

<b>Reference Number:</b> UHB 416 <b>Version Number:</b> 1a	<b>Date of Next Review:</b> 24 <sup>TH</sup> May 2021 <b>Previous Trust/LHB Reference Number:</b> part of UHB 220 (policy)
<b>RECRUITMENT AND SELECTION PROCEDURE (NON-MEDICAL STAFF)</b>	
<b>Introduction and Aim</b>  <p>The recruitment and selection of staff is a key responsibility for all Cardiff and Vale University Health Board (UHB) managers. This procedure supports the Recruitment and Selection Policy by setting out a fair, consistent and effective approach to the recruitment and selection process.</p> <p>By following this Procedure and the overarching Policy, appointing managers can be assured that they are operating within the confines of current employment legislation, and they are able to avoid discrimination and recruit safely without putting the UHB or our patients at risk.</p>	
<b>Objectives</b> <ul style="list-style-type: none"> <li>• To ensure that appointing managers and applicants are clear about their role and the role of other stakeholders in the recruitment and selection process</li> <li>• To ensure that appointing managers and applicants are clear about the principles underlying the recruitment and selection processes</li> <li>• To support managers in appointing the best candidate for each position</li> <li>• To ensure that all necessary steps are taken before a new member of staff starts with the UHB</li> <li>• To promote the UHB Values and Behaviours and ensure that these are embedded into the recruitment and selection process</li> </ul>	
<b>Scope</b>  <p>This procedure applies to all managers and staff who are involved in the recruitment and selection of staff employed under Agenda for Change Terms and Conditions and any other employees except for doctors and dentists.</p> <p>Separate procedures apply when recruiting medical and dental staff. Advice on these procedures can be obtained from Medical Workforce.</p>	
<b>Equality &amp; Health Impact Assessment</b>	<p>An Equality &amp; Health Impact Assessment has been completed – this covers the Recruitment and Selection Policy and any accompanying procedures, including the Recruitment and</p>

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	Selection Procedure and Fixed Term Procedure. The EHIA found there to be a positive impact.
<b>Documents to read alongside this Procedure</b>	<a href="#">Recruitment</a> and Selection Policy Recruitment and Selection Procedure for Medical and Dental Staff Internal Appointment Process <a href="#">NWSSP Recruiting Manager Pack</a> Disclosure and Barring Service <a href="#">Policy</a> and <a href="#">Procedure</a> <a href="#">Secondment Policy</a> Fixed Term Contract Procedure <a href="#">Professional Registration Policy</a> <a href="#">Organisational Change Policy</a> Redeployment <a href="#">Policy</a> and <a href="#">Procedure</a> <a href="#">New and Changed Jobs Protocol</a> <a href="#">Supporting Transgender Staff Procedure</a>
<b>Approved by</b>	Employment Policy Sub Group
<b>Accountable Executive or Clinical Board Director</b>	Executive Director of Workforce and OD
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<p><b><u>Disclaimer</u></b></p> <p><b>If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the <a href="#">Governance Directorate</a>.</b></p>	

<b>Summary of reviews/amendments</b>			
<b>Version Number</b>	<b>Date Review Approved</b>	<b>Date Published</b>	<b>Summary of Amendments</b>
1	24/05/18	04/07/18	New document. Procedural elements were previously contained in the Recruitment and Selection Policy. Key changes are: <ul style="list-style-type: none"> <li>- applicants added to objectives</li> <li>- applicants responsibilities added</li> <li>- Section on values based recruitment strengthened and updated to reflect revised UHB Values</li> <li>- Reference made to the New and Change Jobs process. This must be</li> </ul>

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			<p>followed whenever changes are made to a JD/PS</p> <ul style="list-style-type: none"> <li>- Sessional work with a responsibility allowance added to exceptional posts which do not have to use NHS Jobs/Trac</li> <li>- Legal Framework (Appendix 1) updated and strengthened. Victimisation and harassment added.</li> <li>- Appendix 2 (starting salaries) updated to provide greater clarity. Reckonable service to be used to determine incremental credit for voluntary moves to a lower pay band.</li> </ul>
1a	30.09.20	20/10/2020	Internal Appointments Process incorporated

