

## Chapter 3

# Maintaining good job evaluation practice

## 1. Embedding good practice

1.1 The NHS job evaluation (NHS JE) scheme is used to determine the pay bands for all posts on Agenda for Change (AFC) contracts. It was introduced in 2004 and relies on consistent application within organisations and across the service.

1.2 Whilst many current posts were banded using the JE process outlined below at the time of implementation, it is essential that the NHS JE Scheme continues to be used for determining the banding of posts and consequently staff pay rates. This will especially apply to all new posts and posts which have significantly changed since they were last evaluated.

1.3 The NHS JE process aims to:

- ensure job descriptions and person specifications are up to date and accurately reflect the demands of the post (see chapter 10)
- match jobs against national profiles using the procedure in chapter 12
- evaluate jobs in accordance with chapter 13 using the job analysis questionnaire, job analysis interview and evaluation panels
- ensure pay structures are consistent and do not unfairly discriminate employees or staff groups.
- ensure all the above is carried out in partnership.

1.4 The AFC agreement requires fairness and equality in line with equal pay legislation. This is a continuing requirement as organisations develop new services and posts and incorporate the job evaluation process into procedures, particularly, but not exclusively, organisational change and

1.5 In order to continue to match/evaluate jobs, organisations need to ensure that there are enough trained job evaluation practitioners to enable matching, analysis, evaluation and consistency checking in partnership. The Job Evaluation Group offers training on matching, evaluating and consistency checking.

## **2. Job evaluation and service improvement**

2.1 Job evaluation does not in itself achieve service improvement but the process may assist in the identification and development of new roles, and it is necessary to ensure that new posts are slotted into the organisational structure at the correct level. Employers in England and Wales should also note the contents of Annex 24 of the NHS Terms and Conditions of Service handbook.

2.2 Organisations need to consider whether to replace vacant posts with a similar post or to evaluate the needs of the service and create a new role in line with service improvement.

## **3. Changed jobs**

3.1 One of the aims of AFC is to allow NHS organisations to operate more flexibly by developing roles in partnership. Detailed procedures need to be agreed locally.

3.2 All posts change over a period of time. For most, the job evaluation outcome will not normally be affected unless there are significant changes. Some job outcomes may be close to band boundaries and consequently the banding for these jobs may change with only limited changes to job demands.

3.3 The decision about whether changes are significant and warrant a re-evaluation should be made in partnership by knowledgeable Job Evaluation practitioners

3.4 Organisations need to establish how changes to posts will be

identified and verified. In some cases it may be obvious and there will be discussion around these changing roles. On other occasions it may be due to demographic, incidental or re-organisational changes.

3.5 Disputes over whether a job has changed significantly should be resolved through the local grievance procedure or a local arbitration process.

#### **4. Re-evaluation of changed jobs**

4.1 Where a post holder and their manager agree that the demands of the post have changed significantly, then a re-match or re-evaluation of the post needs to be carried out.

4.2 To make a request for re-evaluation or re-match the post holder must submit either an amended agreed job description, or agreed evidence showing which skills and responsibilities applicable to the post have changed. They should also provide details of the changed job demands that have led them to believe there is a change in factor levels. (note: It is advised that job descriptions are kept up to date with all changes whether they are deemed significant or not).

4.3 Post holders must be advised that the outcome of the re-evaluation or rematch could be to remain in the same band; or go up or down a band.

4.4 A re-match or re-evaluation should assess the whole job, albeit with a reference back to the original match or evaluation. Just dealing with some of the factors could lead to inconsistencies.

4.5 If the banding outcome changes as a result of re-evaluation, that change should be backdated to when the postholder and manager agreed the job has changed. Disputes about back-dating should be resolved through local procedures.

#### **5. Matching/evaluating new jobs**

5.1 This procedure should be used where a new role to the service has been created and there is no post holder in post.

5.2 New jobs will need to be matched or evaluated in order that a pay band can be determined for recruitment purposes. This exercise should be carried out by experienced matching or evaluation panel members in partnership, who will be advised by appropriate management and staff side representatives from the relevant sphere of the work. However, it must be acknowledged that, as there is no one working in the post, some questions may not be answerable at this stage and the full nature of the role may not yet be known (see below).

5.3 After recruitment, the organisation should allow a reasonable period of time for the job to 'bed down' and this may vary according to the nature of the job. Some posts may need a period of a few months, while others may be subject to seasonal variations requiring a full year to determine the full job demands. Once the full demands of the post are clear, the post-holder and/or their manager should review the job description and, if any changes are made to it, the job evaluation outcome must be reassessed using the matching or evaluation procedure as appropriate. The standard procedure for this reassessment either by job matching or evaluation panel should be followed. This includes checking that the outcome is consistent with other similar jobs on a factor by factor basis.

