

## Agenda for Change

June 2005

Terms and Conditions of Service Handbook	Question	Answer
Section 46: Assimilation and Protection: paragraph 12: bullet point 2	What is meant by, “. . . . significantly below the minimum. . . .” in relation to assimilation to transitional points on the pay scale (para 46.12?	<p>This was not specified in the agreement and was left for those assimilating to conclude for themselves. We are aware that in many cases local partnerships have already reached agreements on how to apply this clause and we have no wish to disturb these arrangements.</p> <p>However, those local partnerships still interpreting this clause should be aware that the intention of the Agenda for Change negotiators was that transitional points would apply where salary before assimilation was below both the minimum of the new pay band <b>and</b> one of the transitional points. In these circumstances the normal rules for assimilation should apply and assimilation would be made to the next highest point.</p> <p>This is demonstrated by the following examples using Band 3:-</p> <p>an individual matched to <u>Band 3</u> on a pre-assimilation salary of £12,000 would assimilate to the first Band 3 transitional point i.e. £12,044;</p> <p>while an individual on a pre-assimilation salary of £12,050 would assimilate to the second Band 3 transitional point i.e. £12,539.</p>
Section 46: Assimilation and Protection: Paragraph 31	When does protection of hours apply?	<p>Paragraph 46.31 of the NHS terms and conditions of service handbook states:</p> <p>“Staff currently working less than 37.5 hours, excluding meal breaks, will have their hours protected for a phased protection period as set out in Table 9. These protection arrangements will continue to apply where staff move to a post with the same hours under the old pay system</p>

during the pay protection period.”

The following examples provide advice on when protection does and does not apply.

- An employee remaining in the same post will keep their protected hours for the period set out in Table 9.
- An employee who moves to a new post, within the same job-family, on the same pay-band either within the same organisation or to another NHS employer, continues to receive protection for the period set out in Table 9.
- An employee who is recruited into another post prior to assimilation within the same job family, on a higher pay band, continues to receive protection for the period set out in table 9.
- Protection will be lost if an employee moves to a new post within the same job family, on a higher pay band, after assimilation to Agenda for Change.
- Protection will be lost if an employee either moves to a new post outside their job-family or leaves the NHS.

The Executive does not intend this guidance should disturb any local agreements on protection of hours reached on a partnership basis.