

Employment Relations Briefing BAOT / UNISON

Agenda for Change: Job Evaluation

Published: 2016

Country relevance: UK Wide

Introduction

This briefing aims to inform BAOT/UNISON Stewards and members about Agenda for Change and the key points to consider if posts in their department are undergoing a job evaluation process.

What is Agenda for Change?

Agenda for Change is an agreement made between the Department of Health, the NHS Employers and the NHS Trade Unions. It identifies harmonised, pay, terms and conditions for all staff working in the National Health Service (NHS), with the exception of Doctors and Dentists (who are covered by a separate agreement), and very senior managers. Employment contracts for NHS staff should reference Agenda for Change.

Agenda for Change involves three key strands:

- job evaluation;
- terms and conditions of service; and
- knowledge and skills framework (KSF).

One of the key reasons that Agenda for Change was introduced was to ensure that the NHS pay system upholds the principle of 'equal pay for work of equal value.' Equal pay legislation requires employers to ensure that men and women doing equal work are entitled to equal pay and that women are not being paid less because of their gender. Job evaluation schemes like Agenda for Change mean that, provided they use the official processes, employers can ensure they are delivering equal pay and therefore protect themselves (and the taxpayer) from the legal costs and hefty pay-outs that would result from unequal pay challenges.

Another key benefit of Agenda for Change is that it introduced a harmonised set of terms and conditions of service for NHS employees, including consistency across the entitlements that individuals receive such as annual leave, working hours and sick pay, and payments for work done during 'unsocial hours.'

The UK-wide NHS Staff Council is the body which has overall responsibility for negotiating any changes in core conditions for staff on Agenda for Change contracts, and reflecting these in the NHS terms and conditions of service handbook. The NHS Staff Council has representation from both employers and trade unions. There are fourteen NHS trade unions including BAOT. UNISON chairs the trade union side of the Staff Council. The health departments of the devolved governments in Scotland, Cymru/Wales and Northern Ireland are also represented.

More information:

- The Agenda for Change NHS Terms and Conditions of Service handbook, which contains details of the basic terms and conditions of all staff on NHS employment contracts is available from the NHS Employers website at:

<http://www.nhsemployers.org/your-workforce/pay-and-reward/nhs-terms-and-conditions/nhs-terms-and-conditions-of-service-handbook>

Agenda for Change and job evaluation

Job evaluation is a systematic process for determining on which pay band a post should sit. Under Agenda for Change, this process is undertaken by 'matching' posts to job profiles, based on information from job descriptions, person specifications and additional information. Most posts are able to be matched to nationally agreed job profiles; however, in some cases (particularly for complex or atypical roles) posts are evaluated locally between the employer and local trade union representatives.

There are agreed processes which NHS organisations need to follow when matching or evaluating jobs. To find out more, you can read the job evaluation Handbook (see web link below) or attend a training course – contact your local UNISON branch for more information.

Once matched to a job profile, posts are placed in one of nine pay bands. Within each pay band, there are a number of pay points. As staff develop their skills and knowledge, they progress in annual increments up to the top of their pay band. There are also two specified "gateway points" on each pay band. In order to progress through these "gateway points" points, staff should demonstrate they have the applied knowledge and skills for their job.

More information:

- Detailed guidance is available in the NHS Job Evaluation Handbook which is produced by the Job Evaluation Group, a sub-group of the NHS Staff Council.
Download the handbook at:
http://www.nhsemployers.org/~media/Employers/Publications/NHS_Job_Evaluation_Handbook.pdf
- A summary of the national job profiles, including the nationally agreed profiles for Occupational Therapy are available on the NHS Employers website
http://www.nhsemployers.org/~media/Employers/Documents/Pay%20and%20reward/Occupational_Therapy.pdf

Job evaluation - an ongoing process

After Agenda for Change was first introduced to the NHS in 2004, all posts across the NHS underwent job evaluation and were assigned to relevant pay bands. However, it is important to remember that job evaluation is an ongoing process.

The NHS Job Evaluation Scheme will continue to be used for determining the banding of all new posts and posts which have changed significantly since they were last evaluated. Therefore, all NHS organisations need to ensure that there will be enough trained job evaluation practitioners to enable matching, analysis and evaluation to continue in the long-term.

When posts are significantly revised or new posts are introduced, these should undergo full job evaluation. If any attempts are made to modify roles, job descriptions or pay grades it is essential to seek the support of your union and insist on being involved. Work together with your local UNISON branch to ensure that the job evaluation process (including the opportunity for a review of the initial outcome) is robust and aim to provide supporting evidence, both in person and in writing, where possible.