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## 1 RESPONSIBILITIES

**Applicants** are responsible for:

- Submitting an accurate and complete application
- Notifying the appointing manager if they are unable to attend an assessment
- Providing the appropriate documentation to enable pre-employment checks to be undertaken

**Managers** must:

- Ensure that they follow this Procedure and adhere to the recruitment and selection principles set out in it
- Act in a way that ensures the organisation's recruitment, selection and appointment of staff is done in a fair, anti-discriminatory and safe manner, and that the UHB values and behaviours are considered as an integral part of the recruitment process
- Understand their role as appointing officer and the role played by Workforce and OD and the NHS Wales Shared Services Partnership (NWSSP) – Employment Services Team and ensure that those elements of the process that they are responsible for are completed thoroughly and in a timely way
- Seek advice from the Workforce and OD function before making an offer of employment if they are unsure about the appointment or starting salary

The **Workforce and OD function** is required to:

- Provide advice on the vacancy approval process and the appropriate documentation that must be submitted
- Provide advice on legislation and the principles that govern the recruitment and selection process
- Provide advice on starting salaries
- Ensure that managers have adequate information, guidance and support to fulfil their role in the recruitment and selection of staff
- Offer support and guidance to managers to help them meet the Disability Confident requirements
- Maintain close links with NWSSP to ensure compliance, quality and efficiency in all aspects of the recruitment and selection process

**NHS Wales Shared Services Partnership** provides recruitment services for all non-medical and dental appointments in NHS Wales. The Employment Services team within NWSSP is responsible for advertising and recruiting into vacant posts in a professional, timely manner and ensuring that all the required pre-employment checks take place.

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## 2 VALUES BASED RECRUITMENT

Values based recruitment (VBR) is an approach to help attract and select employees whose personal values and behaviours align with those of the Health Board values and behaviours. It is about enhancing existing processes to ensure that we recruit the right workforce not only with the right skills and in the right numbers, but with the right values to support effective team working and excellent patient care and experience.

VBR can be delivered in a number of ways, for example through pre-screening assessments, values based interviewing techniques or assessment centre approaches.

Within Cardiff and Vale UHB we have defined our Values as:

- Kind and Caring
- Respectful
- Trust and Integrity
- Personal Responsibility

## 3 RECRUITMENT AND SELECTION PROCESS

The UHB aims to work at all times within current employment legislation and best practice guidelines to ensure a fair and equitable recruitment process. At each stage of the recruitment process due consideration must be paid to the legal framework attached as Appendix 1.

All UHB employees involved in the recruitment and selection process have a duty to adhere to the principles set out below:

- 3.1** Before deciding to advertise a post, managers should be certain that a real vacancy exists and be clear about the requirements of the job. Like for like replacements should not be taken for granted. Consideration should be given to whether or not there is scope for modernisation or skill mix before replacing posts – when determining this managers may want to explore information from exit questionnaires, benchmarking, consultation with staff/trade unions and feedback from service users. If a skills mix is under consideration there should be a clear delineation of the differences in tasks between the new job and the old one.

Each job should have a written job description and person specification. These should be reviewed every time a vacancy occurs to ensure that they remain relevant and flexible, including making reasonable adjustments should people with disabilities apply.

Person specification should outline the genuine minimum requirements and, where appropriate, any genuine occupational qualification (GOQ – see Appendix 1) necessary for the job to be done effectively. Emphasis should be placed on quality

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rather than length of experience, and consideration should be given to experience gained outside of paid employment and using other suitable qualified, professions.

If any changes are made to the job description and person specification the New and Changed Jobs process must be followed to ensure that the changes have not affected the pay band of the post.

For further information and guidance please refer to Annex X of the Agenda for Change Terms and Conditions Handbook.

