



Pay Protection Policy

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Dissemination requirements	To all employees via the intranet
Part of Trust's publication scheme	Yes

The East of England Ambulance Service NHS Trust (EEAST) has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups.

All Trust policies can be provided in alternative formats.

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1. Introduction

- 1.1 It is recognised that there are occasions where you can no longer continue in your current post. This policy outlines the eligibility and arrangements for the protection of pay where it has been reduced because of permanent redeployment arising from an organisational change, or because of a disability or an injury at work.

2. Purpose

- 2.1 This policy is intended to provide advice and guidance to you and your line manager on the process that will be followed during a period of pay protection. This policy and procedure should be read in conjunction with the relevant policy and process applicable to you, for example the Change Management Policy, Redeployment Policy & Procedure, Sickness Absence Management Policy, and/or Disability Policy.
- 2.2 This policy applies to pay protection arrangements for change management processes and/or permanent redeployment processes **which commenced on or after 1st April 2024**; you should refer to version 8.0 of the Change Management Policy for pay protection entitlements for processes which commenced up to and including 31st March 2024.
- 2.3 This policy applies to all eligible EEAST employees.

3. Duties

- 3.1 **Executive Directors are** responsible for ensuring that they are familiar with this policy and that managers and employees are aware of their responsibilities under this policy.
- 3.2 **Line Managers** are responsible for:
- Ensuring that they are familiar with this policy and that it is applied fairly and consistently,
 - Supporting you through the change process, and in accordance with both this policy and all other relevant Trust policies, i.e., Redeployment Policy and Procedure,

- Ensuring that pay protection is monitored during the period of protection.
- 3.3 **Employees** are responsible for adhering to the terms and conditions relating to pay protection, including active engagement in seeking suitable alternative employment.
- 3.4 **The Redeployment Representative** will:
- provide advice to you and your line manager in relation to the pay protection arrangements,
 - ensure the paperwork is completed to trigger and end the pay protection period,
 - ensure that pay protection is monitored during the period of protection.
- 3.5 **The HR / Union Representative** will offer advice and support on the interpretation and implementation of this and other relevant Trust policies.

4. Definitions (for the purpose of this policy)

Reference	Definitions
Basic pay	The pensionable salary you earn when working your contracted hours before any additional payments or deductions are made.
Additional payments	Payments / enhancements made in respect of unsocial hours (USH), on-call payments, long-term Recruitment and Retention (R&R) payments, working overtime, expense claims or any other additional earnings.
Period of protection	The length of service during which your pay will be protected.

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Reference	Definitions
Length of service	The period of continuous employment with an NHS employer(s) up to the date on which contractual notice is effective.
Pay Protection	An additional payment made monthly during the pay protection period which represents the difference between the basic pay in your previous substantive post and the basic pay plus additional payments in your new post.
Enhanced Pay Protection	An additional payment made monthly during an enhanced pay protection period which represents the difference between the basic pay in your previous substantive post and the basic pay plus additional payments in your new post. The enhanced time period recognises that employees who have been injured at work or who have a disability may have fewer redeployment opportunities available to them due to their medical condition.
Mark time basis	This means that pay protection will be based on your basic pay at the time of your permanent redeployment and will not increase due to pay increments (e.g., pay awards, cost of living rises, changes to USH enhancements), or any other additional pay.
Injury at Work	An injury, disease or other health condition that is wholly or mainly attributable to your NHS employment (NHS Terms and Conditions)
Disability	A health condition covered by the Equality Act 2010 (see Disability Policy)

5. Pay Protection Eligibility

5.1 We wish to support you in adjusting to the financial change by offering pay protection for a transitional period where all the following criteria are met:

- where permanent redeployment arises from organisational change or disability / injury at work; **and**,
- where your basic pay is reduced following permanent redeployment into a post that is one band lower than your substantive post; **and**,
- where no suitable post is available at your existing band.

Pay protection applies in respect to your substantive role (if you are employed in a permanent role, or a fixed term role with two or more years of continuous NHS employment).

5.2 This policy does not apply where pay is affected because of:

- a change of working pattern within your substantive role that has been agreed under EEAST's Sickness Absence Management Policy,
- action under EEAST's Performance and Capability Policy,
- action under EEAST's Disciplinary (Managing Conduct) Policy,
- the end of a temporary, acting up or secondment role regardless of their duration.

6. Pay Protection Arrangements

6.1 When you are permanently redeployed, you will be aligned with the salary and pay band applicable to your new post (refer to Redeployment Policy and Procedure).

6.2 Where applicable, additional payments will be paid in accordance with the terms and conditions of your new post and based on your new salary and pay band.

