

Dear Colleague

BAND 1 REVIEW – REVISED GUIDANCE

1. [PCS\(AFC\)2016/3](#), published on 23 March, provided guidance on how the Agenda for Change Band 1 Review agreed by the Scottish Terms and Conditions Committee (STAC) should be taken forward locally.

2. Following further partnership discussions at STAC, section 4 covering Payment Arrangements has been amended.

3. For ease of reference, attached is a complete set of guidance with the revised section 4 included. You should therefore refer to this circular for Band 1 review matters from now on. All other provisions remain unchanged from PCS(AFC)2016/3.

Cabinet Secretary Approval

4. The provisions of this circular have been approved by Scottish Ministers under Regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (SI 1991 No 537). A copy of the formal approval is attached.

Action

5. NHS Boards and Special Health Boards should follow the procedures, advice and timescales set out in the guidance.

Enquiries

6. Employees should direct their personal enquiries to their employing NHS Board or Special Health Board.

15 July 2016

Addressees

For action

Chief Executives,
Directors of Finance,
Directors of Human Resources:
NHS Boards and Special Health
Boards, NHS National Services
Scotland (Common Services
Agency) and Healthcare
Improvement Scotland

For information

Members, Scottish Partnership
Forum
Members, Scottish Terms and
Conditions Committee
Members, Scottish Workforce and
Governance Committee

Enquiries to:

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Scottish Government Health
Directorates
Health Workforce
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St Andrew's House
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7. Employers should make their own arrangements for obtaining additional copies of this circular, which can be viewed at:

www.sehd.scot.nhs.uk

Yours sincerely

A handwritten signature in black ink, reading "Shirley Rogers". The signature is written in a cursive style with a large initial 'S' and a period at the end.

SHIRLEY ROGERS

Director
Health Workforce

**NATIONAL HEALTH SERVICE
APPROVAL OF REMUNERATION AND CONDITIONS OF SERVICE**

In accordance with regulations 2 and 3 of the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (S.I. 1991/537) the remuneration and conditions of service set out in the attached Scottish Government Health Workforce Directorate circular of 15 July 2016 – PCS(AFC)2016/5 – in respect of the Review of Band 1 in NHSScotland are hereby approved for the purposes of the said Regulations.



SHIRLEY ROGERS

Director
Health Workforce
Scottish Government
St Andrew's House
EDINBURGH
EH1 3DG
15 July 2016

NHS Scotland**Review of Agenda for Change Band 1****Guidance for NHS Boards****Background**

This guidance has been produced in partnership by the Scottish Terms and Conditions Committee to support Area Partnership Forums within NHS Boards who are responsible for undertaking a review of the roles and responsibilities of Band 1 posts.

1. Process

- a) Area Partnership Forums should identify management and staff side leads to oversee and project manage the process.
- b) It will be necessary to identify all Band 1 roles within the Board. The job descriptions for these posts should be reviewed, and expanded to meet Agenda for Change profiles for similar roles in Band 2 where this is possible. It is accepted that there may be some roles which cannot be expanded and will therefore remain at Band 1. In reviewing and preparing the revised job descriptions, it is important that affected staff members are appropriately engaged and the arrangements for this should be identified and agreed locally. However individual agreements to the revised job description will not be required at this stage.
- c) Once the revised job descriptions have been created, these should be considered by a local Agenda for Change job matching panel to confirm that they match a Band 2 profile. If the matching panel does not consider that a job description accurately reflects a Band 2 profile, then it should be returned to consider if any further amendments to the role can be made. It is important to note that the AfC Job Evaluation process is integral to this process. The aim should be to ensure that there is maximum flexibility in the deployment of staff to increase efficiency as well as developing individual skills.
- d) The job descriptions need to reflect local service needs, and fit within the overall organisational arrangements. Consideration should be given to existing Band 2 roles within the local service, or within other NHS Boards.

2. Arrangements for Transfer

- a) Once the revised job descriptions have been agreed and evaluated then individual discussions with the Band 1 members of staff will need to take place. The individual discussions will need to seek the agreement of the member of staff as to what they would wish to do, depending on their particular circumstances, and it will be important that there is a formal record kept of the decision. An agreement form is attached as Appendix A.