- 3.2** When the appointing manager is satisfied that the vacancy details and job description are correct they should submit this for approval. Posts cannot be advertised until the appropriate permission is obtained.
- 3.3** All posts, including internal only posts, must be advertised via NHS Jobs or Trac recruitment. Jobs must not be advertised locally by email etc within a department.

The only exceptions to this must be part of a recognised organisation restructure in line with the Organisation Change Policy or sessional work with a responsibility allowance e.g. Clinical Director.

- 3.4** Applicants must provide detailed information regarding their full employment history to date in all cases.
- 3.5** All applicants will be shortlisted for interview on the basis of the information they provide on their application form. It is the responsibility of the appointing manager to oversee the shortlisting process to ensure that all decisions are based on the criteria set out in the person specification for the post and that the decisions are valid, justifiable and fair.

Candidates who do not meet all of the essential criteria should not be shortlisted. In situations where there is a high volume of candidates meeting the essential criteria, the appointing manager can use the desirable criteria to produce a manageable number of candidates to interview.

In order to ensure a fair and transparent process, reasons for the selection or rejection of all candidates must be recorded on Trac.

Equal Opportunity Monitoring information is obtained from applicants and held by NWSSP but is withheld from the shortlisting panel, along with the names of applicants, and therefore does not impact on the shortlisting process.

- 3.6** The UHB has signed up as a 'disability confident' employer. This means we actively look to recruit and attract disabled people, provide a fully inclusive and accessible recruitment process, offer an interview to disabled people who meet the minimum criteria for the job, and are flexible when assessing people so disabled job applicants

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have the best opportunity to demonstrate that they can do the job. We also proactively offer and make reasonable adjustments as required.

The UHB is Stonewall Diversity Champion and also supports the DWP Age Positive Campaign. This means that the UHB is committed to ensuring it does not discriminate on the basis of sexual orientation or age in its recruitment and selection processes.

As a Mindful Employer the UHB is committed to increasing awareness of mental health at work and offering a positive approach in the recruitment and retention of staff living with mental health issues.

- 3.7** All applicants must have a formal interview before an appointment can be made, This is essential as it provides an opportunity to discuss the candidate's application and employment history fully, and explore any areas of doubt or concern prior to an appointment being made. Any reasonable adjustments needed or criminal record disclosures can also be discussed at this time.

Discriminatory questions must be avoided (see Appendix 1 for guidance on the types of discrimination). To avoid discrimination during an interview, managers should bear in mind the following guidelines:

- candidates should not be asked about their marital status, family commitments and/or domestic arrangements, nor should they be asked about any actual or potential pregnancy/maternity leave
- ensure that questions focus on the applicant's ability to perform the role, not on potential difficulties he or she might have on account of an actual or potential disability
- frame questions in a positive way so as to avoid the risk of the applicant believing you are looking for or anticipating problems
- remember that there is no duty on applicants to voluntarily disclose a disability to a prospective employer and that it is unlawful to ask about an applicant's health (including any disability) before offering him or her a job, except in a limited set of circumstances
- don't place too much importance on length of experience as this will place younger applicants at a disadvantage. Instead, concentrate on the interviewee's type and breadth of experience, and their skills, competencies and talents.

- 3.8** Pre-employment checks seek to verify that an individual meets the preconditions of the role they are applying for. There are six NHS Employment Check Standards that outline the type and level of checks employers must carry out before recruiting staff into NHS positions. All offers of employment are therefore conditional and subject to the following pre-employment checks (as applicable to the post):

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- Identity checks
- Professional registration and qualification checks
- Employment history and references checks
- Right to work checks
- Work health assessments
- Criminal record checks (DBS)

These checks are carried out by NWSSP Recruitment Services on behalf of the UHB, and must be completed before the new employee can start work.

#### New Internal Appointments Process

From 1<sup>st</sup> April 2020 a new internal appointments process has been introduced which reduces the number of and the way in which employment checks are undertaken for internal applicants. The process allows for internal staff to apply for vacancies within Cardiff & Vale UHB in a more streamlined way.