The application of the reassessed job evaluation outcome would normally be backdated to the start date of the new job. Note that the outcome can go up or down.

5.4 New jobs which are likely to become commonly occurring across the NHS, but do not match any of the published profiles, should be locally evaluated and then referred to NHS Staff Council to consider whether a national profile should be produced.

## **6. Recording and retaining job evaluation outcomes**

and outcomes, known as Computer Aided Job Evaluation (CAJE). From 1 January 2013, organisations in England have been responsible for their own systems for storing information and monitoring the consistency of outcomes. Health departments in Scotland, Wales and Northern Ireland have procured and funded CAJE for use in organisations within those countries

6.2 It is important that organisations keep good records of job matching or job evaluation and any subsequent processes, including review and re-evaluation. Evidence for banding outcomes should be documented and audit trails of decisions be accessible should any clarification be required. Historical records including those formerly held on CAJE also need to be kept in case organisations have to supply these in defence of an equal pay claim. Failure to produce records recently resulted in a tribunal dismissing a defence<sup>1</sup> and as such is a significant risk to the organisation.

6.3 Those organisations which no longer have a contract for CAJE should develop a system which will:

- record matching and evaluation outcomes, together with information on jobs, for example, department, job title, etc
- hold and store all relevant documents, for example, job description, JAQs, further information
- provide reports
- enable those with access to interrogate the information in a number of ways to assist consistency checking.

6.4 Without a robust system, there will be an increased risk of the wrong type of information being recorded or information not being recorded robustly enough to allow good consistency checking. The lack of a method of ensuring good information storage will substantially increase the risks of organisations finding it difficult to defend any equal pay claims in the future. Organisations will need to consider including provisions in line with the above bullet points in any system developed or procured locally.

Organisations should retain all job evaluation records to ensure that they can justify their outcomes in any equal pay claims.

## **7. Keeping job evaluation relevant**

### **7.1 Where does job evaluation fit in your organisation?**

There is an ongoing need to ensure the application of job evaluation reflects current working practices. There needs to be a partnership agreement to establish the necessary protocols and procedures that will apply to the ongoing use of the NHS JE Scheme and the protection of equality and fairness within the new pay structure.

### **7.2 Partnership working**

Partnership working remains a central principle of Agenda for Change. Organisations need to consider how they will continue to develop partnership working that has been created during, and following, implementation of AfC.

Employers should work in partnership with unions to ensure that members of trade unions and other staff organisations recognised for purposes of collective bargaining at local level are recruited, trained and released appropriately to participate in the operation and monitoring of the scheme. Such staff can, but do not need to be, accredited trade union representatives, but they should be employed by their local organisation and be nominated by and accountable to their local trade union branch and/or staff side. The Scottish terms and conditions committee has stipulated that staff side job evaluation/matching practitioners must also be accredited trade union reps.

In exceptional circumstances and only by local partnership agreement, job matching or evaluation may need to be done by a third party organisation to meet local capacity needs on a temporary basis (see section 8.4 for more details on when this is possible).

### **7.3 Trained matching/evaluators**

Organisations need to ensure that staff are trained in the matching,

practitioners and trainers.

7.4 They also need to consider how the skills of practitioners can be maintained and the need for refresher training on a regular basis. NHS Employers, on behalf of the NHS Staff Council, provide a variety of training courses using the latest training materials and national job evaluation trainers. Organisations may want to collaborate and share training and refresher training events.

7.5 To ensure that the NHS JE Scheme is maintained in line with the job evaluation handbook, the NHS Staff Council Job Evaluation Group deliver job evaluation training courses.

7.6 JEG trainers are able to demonstrate the following technical and behavioural competences:

- a thorough understanding of the underpinning principles of equality and equal pay in job evaluation
- a sound working knowledge of the NHS JE scheme
- an awareness of the history of the NHS JE scheme and how it relates to practices today
- an understanding of how the JE scheme is managed and maintained by JEG
- a commitment to partnership working and the benefits it offers.

7.7 In the case of those delivering training locally to practitioners, organisations need to be confident in the ability of those who have been trained to pass on their knowledge and skills to practitioners. The use of JEG nationally-accredited trainers at all levels ensures the required standard and quality.

## **8. Maintaining capacity**



- The need to maintain adequate numbers of trained JE practitioners within the organisation. This can help avoid long delays and a backlog of jobs requiring matching/evaluation, reviewing and consistency checking.
- The need for named JE management and staff side leads with responsibility for overseeing job evaluation across the organisation. Time pressures may result in poor practice with regards to outcomes.
- Lack of consistency checking processes.
- The importance of maintaining partnership throughout the process, particularly in new organisations with low union density.
- Succession planning when losing experienced personnel due to reconfiguration or other reasons.