- b) There are 4 potential outcomes arising from the individual discussions, which are as follows:

(i) Expanded role has been evaluated as Band 2 and the member of staff wishes to move to a Band 2 role

Where the expanded role has been evaluated as Band 2, agreement will need to be sought from the member of staff that they wish to transfer to the Band 2 role and accept the new job description associated with this role. Where the member of staff confirms that they would wish to transfer to the Band 2 role, but it is considered that they do not have all of the relevant skills to adequately perform the extended role, then a training programme should be put in place to enable them to transfer to the Band 2 role and the member of staff needs to accept the training needs and sign up to the agreed training programme. This training programme will require to be completed by 1 October 2016, the effective date of transfer, so that the member of staff can take up their new role. If the training has not been completed by this date, the member of staff will still be transferred to Band 2 and paid accordingly from 1 October 2016. They will then take up the extended role as soon as practicable thereafter, at a future date to be agreed locally.

(ii) Expanded role has been evaluated as Band 2 but member of staff wants to remain at Band 1

Although a role may have been evaluated at Band 2, the member of staff may opt to remain at Band 1 carrying out their previous duties and responsibilities. This will be discussed fully with the member of staff but should they conclude that, based on their personal circumstances, they wish to stay on Band 1, this decision will be recorded in writing. There will be no change to the member of staff's pay band, terms and conditions or duties and responsibilities. However, there may be a need to move the member of staff to another area and/or different role if it is not practical for them to remain in the same area carrying out their existing duties and responsibilities and not the extended role. On an annual basis, as part of the personal development planning and review meeting, the manager should discuss with the staff member what their career plans are and whether they wish to remain in a Band 1 post or are interested in applying to move into a Band 2 post.

(iii) Role has been evaluated as a Band 1 and the member of staff wants to move to a Band 2 role

It is recognised that within organisations, some Band 1 roles may remain based on the specific duties and responsibilities required and it will not be possible to extend them to Band 2. In these circumstances, the member of staff will be given the opportunity to move from their existing Band 1 role to a Band 2 role in another part of the service, and where the member of staff opts to move, the arrangements outlined in paragraph (i) above will apply.

(iv) Role has been evaluated as a Band 1 and the member of staff wants to remain in a Band 1 role

Where a member of staff opts to remain in a Band 1 role, there will be no change to their pay band and terms and conditions but as part of their personal development planning and review meetings, the manager should discuss with the staff member what their career plans are, and whether they wish to remain in a Band 1 post or are interested in applying to move into a Band 2 post. This annual discussion should take place both for existing and any new staff subsequently recruited to the Band 1 role.

Where a Band 1 role has been retained, this should be regularly reviewed by the service to ensure that the role continues to meet service needs or whether there is an option for extending the role to Band 2 in the future.

Flow charts 1 and 2 at the end of this guidance will assist with the process to be followed.

3. Supervisory Structures

It may be that this process will affect existing supervisory arrangements. Therefore in reviewing Band 1 posts, where supervisory arrangements are affected then there should be local discussion to consider a review of the supervisory structure. This should be implemented in accordance with existing local Organisational Change policies. It is important to note that Agenda for Change and local job review processes should be followed in any such review.

4. Payment Arrangements

- (i) The pay arrangements outlined below have been agreed for the review of Band 1 process and it should be noted that in reaching this agreement, STAC have set aside the normal rules covering pay on promotion as outlined in paragraphs 2.13 and 6.35 of the Agenda for Change terms and conditions of service.
- (ii) Band 1 staff transitioning to Band 2 will move to point 4 of the Agenda for Change pay scales on 1 October 2016, regardless of current salary, and will have an incremental date of 1 October 2017.
- (iii) Staff who have unsocial hours payments in their Band 1 roles that would have taken them to a higher pay point within Band 2 (had paragraph 2.13 or 6.35 been applied) will receive mark time protection of earnings at the point of transfer. Mark time protection of earnings, known as Target Earnings, will be determined by using a reference period and it is suggested that this should be over the 12 week period just prior to the date of transfer. If agreed in partnership locally, Boards may elect to use a different reference period.
- (iv) On moving to Band 2, staff will be paid unsocial hours payments at 44% and 88% in line with Agenda for Change and pay uplifts and increments will

be applied as normal. Where required, staff will receive mark time protection to the level of target earnings each pay period, until such time as earnings in the Band 2 role overtake the level of Target Earnings on an on-going basis.