The new process can be viewed in Appendix 3, in summary the main changes are:

- Appointing Manager obtains a verbal reference
- Appointing Manager checks qualifications and professional registration (if applicable)
- NWSSP Recruitment will check DBS and Right to Work
- NWSSP Recruitment will send the relevant occupational health form to the member of staff, the majority of staff will be able to complete a self declaration.

**3.8.1** A reference provides a factual check of previous employment and should confirm information the applicant has already provided. There is legal requirement for references to be accurate and fair, with reasonable grounds to support any statements made. If a reference for a successful candidate is unsatisfactory advice should be sought from Workforce and OD before taking further action.

**3.8.2** Disclosure and Barring Service (DBS) checks are an important tool in ensuring safer recruitment practices and patient safety. The Disclosure and Barring Service (DBS) Policy and accompanying Procedure provide guidance on how requests for Disclosure must be managed, the levels of disclosure required and how to manage information provided by the DBS. Anyone involved in the recruitment and selection processes must familiarise themselves with this Policy and Procedure.

The employment of staff from abroad is subject to the same recruitment procedures as for UK staff, except that where an individual has worked outside the UK, they are responsible for obtaining a satisfactory Certificate of Good Standing from their local police force prior to commencement in the post.

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**3.8.3** All staff are required to comply, at all times, with the relevant codes of practice and other requirements of the appropriate professional organisations e.g. NMC, HCPC etc. or the All Wales Health Care Support Worker (HCSW) Code of Conduct if they are not covered by a specific code through professional registration. It is the post holder's responsibility to ensure that they are both familiar with and adhere to these requirements.

#### **4 RECRUITMENT AND THE WELSH LANGUAGE**

The UHB is committed to providing quality healthcare through the medium of Welsh and Welsh language skills must be actively considered as part of the recruitment process.

Where Welsh has been identified as essential or desirable on the job description, posts must be advertised and recruited to on that basis, provided all other professional qualifications and experience are suitable.

#### **5 EVIDENCE REQUIRED TO MAKE A SALARY OFFER**

Guidance on how to determine the applicant's starting salary is attached as **Appendix 2**.

#### **6 INDUCTION**

It is vital for line managers to prepare for how a new recruit is welcomed into their role and the UHB. Failure to do this can create a poor impression and undo much of the work which attracted the candidate to the job. As soon as the successful applicant accepts the job offer, managers should start to organise a carefully planned programme to settle them into the role, team and organisation, so they become effective as soon as possible, and want to stay. Managers should complete the local induction checklist as part of this process to ensure all mandatory elements are covered.

In addition, the Learning, Education and Development (LED) Department delivers a one day Corporate Induction Programme which is suitable for all new staff and which must be completed within 8 weeks of starting employment. Line Managers must ensure that new starters are given time to undertake this programme.

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## Appendix 1

### LEGAL CONSIDERATIONS

At each stage of the recruitment process due consideration must be paid to the legislation enacted to ensure the elimination of discrimination.

#### Discrimination

In law, four types of discrimination are defined:

- **Direct Discrimination** is treating someone less favourably than another in comparable circumstances e.g. not appointing a pregnant woman to a role because of financial concerns connected with covering the role during her absence due to maternity leave.
- **Indirect Discrimination** is where it was not the intention of the employer to discriminate against an employee, but nevertheless the outcome results in one group being disadvantaged in comparison to another, e.g. insisting on higher language standards than the necessary for safe and effective job performance would tend to disqualify people for whom English is not their first language.
- **Associative Discrimination** is where an individual is treated less favourably because they are associated with a person with a protected characteristic (e.g. a carer).
- **Perceptive Discrimination** is where an individual is treated less favourably based on a perception they have a protected characteristic when they do not.
- **Victimisation**  
Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.
- **Harassment**  
Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic

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themselves. Employees are also protected from harassment because of perception and association.