8.2 It is important that all long-term and temporary solutions to existing capacity issues are discussed in partnership. Any solutions should include an action plan aimed at identifying and solving capacity issues.

8.3 Employers should draw up, in partnership, an action plan for long-term solutions. Examples of issues that can be addressed in a local action plan are:

- Ensuring sufficient properly trained practitioners.
- Agreement for sufficient time off for practitioners to sit on panels as required.
- Support from the organisation and line managers to enable JE practitioners to fully engage in the process and maintain their skills.
- Mentoring and support from experienced practitioners to refresh supply of new practitioners.
- Running training courses to train and refresh practitioners' skills.
- Temporary solutions should be time-limited with clear measurable goals, which draw on the minimum amount of external support needed to build internal capacity.

- **Solving the problem internally** - Initially, organisations should review how they manage JE processes internally and scope whether there is room for improvement, although efficiencies adopted should be consistent with the processes in the Job Evaluation Handbook. This may be by improving administrative and communication procedures; identifying existing trained staff and what may be preventing them sitting on panels; commissioning additional training, for example refresher training; ensuring the importance of evaluation is understood by staff side and line managers. JEG offers appropriate training, please visit our web page for more information.

- **Consider speaking to local organisations** to see if they are able to provide support, even if they do not have the same spread of services or staff groups. It is more important that the practitioners are well-trained and up to date in the NHS JE Scheme. Explore with your neighbours what options are available to you. These may include:

- Running panels comprising practitioners from both organisations.
- Arranging for the neighbouring organisation to run panels on your behalf; ensuring that robust audit trails are kept locally.
- Sharing resources for matching and evaluation across both organisations, e.g. hosting panels, administration, etc.
- Where maintaining sufficient job analysts and job evaluators is difficult due to the low number of evaluations presenting, you may wish to consider working with a neighbouring organisation as a longer-term solution.
- Learning from your neighbour in how they have integrated JE processes successfully into the trust.

All of these options may entail some cost to the organisation and the following questions will need to be considered carefully before proceeding:

- How to facilitate collaboration?
- Whether any informal networks are in place already?

- How to support collaboration in a way that is beneficial to both parties?
- How to ensure that robust audit trails of decision making, including consistency checks, are made available to the employer responsible for the posts?
- **Using JEG-nominated national panel members** - JEG has a comprehensive database of trained and experienced job matchers and job evaluators. This can be accessed via JEG to supplement local practitioners where there are significant capacity problems, particularly in cases where there are long backlogs. Panel members are spread across the country and it may be possible to access practitioners within your region. This is facilitated by the JEG secretariat and the organisations will be expected to provide a venue, resources and pay practitioners expenses. These practitioners will not be expected to provide consultancy services for third party organisations.
- **Use of third-party consultants** - this is unlikely, in the longer-term, to support local organisations to develop sound and comprehensive internal processes. This is because it does not build or develop internal JE resources and knowledge within the organisation. Consequently, JEG advises that using third-party consultants should as a rule be a short-term solution, which is used when other options have been exhausted.

JEG recommends that use of third-party consultants be subject to the following criteria:

- Any temporary agreement with a third party should have clearly defined time-limits and be measurable against set criteria.
- Partnership working underpins the NHS JE scheme, therefore it is important that any external panels can demonstrate that they work in partnership.
- The organisation must be satisfied that external panel members have been properly trained in the NHS JE scheme and understand the principles, which underpin it.

leads of the organisation. Ownership of the information will rest with the organisation and not the third-party consultancy.

- Arrangements should be in place to ensure that there are channels for dialogue to allow panel findings and rationales to be interrogated, understood and differences reconciled.
- Consistency checking should be carried out within the organisation, not by a third party.
- The organisation needs to give some thought to how requests for review will be managed.

## **9. Summary**

9.1 Organisations must ensure that the NHS JE Scheme is embedded in everyday operational processes. They must ensure that they have the capacity for future matching and evaluation in partnership, by scoping future needs to identify a pool of sufficient practitioners who will be used on a regular basis to ensure job evaluation competency and consistency. This will require on-going training and refresher training.

9.2 Partnership working must be maintained and all practices and procedures should reflect this, as well as compliance with the equal pay legislation.

9.3 Ensuring and maintaining capacity is essential to ensure thorough and timely application of job evaluation practices.

1 On 16 July 2008, Employment Judge Garside at the Newcastle ET upheld a strike-out of the defence in the case of Aynsley and Others v. N. Tyneside PCT because the trust had failed to disclose appropriate AfC documentation.