- (v) Additional hours paid over and above contracted hours will not be offset against the mark time protected Target Earnings.

5. STAC Monitoring

STAC is required to monitor progress within Health Boards and will be issuing a Review Monitoring Form to collect information. Requests will be sent to each Board's Band 1 Review partnership leads and updates will be requested every 8 weeks.

6. Independent Contractor Staff

The application of this agreement for staff working with Independent Contractors within NHS Scotland has not yet been agreed. Discussions are on-going to enable the agreement to be applied to these staff. The aim of these discussions is to ensure that staff working for independent contractors have the same opportunities of career progression as the wider NHS workforce. It is hoped that this can be concluded by 1st October 2016.

7. Disputes

STAC do not anticipate that there will be many disputes arising from this process. However, should there be any dispute this should be referred to the local leads who should seek to resolve this locally in partnership. If there is a failure to resolve the dispute locally it should be referred to the STAC secretariat for consideration.

8. Questions and Answers

Over the course of implementation there will be dialogue with the Band 1 Review leads over any arising issues. To assist as matters progress, STAC will issue questions and answers to deal with any issues of concern.

NHS Board

Review of Agenda for Change Band 1 - Agreement Form

Name:..... Current Role:.....

Staff Pay Number(s):

Outcome of Job Evaluation Process1) The post has been evaluated at Band 2 ☐2) The post has remained as Band 1 ☐

If 1) please provide in the box below a brief outline of the duties and responsibilities that have been added to extend the role to Band 2.

If 2) please provide in the box below a brief outline of the reasons why the role cannot be extended.

For Band 2 rolesThe member of staff wishes to accept the extended Band 2 role Yes ☐ No ☐**Band 2 Role acceptance**

In accepting the B2 role, does the member of staff require any training to develop them to fulfil the Band 2 role? Yes ☐ No ☐

If no training is required the member of staff should sign the declaration below:

I confirm that I accept the additional duties and responsibilities associated with my role and will move to Band 2 from 1 October 2016.

Signed: Date:

Name:.....

Training Required

If training is required, please provide details of the training programme below. The member of staff should sign the declaration to accept the training programme as agreed:

I confirm that I agree to undertake the training programme outlined above to develop me into the extended Band 2 role.

Signed: **Date:**

Name:.....

Completion of Training Programme

I confirm that the training programme has been completed satisfactorily and that the member of staff is now ready to move to the extended Band 2 role.

Signed (Line Manager):

Name

Date of Completion of Training:

Member of staff declaration

I confirm that I accept the additional duties and responsibilities associated with my role and will move to Band 2 from 1 October 2016

Signed: **Date:**

Name

Band 2 Role Rejection

The member of staff should sign the declaration below and indicate their reasons for this decision:

I confirm that I have been given the opportunity to move to an extended Band 2 role but have opted to remain at Band 1 for the following reason and I understand that I may require to move to another role for this to be accommodated (please tick the appropriate box):

Personal circumstances	<input type="checkbox"/>	Other	<input type="checkbox"/>
Financial	<input type="checkbox"/>		
Content with current role	<input type="checkbox"/>	Please specify.....	

Signed: **Date:**

Name.....

For Band 1 roles

Does the member of staff wish to remain in a Band 1 role? Yes ☐ No ☐

If the member of staff wishes to remain in a Band 1 role, they should sign the declaration below:

I confirm that I have opted to remain in the Band 1 role and do not wish to be considered for a Band 2 role for the following reason (please tick the appropriate box):

Personal circumstances	<input type="checkbox"/>	Other	<input type="checkbox"/>
Financial	<input type="checkbox"/>		
Content with current role	<input type="checkbox"/>	Please specify.....	