### **Genuine Occupational Requirement (GOR)**

This issue used to be known as a 'genuine occupational requirement' ("GOR") or a 'genuine and determining occupational requirement'. However, the Equality Act 2010 leaves out 'genuine' and 'determining' from the provisions. The Explanatory Note to the Act states that: *'The requirement must be crucial to the post, and not merely one of several important factors. It also must not be a sham or pretext.'*

Thus, it must still be genuine, even if it is not stated on the face of the Act.

A Genuine Occupational Requirement means that it is lawful for an employer to require a job to be done by someone with a particular protected characteristic, (in terms of their age, disability, gender reassignment/identity, race, religion/belief, sex or sexual orientation) if having this characteristic is an occupational requirement to fulfil a specific role, e.g. stating that a member of a particular racial group is required for a role in the provision of a service to that racial group. A GOR should be stated in the advertisement.

One example of a GOR is a peer support worker who is required to have a 'lived experience' of Mental Health or other services.

### **Equality Act October 2010**

The Act defines unlawful discrimination as less favourable treatment because of a protected characteristic. These are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race (includes colour, nationality and ethnic or national origins)
- Religion or Belief
- Sex
- Sexual Orientation

It should be noted that though not a protected characteristic, having caring responsibilities is also covered by the Act.

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## **Rehabilitation of Offenders Act 1974**

The aim of the Act is to prevent discrimination against those with previous criminal convictions. A conviction is classed as “spent” if there is no further offence committed after a specified period of time. The NHS is exempt from provisions of this Act, and applicants are required to declare all convictions, including “spent” convictions, on their application of employment.

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## Appendix 2 - STARTING SALARY GUIDANCE

### 1 Scope of Guidance

This guidance is intended to assist managers with the process of placing new staff on to the appropriate salary. It is to be applied to all new appointees (excluding Medical and Dental) who gain employment within the Health Board, where their last employment was:

- outside the NHS
- another NHS employer and they move to Cardiff and Vale UHB
- another post within Cardiff and Vale UHB

This guidance is to be used by all appointing officers within the Health Board. Additional advice can be sought from Workforce and OD.

### 2 Information for Appointing Officers

Potential employees must provide the appointing officer with evidence of their current salary **before** any offer of appointment can be made. Where possible, the evidence must be in the form of the employee's most recent payslip. The guidance on reckonable service and incremental credit (below) should then be used to determine the applicant's starting salary.

#### 2.1 New employees from outside the NHS

The expectation is that employees from outside the NHS will usually start at the bottom of the pay band and work their way up. However, employers have the discretion to take into account any period or periods of employment outside the NHS where these are judged to be relevant (reckonable service). If recognised, this will equate to one increment for each complete year of reckonable service which can be evidenced. The purpose of this assessment is to consider relevant reckonable service and not to consider 'matching' the existing salary.

Appointing managers will need to contact the Directorate Manager (or equivalent) and Head/Assistant Head of Workforce and OD as soon as possible following the interview if they wish to make a case to increase the starting salary of a new employee from outside the NHS.

Formal approval must be obtained from the Directorate Manager and Head/Assistant Head of Workforce and OD **before** a written or verbal offer of a salary above the bottom of the band is made to a candidate.

The appointing manager must be able to justify their decision on the basis of evidence such as application forms, references, previous job descriptions and

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payslips. Consideration will need to be given to any 'time lapse' in the relevant experience and the appropriate professional standards.

Any decision taken must also take into consideration the impact on other staff already in post in the department or similar staff grouping. Care must be taken to ensure that incremental credit in recognition of previous relevant experience only recognises completed years of experience at the level of the pay band. Incremental credit will not be awarded for part-years. If necessary, advice can be sought from Workforce and OD.

Incremental credit will not be given for reasons other than relevant experience. Where there are difficulties in recruiting because of market forces, a Recruitment and Retention Premium may be applied for.

It is the Manager's responsibility to ensure that the relevant paperwork is completed by all parties and sent to Payroll in a timely manner. If this does not occur, Payroll will automatically place the new employee on the minimum of the scale.

The incremental date will be the anniversary of their new appointment.

