

Chapter 13

The review process

1. Review process

1.1 In the event that groups of staff or individuals are dissatisfied with the result of matching or evaluating they may request a review. This review should be conducted by a new panel with the majority of its members different from the original panel.

1.2 Such a request must be made within three months of notification of the original panel's decision. In order to trigger a review, the jobholder(s) must provide details in writing of where they disagree with the match or evaluation and evidence to support their case.

1.3 Experience among health service organisations which have completed reviews and from outside the service is that an informal review stage before the panel stage is useful. It can resolve many review requests without the need for a panel to be convened and clarify issues where the request does go to the formal panel stage, thus expediting the whole process.

1.4 The aim of such an informal stage, which might be termed the initial or preliminary stage, is to exchange information in an informal manner to help clarify issues and provide an opportunity for discussion and resolution.

1.5 The informal stage normally consists of a meeting between the employee requesting a review and a nominated person from each side, for example, an HR adviser and a staff side representative, both of whom are trained matching or evaluation panel members and able to explain the job evaluation scheme and local procedures for matching or evaluation.

1.6 If requested by an employee, the employee's own staff side organisation representative and/or the line manager can be present.

1.7 Possible outcomes from an informal stage are:

a. The employee withdraws their review request because they now understand and accept the original outcome. There must however be no pressure on employees to withdraw review requests, even if they appear to other attendees to be unfounded.

b. The employee better understands what information will be required by the panel in order to consider the review request.

c. The employee is better able to focus on those JES factors which are relevant to a review in their particular circumstances.

1.8 Where a formal review is necessary, the review panel operates in the same way as the original one and follows the procedure outlined above for matching (chapter 11) or evaluating (chapter 12), including having available/contactable job advisers or representatives.

1.9 The review panel can:

- **confirm the same match / evaluation outcome**
- **confirm a match to a different profile or make a different evaluation,**
- **or in the case of matching reviews only, refer the job for local evaluation.**

1.10 Since the NHS JE Scheme places paramount importance on the issue of accurate and up-to-date information, the review panel must only consider the facts before them. The jobholder will have provided evidence relating to the factor levels they disagree with. However, if the panel wishes to revisit other factors, they need to provide justification for doing this for example because the new evidence provided is thought to alter other scores. They will then need to refer to the evidence they have been presented with, submit supplementary questions to the job advisers or representatives (two people representing management and staff in the area of work under review) where necessary and allow the jobholder to

provide additional information. Panels should only complete the review once they are satisfied that all relevant evidence has been examined.

matching or evaluating jobs using accurate information rather than making assumptions which are not evidenced. It is important that this process should equally apply to the review procedure; the risk in making assumptions about somebody's job could lead to pay inequality and the scheme being brought into disrepute.

1.12 The review panel's decision, whether it changes the banding outcome or not, must be subject to quality and consistency checking as outlined in chapter 14.

1.13 The jobholder has no right of appeal beyond the review panel if their complaint is about the banding outcome.

1.14 In the event that the jobholder can demonstrate that the process was misapplied they may pursue a local grievance about the process, but not against the matching or pay banding decision. Where a grievance is upheld, a potential remedy may be a reference to a new matching panel.

1.15 It will be necessary to determine locally some of the detailed aspects of the formal review procedure, for example:

- Whether locally determined features such as administration and chairing will be the same as for the organisation's original matching or evaluation exercise.
- Whether a job holder or their representatives can make their case in person.
- Record keeping: it is important in case of subsequent internal or external investigation that good records are kept of the review outcomes and any amendments made to the original match or evaluation to provide an audit trail for the future.
- The jobholder should be provided with a detailed job report of the review of the match or evaluation.

2.1 It may be that in pursuing a grievance that information about the make-up of a panel is called into question. Organisations appreciate that a degree of confidentiality is essential in carrying out evaluations of people's jobs. Personal details of jobholders, such as name, gender, pay rate are not disclosed to panel members who are matching or evaluating the jobs. Similarly, names of panel members are not normally disclosed to jobholders when they receive the outcome of the exercise, in order to protect panel members from any attempts to introduce factors into the process that could lead to bias.

2.2 The law is not straightforward in relation to disclosing panel members' names and a jobholder is entitled to request this information under the Freedom of Information Act. However, it can be argued that the names constitute personal data and consent would need to be sought from the individual panel members as to whether they would object to disclosure of their names to the jobholder. If panel members did object, there could be a defence under the Data Protection Act that, on balance, it is in the public interest not to disclose the names.

2.3 The reason for requesting disclosure of panel names should be ascertained. If this stems from genuine concern that the panel's constitution could have led to bias, the joint JE leads should be able to reassure the jobholder that the panel was properly constituted and acted correctly. If there were an allegation of personal bias on the part of one or more of the panel members, this would have led to a defective outcome which would have been dealt with through either consistency checking or a review request.

2.4 Organisations should ensure that they agree in partnership the appropriate procedures that need to be in place to deal with queries of this sort, should they arise. This should include procedures for:

- How to deal with allegations of bias and to give robust reassurance to jobholders.

- How to deal with circumstances where some, but not all, of the panel members agree that their names can be disclosed and face pressure to

3. Good practice in relation to review requests

3.1 Emphasis on partnership in the process for arriving at matching or evaluation outcomes should increase confidence and mean that review requests are not seen as challenges to management authority. The detailed review procedure should also be agreed in partnership.

3.2 The local procedure should be transparent, that is, the jointly agreed procedure should be published and disseminated to all employees affected by the exercise, with information about who they should consult for assistance, if required, and on relevant timescales or deadlines.

3.3 Briefing line managers to be able to answer immediate queries can also be helpful, from the perspective of both line managers and those they manage. All these measures can help to reduce the number of review requests, where these arise from lack of information or understanding.

3.4 Review requests should be monitored for equality reasons. Monitoring should cover the number of review requests and the outcomes at each stage of the procedure (see below) by gender, ethnicity and any other agreed characteristics e.g. age, disability. There is some evidence that review processes can be a source of discrimination, for example, because men are disproportionately likely to dispute banding outcomes and to be successful in their reviews. This can be checked through monitoring.

3.5 Jobholders should have sufficient information to allow them to decide whether or not to ask for a review and should be provided with a matching/evaluation job report at the time they are notified of their pay banding. All original matching or evaluation documentation, including interview notes, should be available to the review panel.

NB– all review outcomes must be subject to consistency checking before the outcome is released to job holders.