Signed: **Date:**

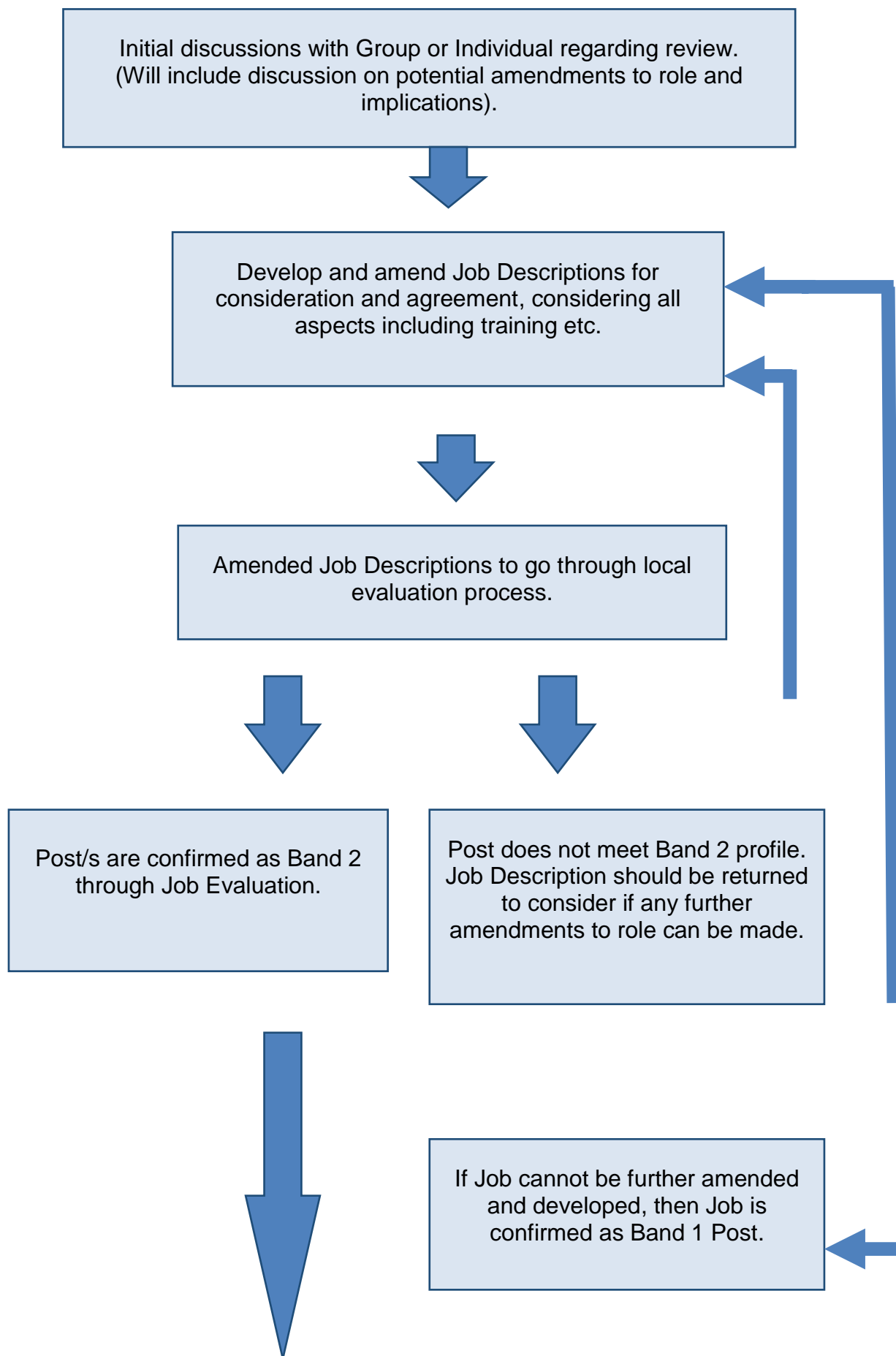
Name.....

If the member of staff wishes to move to a Band 2 role, an alternative Band 2 role should be identified and the confirmations contained within Band 2 Role acceptance above should be completed.

A copy of this form should be given to the member of staff and a copy retained in their personal file.

Employers/Employee Copy (Delete as appropriate)

Flow Chart of Band 1 Review Process





Individual Confirmation Process with each Post Holder.

Flow Chart of Individual Confirmation Process

