Absence Policy and Managing Performance (Capability) Policy are all contractual policies and therefore require Governing Body approval for any changes. The proposed changes to these policies are as follows:

##### **Disciplinary Policy**

Where a disciplinary sanction is live on a staff members record, individuals subject to the new Agenda for Change Pay Progression Framework will not progress to the next pay step.

For the purposes of pay progression, disciplinary sanction 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 such as formal warnings. It does not include investigations, informal warnings, or other informal activities that may come within a disciplinary policy.

Suspension from work on full pay is a neutral act. In order to ensure this is the case, the pay step point will be applied from the pay step review date where an individual is suspended at that time, provided the individual meets all other standards under the Pay Progression Framework.

If a disciplinary sanction in place at the time of the pay step date is subsequently repealed as a result of a successful appeal, the pay step will be backdated to the pay step date if all other standards set out under the Pay Progression Framework have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

If a live disciplinary sanction is in place at the point an individual is absent due to long term sickness or parental leave, the principle of equal and fair treatment should be followed so that no detriment is suffered as a result. In such cases the pay step will be applied in their absence if appropriate, effective the day after the sanction expires.

### **Sickness Absence Policy**

If a staff member is absent from work due to long term sickness absence when a pay step is due, the principle of equal and fair treatment should be followed so that no detriment is suffered as a result.

Staff subject to the new the Pay Progression Framework will continue to receive their pay step whilst on sickness absence if all other standards set out have been met. Should the requirements around performance and completion of statutory/mandatory training have not been met as a direct result of the long term sickness absence, the pay step will not be delayed and will take place on the normal pay step date as planned.

### **Managing Performance (Capability) Policy**

Where a formal capability sanction is live on a staff members record, individuals subject to the new Agenda for Change Pay Progression framework will not progress to the next pay step.

A formal Capability sanction will only be applied where there are clear cases of lack of competence (including professional and clinical competence) and clear failure by an employee to achieve a satisfactory standard of work through lack of knowledge, ability or consistently poor performance. A sanction will only be in place where there have been an outcome placing the staff member in a formal stage of the Managing Performance (Capability) process.

Investigations, informal stages and processes for dealing with absence due to ill health are all excluded and in such cases the pay step review date will remain unchanged if all other standards set out under the Pay Progression Framework have been met.

If an active formal capability process is underway at the point a member of staff goes on long term sickness absence or parental leave, the pay step point can be delayed. The improvement process under the terms of this policy should be resumed immediately on their return. On satisfactory completion, the period of their absence should be set aside and the pay step backdated to an agreed date as if they had completed the improvement process without being absent.

## **3. Financial resource implications**

Some staff may have pay step progression stopped which will impact the CCG's pay costs.

## **4. Legal implications**

No legal risks as changes are in line with Agenda for Change Terms and Conditions which have been signed off at national level

## **5. Risk implications**

Failure to change the policies will prevent pay step progression being stopped for disciplinary or capability purposes

## **6. Implications for health inequalities**

Not applicable

## **7. Implications for equalities (Black and Other Minority Ethnic/Disability/Age Issues)**

All staff to be treated with equity and fairness in revised policies in respect to disciplinary, sickness absence and capability cases. Equality Impact Assessments carried out for the policies and updated in respect to proposed changes. Monitoring of all cases in policies to be carried out in respect to staff protected characteristics to ensure no discrimination occurs and staff are treated equitably.

## **8. Consultation and Communication including Public Involvement**

Proposed changes to policies consulted on with Staff Partnership Forum (SPF). Changes to policies as a result of national changes to Terms and Conditions which have been consulted on and agreed with national Trade Unions.

## **9. Recommendations**

The Governing Body is recommended to agree the changes to the Human Resources policies as stated to enable immediate implementation.

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**Report Sponsor: Sarah Truelove, Deputy Chief Executive/Chief Finance Officer**

## **Appendices**

None

## Glossary of terms and abbreviations

<b>Agenda for Change</b>	Agenda for Change is the NHS National Terms and Conditions framework which applies to all employees of NHS Organisations except where local agreements exist.
<b>Pay Progression Framework</b>	The Pay Progression Framework is part of the national NHS Agenda for Change Terms and Conditions. The Framework sets out the process and principles for pay progression through the steps of the pay bands in the national payscales.
<b>Staff Partnership Forum (SPF)</b>	The Staff Partnership Forum is the BNSSG CCG formal staff engagement forum. This is a consultative body consisting of Management staff, Staff representatives from each Directorate and Full Time Trade Union Officers from the Trade Unions formally recognised by the CCG.