

## Application of pay progression from 1 April 2021

### Introduction

Following implementation of the 2018 deal, a new pay progression framework was agreed, these details can be found in [Annex 23, England](#) of the NHS terms and conditions of service handbook (NHS TCS).

As part of the framework, it was agreed that with effect from:

- 1 April 2019, all new starters to the NHS and existing staff who were promoted would come under the new pay progression arrangements.
- 1 April 2021, all staff would come under the new arrangements.

### Background

Given the impact of the COVID-19 pandemic, some organisations have had limited capacity to undertake staff appraisals during the 2020/21 appraisal year. This may be more prominent in frontline clinical areas such as Intensive Care, Respiratory and Emergency Medicine.

As a direct result of capacity pressures, some staff may have been unable to complete their statutory or mandatory training. Similarly, for those staff who were subject to a local capability process, there may have been little or no time to progress their capability improvement plans.

[Annex 23, England](#) sets out that staff who fall under the new pay progression arrangements and who are approaching a pay step date, will require a pay step review meeting to facilitate the move to the next pay point in ESR.

In recognition of the pandemic, and limitations on capacity, the Department of Health and Social Care (DHSC) confirmed, within its [COVID-19 workforce guidance](#) the following:

#### Agenda for Change pay progression arrangements

For the duration of the pandemic, the usual arrangements that require staff to demonstrate or show that they meet the requirements for the role will be paused. See [Annex 23](#).

Trusts must continue to ensure that staff are appropriately registered, are cleared by the Disclosure and Barring Service (DBS) and safe to work. This means that trusts should arrange to open pay step points when they become due, unless there are concerns that cannot be resolved through, for example, further support/training. Staff have the right to appeal if they disagree with any local decision about pay progression. The presumption is that staff should progress to the next pay step point.

To support this, ESR issued [User Notice 2885](#) on 2 April 2020 setting out options for the management of pay progression with the system.

As the NHS continues to manage its response to the pandemic, the DHSC guidance on arrangements for pay progression, as stated above, is likely to remain in place for the foreseeable future.

To support organisations who will see an increased number of staff reaching a pay step date from 1 April 2021, this guidance sets out how this process can be managed to ensure staff are not adversely impacted.

## Management of the pay step review process

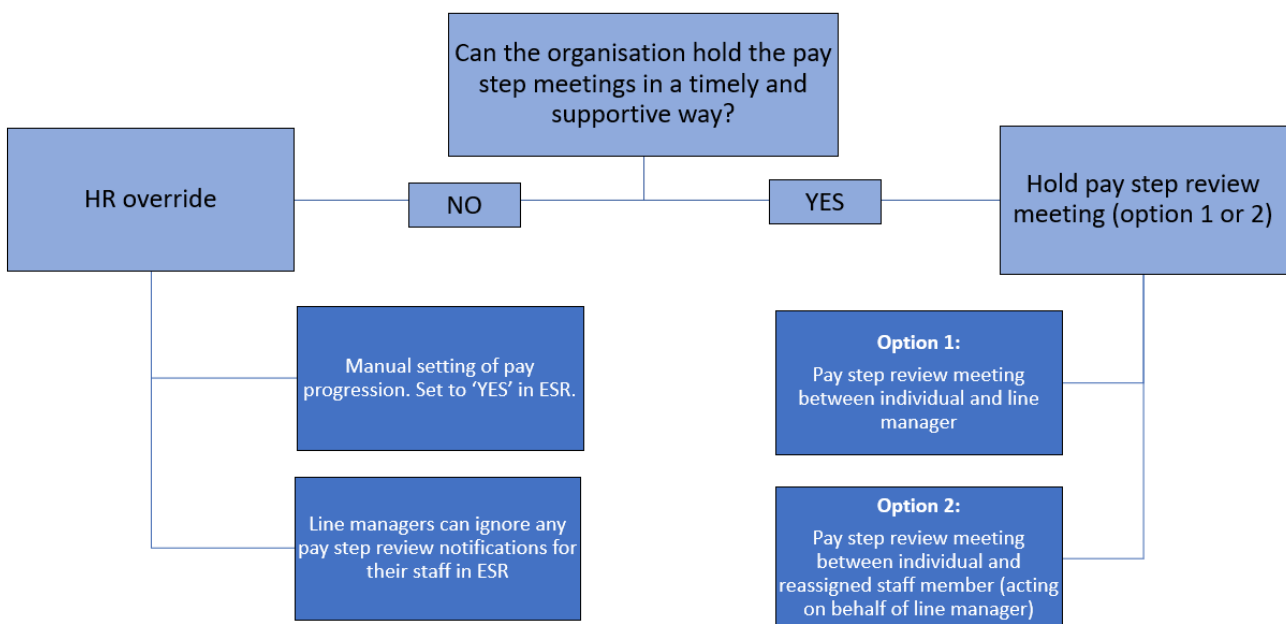
### 1. Use of reporting functions with ESR

To assess how many staff are approaching a pay affecting step point, organisations are encouraged to use the reporting functionality within ESR. Your workforce / payroll leads will be able to advise which report(s) are suitable for this purpose and these are detailed in [User Notice 2885](#).