Preparing evidence for a job evaluation process

When providing evidence to a job evaluation panel it may be helpful to ensure that:

- the job documentation you provide contains sufficient evidence which relates directly to factors and scores, or provide examples. For occupational therapy posts, the scores for physical skills and knowledge can be particularly influential.
- there is consensus between staff and managers/heads of service about the evidence submitted and role fulfilled by the post-holder.
- it is clear whether the skills and documentation for the job are being set at recruitment level or for a developed job - for example, not all senior OTs are recruited with Masters level equivalent knowledge, but many are expected to develop it over a period of years' experience in post.
- there is a clear differentiation between those tasks which are necessary to the post and those that are undertaken for purely development purposes (usually at the individual's own choice). The general rule of thumb is that where the organisation benefits from extra skills, these should be acknowledged.

Process for challenging the outcome of job matching/evaluation

If, following a job evaluation process, an individual or group of OT staff do not feel that they have been matched to the correct level; they should consider applying for a review. Reviews must be submitted within three months of the notification of the initial outcome.

Tips for preparing review evidence:

Firstly, examine the factor levels of the job profile you have been matched to and read the descriptions and notes for the factors in the Job Evaluation Handbook.

Consider whether these levels are an accurate assessment of your role and whether your job may fit more easily into a higher level for any factor. Make a note of what you believe to be the appropriate levels for your job. Add up the scores you believe apply to your job. If the revised score for your job takes you over the boundary into the next pay band then you should seek a review of your initial job match.

Talk to your BAOT/UNISON steward or your HR department to find out your local JE review procedure, as there may be specific forms you need to complete. If there is more than one of you with the same issues, you can apply for a review as a group. This is often a more effective means of challenging outcomes.

Your evidence should be in writing and should explain why you match higher levels for a particular factor/s. When providing evidence to a review, you should aim to:

- Request the CAJE (Computer Aided Job Evaluation) matching sheet or other 'matching report' for your job (if this has not been supplied with your outcome.) This will give a summary of the rationale which the matching panel have used so you can understand why they have matched you to a particular profile and pay band.
- Look again at your job description and/or person specification and the job profiles for occupational therapists staff - if you have a "generic" job description (i.e. one job description for each pay grade of occupational therapists staff) then it is possible that your initial outcome may not reflect the skills and responsibilities of the particular post or that significant elements of the role are missing.
- Look closely at the scores for knowledge, training and experience, as this factor is weighted most highly in the NHS Job Evaluation scheme.

- Be up front and let your manager know that you intend to apply for a review. (Your local review procedure may require you to do this anyway.) Managerial endorsement of your application will help to strengthen your case. The matching panel will want to check with your manager/professional advisor that the evidence you have submitted to them is correct, so it is recommended that you liaise with them over your submission to the review.

Examples of evidence

Factor 12 - FREEDOM TO ACT

"I have been matched to level 2, which describes roles where post-holders work under supervision. However, I frequently undertake sole home visits and have discretion to adapt activities dependent upon the psychological and functional needs of the patient/client at that time. I discuss my work with my line-manager during weekly one-to-one meetings. I therefore feel that a level three more accurately reflects my role and responsibilities."

Factor 2 – KNOWLEDGE TRAINING AND EXPERIENCE (KTE)

"I have been matched to a level 6 for KTE, on the basis that I have a graduate level professional qualification plus experience and short courses which enable me to have: (delete as required) a breadth of knowledge of occupational therapy interventions and across a range of client groups OR specialist knowledge within (name specialism e.g. paediatrics, neuro, learning disabilities etc.) I believe the level I have been matched to, does not recognise my level of knowledge and experience and would like my job re-matched, taking into account:

- *My x years experience of providing occupational therapy services in (setting e.g. orthopaedics or patch e.g. Doncaster Community Health)*
- *The significant learning I have undertaken:*
- *Regular CPD (give details)*
- *Work shadowing (give details)*
- *Specialist courses (give details)*
- *Research within specialist area*
- *Working alongside and learning from more senior Occupational Therapists*
- *Working alongside and learning from other health and social care professionals*
- *Teaching, mentoring and giving clinical support to others (give details)*

This combination of theoretical knowledge and experience enables me to: (use whichever apply from the list below)

- *Act as a clinical lead for (specialism) or (geographic patch)*
- *Undertake the most complex assessment where patients/clients present with multiple pathologies and where advanced, multi-faceted interventions are required*
- *Use, develop and adapt a range of advanced clinical interventions specific to (name your client group or intervention type)*
- *Provide advice to other senior occupational therapists on assessments and interventions for (name your client group or intervention type)*
- *Provide advice (including training) to other healthcare professionals on a range of issues related to the physical and cognitive function of individuals or groups of patients/clients. I therefore feel that level 7 (Masters level equivalent) more accurately reflects the KTE which my post requires."*

If your review is unsuccessful and you feel that the procedure was not handled correctly, then

you may be able to take forward a grievance with the support of your UNISON Branch. In order for a grievance to be successful, you would need to be able to demonstrate clearly that the process for matching or review was misapplied, not simply that you were dissatisfied with the outcome.

Should our job titles be the same as the profile labels?