## **2.2 Employees who gain permanent promotion within the NHS**

Pay on promotion must be set at the minimum of the new pay band, or if this would result in no pay increase, the first pay point in the band which would deliver an increase in pay (by reference to basic pay plus any recruitment and retention premium, if applicable).

If on promotion, the working pattern remains substantially the same, staff will move to the first incremental point producing an increase when the basic pay, long-term recruitment and retention premium and the percentage enhancements for unsocial hours are combined. If the working pattern changes on promotion, pay should be set either at the minimum of the new pay band or if this would result in no pay increase, the first pay point in the band which would deliver an increase in pay.

The incremental date will be the anniversary of their promoted appointment.

## **2.3 Employees who gain temporary movement into a higher pay band and within the organisation**

The pay of employees who move into a higher pay band on a temporary basis will either be set at the minimum of the scale or if this would result in no pay increase, the first pay point in the band which would deliver an increase in pay.

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Where temporary movement into a higher pay band results in only one extra pay point the incremental date remains the same. Where temporary movement results in more than one extra pay point the incremental date for the period of the temporary movement becomes the date the movement began.

## 2.4 Employees who transfer to a new post on the same pay band

Employees who are already employed within the NHS and gain new employment on the same pay band will transfer on that point, retaining their incremental date.

If their previous employment was outside of NHS Wales and they were employed on different pay scale they should start on the nearest pay point which does not lead to financial detriment. Managers should be aware that this could potentially lead to new starters being on a higher pay point than other staff with the same number of years completed service. Advice on how to manage this situation can be sought from Workforce and OD.

## 2.5 Employees who voluntarily transfer to a lower pay band

Moving into a lower pay band on a voluntary basis should not put an employee in a better position than other employees who have gained experience and are working in a similar role within the same discipline or speciality.

The pay point of employees who voluntarily move to a post in a lower pay band in the same discipline or speciality will be determined by an assessment of their relevant reckonable service. The incremental point paid on commencement in the lower pay band will be determined by the number of completed years relevant service achieved in that same pay band or higher band. It should not be based on the monetary value of the salary in the higher pay band.

### Example

*If a Band 5 employee, paid on the **second** pay point, is promoted to a Band 6 but decides, after 12 months to apply for a Band 5 post, their 1 year service as a Band 6 would be taken into consideration for pay purposes. Accordingly, they would be re-appointed and paid on the **third** Band 5 pay point. If they had been in the Band 6 post for less than 12 months, they would be re-appointed and paid on the **second** pay point, but their incremental date will be amended.*

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## 2.6 **Employees who move to a different post as a result of Organisational Change**

Employees who are required to move to a different post which incurs a detrimental change of salary as a result of organisation change will be entitled to protection of earnings as set out in the NHS Wales Organisational Change Policy.

## 2.7 **Employees re-joining the NHS after a break in service**

Where an employee is re-joining the NHS after a break in service of 12 months or less, they will be allowed to retain the incremental pay point in their previous Pay Band if they are re-joining the same pay band as they occupied before the break in service.

If the break was for less than 3 months and they are re-joining the same pay band they will also be able to retain their incremental date (deferred by the number of days break). However, if the break in service has been for more than three months their incremental date will be the anniversary of the date they re-joined the NHS.

Where an employee is re-joining the NHS after a break in service of more than 12 months, the reckonable service provisions outlined in section 2.1 will apply.

## 3 **Confirmation of previous salary from another NHS Organisation**

An inter-authority transfer will be undertaken by Payroll to confirm existing/previous NHS service if the new member of staff transfers from another Health Board, Trust or Health Authority. The inter-authority transfer will also confirm previous salary, sickness absence and parental leave. In the interim, if the individual transfers on the same pay band or receives promotion to the band above, a copy of the last NHS pay slip can be used to confirm the starting salary for Payroll before the inter-authority transfer is received. A copy of this pay slip should be sent to Payroll along with the enrolment form.

# Appendix 3 - Cardiff & Vale University Health Board—Internal Appointments Process (all staff) - from 1 April 2020

Changes in the process are highlighted in green

