

## **Agreement on a national process for the transfer of band 1 staff to band 2**

### **Introduction**

The [Framework Agreement on the reform of Agenda for Change](#) set out a number of changes that impact on staff in band 1 and band 2.

A new minimum rate of £17,460 was introduced, significantly increasing starting pay by over £2,000 for staff in band 1 and 2. The top of band 2 will increase to £19,337 by the end of the pay deal.

The framework agreement also reforms the pay structure, closing band 1 to new entrants from 1 December 2018. It sets out that the Staff Council will agree a framework to support and encourage provider organisations to upskill roles currently in band 1 to band 2, and that this exercise should be in line with a process agreed by the Staff Council to be completed by 31 March 2021 (the end of the three-year deal).

This document forms the agreed framework for the transferring of existing band 1 staff to band 2, and for supporting those staff who chose to remain in band 1. It should be read in conjunction with the guidance and resources produced by the NHS Staff Council closing band 1 sub-group.

### **Transfer of existing band 1 staff to band 2**

The Framework Agreement on the reform of Agenda for Change did not set out a common effective date or any process detailing how existing band 1 staff should be transferred to band 2, other than confirming the exercise should be completed by 31 March 2021.

Therefore, the Staff Council agrees that, in order to ensure fairness and equity to all existing band 1 staff, and to meet the spirit of the agreement, the following process should take place:

- The common effective date will be 1 April 2019. Existing band 1 staff who notify their employer of their intention to transfer to band 2 will be treated as band 2 members of staff from this date. This means that their pay step (incremental) date will be reset to 1 April 2019.
- Staff should be given all available information about the impact of transferring to band 2 or remaining in band 1 in order to inform the choice exercise. Once the employer has given the member of staff all the necessary information to inform their decision, the employee will have one month (unless it is agreed to

give more time locally), to decide whether to accept the move to band 2, or to remain in band 1.

- Where the employer is unable to provide all the necessary information to the individual before 1 April 2019, and therefore the employee is not able to make their decision before this date, then their common effective date will be backdated to 1 April 2019 and they shall be treated as if they started in band 2 on this date, subject to accepting a move to band 2 under the choice exercise set out above.
- Members of staff who do not wish to take up the offer of transferring to band 2 with the common effective date have the option to remain in band 1. For members of staff who choose to remain in band 1 during the choice exercise, but subsequently decide to transfer to band 2 at a later date, their effective date (and pay step/incremental date) will be agreed between them and their employer and will be based upon the date they are offered/accepted a band 2 role (based on any local policy).
- Employers should use annual appraisals to explore if staff remaining in band 1 wish to transfer to band 2.
- All staff who were in employment before 1 April 2019 will remain subject to existing local pay progression processes until 1 April 2021, when they will become subject to the new pay progression arrangements agreed as part of the 2018 Framework Agreement on the reform of Agenda for Change and detailed in Annex 23.

Staff who transfer from band 1 to band 2 on the common effective date of 1 April 2019 should reach the top of band 2 on 1 April 2021. Staff who choose to remain in band 1, but subsequently move to band 2 should progress to the top of band 2 two years after they start in band 2.

### **Non-consolidated lump sum payment to band 1 staff**

The framework agreement sets out a 1.1% non-consolidated lump sum payment to staff on the top of bands 2 – 8c. It does not set out this entitlement for staff in band 1. The NHS Trades Unions have stated that band 1 staff have an expectation that they will receive this payment. This view is also shared by employers, noting that the financial modelling exercise for the pay reform package included provision for this non-consolidated payment to be made to band 1 staff.

It is therefore agreed that all existing band 1 staff, regardless of whether they transition to band 2 on 1 April 2019 or remain in band 1, will be entitled to the 1.1% non-consolidated lump sum payment. The value of this one off non-consolidated payment will be £194, to be paid in April payroll.

## Further resources

The closing band 1 sub-group of the Staff Council have produced a number of resources including frequently asked questions, designed to assist employers and local partnerships in undertaking this work. Resources can be found on the NHS Employer's website at the following link: <https://www.nhsemployers.org/your-workforce/2018-contract-refresh/closing-band-1>.

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