No. There are no national rules or guidelines around job titles and these can be agreed locally. Although job titles have no bearing on salaries, designations are often a sensitive subject. To minimise disruption and maintain staff morale, you will need to ensure that any new titles within your department are agreed upon rather than imposed.

When agreeing new job titles it is helpful to consider who uses your job titles and for what purpose. It's often not our close colleagues who really use our job titles. You may need to think carefully about how your job title provides the key information needed for patients/clients, relatives/carers, GPs, other health and social care professionals and teams, colleges and universities.

For instance, it may be useful for a GP to know that you are a registered occupational therapist within Paediatrics, but they may not be particularly interested in whether you have a Band 6 or Band 7 role. Similarly, it may be useful for a carer to know who has a managerial responsibility, but the differences between bands may not be relevant.

What is downbanding?

Some employers are being tempted to take groups of staff and drop them down the grading system one rung to deliver cost savings, leading to plummeting morale and overstretched services. This process (sometimes called 'downgrading' or 'downbanding') is usually in response to financial difficulties rather than part of a progressive programme of service redesign.

Technically, posts can be moved down pay bands as long as the job descriptions have been revised and agreed via the correct processes and staff are protected at their current salary (in accordance with the locally agreed pay protection arrangements.)

However, ill-considered 'downbanding' can be extremely annoying for staff – and in particular rubs salt in the wounds of those who have been using the job evaluation process to fight for fair bandings for occupational therapy staff over several years. Most importantly, it represents a missed opportunity to properly review and improve the services provided to the public. Reducing or changing services without meaningful consultation with staff and service users may result in unintended consequences for the organisation. For instance, removing all band seven occupational therapists posts might mean that your department is no longer able to provide a particular type of highly specialised advice or care, which has a disproportionate effect on one or more particular group of users/patients. Where services are being restructured, it is vital that this is done with proper consideration of implications for staff and for the services provided to the public.

Your union will help you to ensure that processes are applied fairly, and having an occupational therapist steward means you can get better and quicker access to help, but ultimately, if you want to work in a service that matches the needs of users/patients with the resources available, you have to insist on involvement in the review and restructuring of your department if you find your therapy services are subject to cuts or reform.

Remember, if a role or group of roles are 'downbanded' then your employer should not be

expecting those staff to deliver the same level of work for less money (even though their pay should be protected). Staff affected should be encouraged to work to their job description and gather together any evidence that services are suffering due to the reduction in grades. Remember, if you are always plugging the gaps, then it will make it almost impossible for you to demonstrate to your employer that there is a need to reassess the situation.

Workforce Re-profiling guidance - Annex X of Agenda for Change handbook

Annex X of the Agenda for Change NHS terms and conditions of service handbook sets out guidance on workforce re-profiling. This guidance has been agreed by the NHS trade unions and NHS employers. Annex X is intended to support organisational, service and workforce change, including the development of new roles. It provides advice on how the principles and processes of the NHS Job Evaluation Scheme can assist organisations in developing and implementing new ways of working and revised job structures. The guidance is clear, that any re-profiling should be undertaken as a joint exercise between the managers and staff working in that function and with the involvement of their Trade Union representative/s. The Agenda for Change handbook containing Annex X can be downloaded at:

<http://www.nhsemployers.org/case-studies-and-resources/2015/04/updated-terms-and-conditions-handbook>

Other Agenda for Change briefings:

- Knowledge and Skills Framework

The NHS Knowledge and Skills Framework is a tool for describing the knowledge and skills staff need to apply in their jobs in order to deliver high quality services and includes an annual system of review and development for staff. It applies to all staff covered by Agenda for Change contracts.

Further information on the KSF can be found in COT Employment Relations briefing:

Knowledge and Skills Framework for Occupational Therapy staff in the NHS. This briefing is available to download from the COT website www.cot.org.uk

- Preceptorship

Preceptorship provides a structured process for the induction and development of staff taking up roles that require a significant level of knowledge and skills with some degree of autonomy. All newly qualified Band 5 staff in the NHS are entitled to preceptorship as part of the NHS Agenda for Change terms and conditions agreement. This means that you will have a 12 month period of support and development after starting your first Band 5 post.

Further information on preceptorship can be found in COT Employment Relations briefing; Agenda for Change – Preceptorship for Occupational Therapists. This briefing is available to download from the COT website www.cot.org.uk

Further information and support

If you have any specific Agenda for Change queries, your occupational therapist steward or branch secretary may be able to help. If you are unsure how to contact your local UNISON Branch, phone the UNISON Direct helpline on 0800 0857 857.

If you don't have an Occupational Therapist Steward in your workplace, then elect one.

Every workplace should have a BAOT/UNISON Steward to represent the views and needs of occupational therapy staff. If you don't have a steward in your workplace then you should raise this issue at one of your team meetings. All Occupational Therapist Stewards are given accredited training and time off to carry out their duties. Please contact

baotstewards@unison.co.uk for more information.

ends