- 6.3 Where eligible, pay protection will be payable each month when the basic pay plus additional payments in your new post are less than the basic pay in your previous substantive post.
- 6.4 Your pay protection for the period of protection will be on a “mark time” basis.
- 6.5 The basic pay in your new post will continue to increase when you receive pay increments, and the pay protection you receive will reduce accordingly.
- 6.6 If the basic pay in your new post exceeds the pay protection amount, pay protection will stop and only the earnings in your new post will be payable.
- 6.7 To help explain the principles of pay protection, some examples are included at **Appendix A**.
- 6.8 Eligibility for pay protection and the period of protection will be based on your length of service and the reason for redeployment as at the effective date of your permanent redeployment, as follows:

6.8.1 Pay Protection due to organisational change

Length of NHS service	Period of protection
4 – 12 months	1 month
1 - 3 years	6 months
4 – 6 years	12 months
7 - 9 years	18 months
10 years or more	24 months

6.8.2 Enhanced Pay Protection period due to disability/injury at work

Length of NHS service	Period of protection
4 - 12 months	2 months
1 - 3 years	2 years
4 - 6 years	3 years
7 – 9 years	4 years
10 years or more	5 years

7. Conditions of pay protection

7.1 Pay protection entitlements and the continuation of them, are conditional on you:

- undertaking any other additional duties which may be reasonably required of you, and which can be facilitated within your current role. For example, undertaking work / duties for which you have the required skills, and which attract a salary at your protected salary level. Your period of protection will not be paused if you undertake additional duties or work temporarily at a higher banded role.
- applying for suitable alternative roles that meet the requirements for permanent redeployment, and/or accepting any subsequent offer of a role within the Trust which attracts earnings at the same level or more than those protected. (Please see Redeployment Policy and Procedure).

8. When will pay protection end?

- if the requirements at Section 7.1 are not met,
- if you voluntarily move to another post,
- if you leave the Trust (including choosing to retire and return),
- at the end of the period of protection.

9. If you have any concerns

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- 9.1 If you have concerns in relation to the application of your pay protection arrangements, please discuss this with your line manager / HR representative in the first instance.
- 9.2 If you consider that your concern has not been addressed appropriately, you can consider further action in accordance with the Trust's Grievance Policy.

10. Policy Review

- 10.1 This policy will be reviewed on a three yearly basis or amended in the light of new employment legislation and/or relevant case law, or changes to associated Trust policies.

Appendix A

Examples of Pay Protection

Please note that the pay bands and dates used are for example purposes only, and the salary amounts are not a reflection of published pay scales or future pay increases. They are being used to demonstrate how pay protection is applied.

All example figures used are gross (prior to any salary deductions).

Example 1 (Pay Protection)

You have worked in the NHS for 4 and a half years, and your current role is a band 7. Due to a **change management process**, you are being permanently redeployed to a band 6 role with agreed pay protection. Neither of the roles receive unsocial hour enhancements.

You will move to your band 6 salary plus additional payments and will receive any applicable pay protection based on your previous band 7 basic salary for a specified period on a 'marked time' basis as follows:

Date of permanent redeployment	1 st September 2023
Previous Band 7 monthly basic pay at date of redeployment	£3,800 (a)
Period of pay protection (based on 4-6 years continuous NHS service)	12 months

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	Based on band 6 role			Pay protection (a - (b+c))
	Band 6 basic pay (b)	Additional payments (c)	Total (b+c)	
From 1 st September 2023	£3,500	£0	£3,500	£300
From 1 st April 2024 (pay increase added)	£3,605	£0	£3,605	£195
From 1 st September 2024				Ended

Example 2 (Pay Protection)

You have worked in the NHS for 15 years, and your current role is a band 7 with additional payments (i.e., unsocial hour enhancements). Due to a **change management process**, you are being permanently redeployed to a band 6 role with agreed pay protection and you will continue to work equivalent unsocial hours.

You will move to your band 6 salary plus additional payments and will receive any applicable pay protection based on your previous band 7 basic salary for a specified period on a 'marked time' basis as follows:

Date of permanent redeployment	1 st September 2023
Previous Band 7 monthly basic pay at date of redeployment	£4,200 (a)
Period of pay protection (based on 10 years or more continuous NHS service)	24 months

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	Based on band 6 role			Pay protection (a – (b+c))
	Band 6 basic pay (b)	Additional payments (c)	Total (b+c)	
From 1 st September 2023	£3,500	£875	£4,375	N/A
From 1 st April 2024 (pay increase added)	£3,605	£902	£4,507	N/A
From 1 st April 2025 (pay increase added)	£3,715	£920	£4,635	N/A
From 1 st September 2025				Ended

Example 3 (Enhanced Pay Protection)

You have worked in the NHS for 12 years, and your current role is a band 5 with additional payments (i.e., unsocial hour enhancements). Due to a **change in your medical condition / disability**, you are being permanently redeployed to a band 4 role with an agreed enhanced pay protection period and you will continue to work equivalent unsocial hours.