### 2. Options for handling pay progression during the pandemic

Organisations will need to decide whether to proceed with pay step review meetings in the current circumstances and to communicate this decision with all staff. The capacity of affected staff and their line manager will need to be factored into this process.

The flowchart below sets out the options that employing organisations should consider, to ensure that pay step points are opened when they are due, and staff receive their pay progression on time.



Where an employer decides to proceed with pay step meetings, it will be important to ensure both staff and line managers have sufficient time to prepare to ensure pay progression is implemented in time for the employee's pay step date.

In instances where the outcome of a pay step review meeting is a decision to delay a pay step, employers will need to consider how to ensure that an appeals process is not unnecessarily delayed, in line with paragraphs 33 ([Annex 23, England](#)).

Employers will also need to ensure that the current circumstances of the pandemic will not hinder or delay affected staff from being able to take the necessary remedial action in line with paragraphs 34-36 ([Annex 23](#)). If this is likely to be a factor, adjustment will need to be made such as modifying the remedial action or backdating to compensate for any delay.

Where pay steps have been delayed and staff members have taken all the necessary steps and remedial action to ensure they meet the pay progression standards, employers will need to avoid any unnecessary delays to the opening of the pay step.

### **3. Guidance on the potential impacts of COVID-19 for organisations where pay step reviews do go ahead**

The pandemic may have multiple and significant impacts on the extent to which staff are able to meet the pay progression standards.

The principle that pay step progression should not be delayed due to factors beyond the staff member's control should be applied consistently. Paragraph 23, [Annex 23 \(England\)](#) of the [NHS TCS Handbook](#) states:

“Where factors beyond the individual's control, such as organisational or operational issues, have prevented compliance with any of the requirements in paragraph 19, these should not prevent the employee from progressing. Managers should ensure that they take full account of such factors and staff should bring these to the attention of their line manager as soon as possible (not waiting until the pay step review) so that these can be addressed and remedied.”

If pay step meetings are to take place, staff members must be given the opportunity to raise these impacts. It must be recognised that they may not have had the usual opportunities to raise them during their regular one-to-one line management / supervision meetings. Below are examples of how the five pay progression standards might have been affected by the COVID-19 pandemic conditions.

Pay progression standards	Impact by COVID-19
The appraisal process has been completed within the last 12 months and outcomes are in line with the organisation's standards.	<ul style="list-style-type: none"> <li>- Appraisal within the last 12 months may not have taken place.</li> <li>- Progress on agreed objectives may have been disrupted.</li> <li>- There may not have been sufficient opportunity for remedial actions to have been completed in time for the pay step review due to service pressures, absence, redeployment to a different role or workplace etc.</li> </ul>
There is no formal capability process in place.	<ul style="list-style-type: none"> <li>- Staff may not have had sufficient time and support to implement their improvement plan.</li> </ul>
There is no formal disciplinary sanction live on the staff member's record.	<ul style="list-style-type: none"> <li>- Staff may have an appeal pending which has been delayed. In the event that this eventually overturns the sanction employers will need to backdate the pay step in line with para 22 (Annex 23).</li> </ul>
Statutory and/or mandatory training has been completed.	<ul style="list-style-type: none"> <li>- Statutory and mandatory training may not have been completed as a result of COVID-19.</li> </ul>
For line managers only – appraisals have been completed for all their staff as required.	<ul style="list-style-type: none"> <li>- Managers may not have had sufficient capacity to complete appraisals due to COVID-19.</li> </ul>

#### 4. Staff absent from work

In instances where staff are absent from work when their pay step meeting is due, for example because of shielding or long term COVID-19 sickness absence, then the principle of equal and fair treatment should apply to ensure staff do not face a detrimental impact.

Where a period of shielding or COVID-19 sickness absence coincides with a staff member's pay step meeting employers should consider automatically opening the pay step point in the individual's absence - applying the same principles as for maternity and other absences as set out in paragraphs 46 and 47 of Annex 23 (England):

“If an individual is on long-term paid absence such as maternity, adoption and shared parental leave and a pay step review cannot be conducted prior to the pay step date, the pay step point should be automatically applied in the individual's absence, subject to paragraph 44.”

“If there was a live disciplinary sanction in place at the point the individual went on leave, the pay step point should be applied in their absence if appropriate, effective the day after the sanction expires.”

In exceptional circumstances, progression for those shielding or off sick with COVID-19 may be delayed pending the resolution of any pre-existing issues in line with paragraph 48 of Annex 23 (England):

“If there was an active formal capability process underway at the point they went on leave, the pay step point can be delayed. The improvement process should be resumed immediately upon their return. On satisfactory completion, the period of their absence should be set aside, and the pay step point backdated to an agreed date as if they had completed the improvement process without being absent. Employers will need to take particular care to avoid any discrimination or detriment on the grounds of maternity, sex or disability that could arise in relation to staff on maternity/adoption/parental leave or sick leave.”

As above, adjustments will need to be made to the improvement plan or to the backdating if it will take the employee longer to complete the process because of the pandemic circumstances.

**NHS Staff Council Executive**

**February 2021**