You will move to your band 4 salary plus additional payments and will receive any applicable pay protection based on your previous band 5 basic salary for a specified period on a 'marked time' basis as follows:

Date of permanent redeployment	1 st September 2023
Previous Band 5 monthly basic pay at date of redeployment	£2,900 (a)
Period of pay protection (based on 10 years or more continuous NHS service)	5 years

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	Based on band 4 role			Pay protection (a – (b+c))
	Band 4 basic pay (b)	Additional payments (c)	Total (b+c)	
From 1 st September 2023	£2,300	£390	£2,690	£210
From 1 st April 2024 (pay increase added)	£2,370	£410	£2,780	£120
From 1 st April 2025 (pay increase added)	£2,450	£420	£2,870	£30
From 1 st April 2026 (pay increase added)	£2,525	£430	£2,955	N/A
From 1 st April 2027 (pay increase added)	£2,600	£440	£3,040	N/A
From 1 st April 2028 (pay increase added)	£2,680	£450	£3,130	N/A
From 1 st September 2028				Ended

Example 4 (Enhanced Pay Protection)

You have worked in the NHS for 7 years, and your current role is a band 4 with additional payments (i.e., unsocial hour enhancements). Due to an **Injury at Work**, you are being permanently redeployed to a band 3 role with an agreed enhanced pay protection period and your new role will not involve working unsocial hours.

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You will move to your band 3 salary plus any additional payments and will receive any applicable pay protection based on your previous band 4 basic salary for a specified period on a 'marked time' basis as follows:

Date of permanent redeployment	1 st September 2023
Previous Band 4 monthly basic pay at date of redeployment	£2,300 (a)
Period of pay protection (based on 7-9 years continuous NHS service)	4 years

	Based on band 3 role			Pay protection (a – (b+c))
	Band 3 basic pay (b)	Additional payments (c)	Total (b+c)	
From 1 st September 2023	£2,000	£0	£2,000	£300
From 1 st April 2024 (pay increase added)	£2,060	£0	£2,060	£240
From 1 st April 2025 (pay increase added)	£2,120	£0	£2,120	£180
From 1 st April 2026 (pay increase added)	£2,185	£0	£2,185	£115
From 1 st April 2027 (pay increase added)	£2,250	£0	£2,250	£50
From 1 st September 2027				Ended

Appendix B

Equality Impact Assessment

EIA Cover Sheet			
Name of process/policy	Pay Protection Policy		
Is the process new or existing? If existing, state policy reference number	New (POL142)		
Person responsible for process/policy	HR		
Directorate and department/section	People Services		
Name of assessment lead or EIA assessment team members	EQIA panel		
Has consultation taken place? Was consultation internal or external? (please state):	Internal consultation in partnership with management and staff side.		
The assessment is being made on:	Guidelines		
	Written policy involving staff and patients	X	
	Strategy		
	Changes in practice		
	Department changes		
	Project plan		
	Action plan		
	Other (please state) Training programme.		

Equality Analysis

What is the aim of the policy/procedure/practice/event?

This policy outlines the eligibility and arrangements for the protection of pay where it has been reduced because of permanent redeployment arising from an organisational change, or because of a disability or an injury at work.

Who does the policy/procedure/practice/event impact on?

Race	×	Religion/belief	×	Marriage/Civil Partnership	×
Sex	×	Disability	×	Sexual orientation	×
Age	×	Gender re-assignment	×	Pregnancy/maternity	×

Who is responsible for monitoring the policy/procedure/practice/event?
HR

What information is currently available on the impact of this policy/procedure/practice/event?

This is a new policy, however has been written to have a positive impact for all eligible employees, and could also provide additional protection for employees with the protected characteristic of disability in relevant situations.

Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? **No**

Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? **Yes**
If yes please provide evidence/examples:

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Race	×	Religion/belief	×	Marriage/Civil Partnership	×
Sex	×	Disability	×	Sexual orientation	×
Age	×	Gender re-assignment	×	Pregnancy/maternity	×

Please provide evidence:
This policy is designed to have a positive impact for all eligible employees, and could also provide additional protection for employees with the protected characteristic of disability in relevant situations.

Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? Yes/No, if so please provide evidence/examples:

Race	<input type="checkbox"/>	Religion/belief	<input type="checkbox"/>	Marriage/Civil Partnership	<input type="checkbox"/>
Sex	<input type="checkbox"/>	Disability	<input type="checkbox"/>	Sexual orientation	<input type="checkbox"/>
Age	<input type="checkbox"/>	Gender re-assignment	<input type="checkbox"/>	Pregnancy/maternity	<input type="checkbox"/>

Please provide evidence:
The policy has progressed through a full consultation process, no negative impact was raised, and with the evidence available there is no negative impact.

Action Plan/Plans - SMARTz

Specific

Measurable

Achievable

Relevant

Time Limited

Evaluation Monitoring Plan/how will this be monitored?

Who – see Monitoring Table

How

By

Reported to

Appendix C – Monitoring Table

What	Who	How	Frequency	Evidence	Reporting arrangements	Acting on recommendations	Change in practice and lessons to be shared
Audit of employee experience to ensure that the policy and pay protection is being applied consistently, fairly and accurately for all eligible employees.	Redeployment Representative	Monitor Pay Protection records.	Ongoing	Redeployment records and number of breaches of policy, grievances/ complaints received in relation to pay protection.	Reported to Head of People Partnering / Director of People Services where required.	Redeployment Representative and Head of HR People Partnering will address any actions or changes required.	Any change in practice will be identified and: <ul style="list-style-type: none"> • process updated with Redeployment Representative • HR People Partnering / line manager training implemented • policy updated where required.