

SCOTTISH EXECUTIVE

Health Department Workforce Directorate

Dear Colleague

PAY AND CONDITIONS OF SERVICE EXECUTIVE, SENIOR MANAGER AND TRANSITIONAL GRADES

Summary

- 1. This Health Department Letter (HDL) sets out changes affecting the pay and conditions of service for posts currently under Ministerial Direction. Specifically it announces:
- 1.1 A re-definition of the criteria for inclusion of posts in the **Executive Cohort** introduced by <u>HDL(2006)23</u>;
- 1.2 The creation of a **Senior Management Cohort** with the same payment arrangements as the Executive Cohort;
- 1.3 The creation of the **National Evaluation Committee** to evaluate all Executive and senior management posts, and
- 1.4 The transfer of all staff in the closed **Transitional Grades** introduced by <u>MEL(2000)25</u>, to Agenda for Change.
- 2. The arrangements set out in this HDL are mandatory and apply to all staff in posts for which the pay and conditions are determined by Ministerial Direction, that is, those graded on Executive Levels 8 to 1, Senior Manager Grades 5 to 12 and Transitional Grades 0 to 4.

18 October 2006

Addressees

For action

Chairs and Chief Executives of Health Boards and Special Health Boards

For information

Members of the NHS Scotland Scottish Partnership Forum Local Partnership Forums

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- 3. The policy set out in this letter recognises the following:
 - The application of the criteria used by the Felt Fair Panel for inclusion of posts in the new Executive Cohort has created a number of anomalies which require to be remedied.
 - The majority of posts subject to the former Executive and Senior Manger pay arrangements cannot be satisfactorily measured by the Agenda for Change evaluation process and/or are not compatible with the Knowledge and Skills Framework.
 - Jobs which are fundamentally, 'managerial,' in nature require to be separated from other jobs which can satisfactorily transfer to Agenda for Change.
- The processes for implementing and controlling the policy are designed to provide the necessary audit trails and give appropriate assurances to Ministers. Health Boards are responsible, through their Remuneration Committees, for ensuring compliance with the policy and for the maintenance of records of decisions taken in implementing it.

5. **Executive and Senior Management Cohorts**

- 5.1. This policy has been developed through the Executive Managers Implementation Group and takes account of the findings of a comprehensive benchmarking exercise.
- 5.2. For ease of reference the key elements of the policy are as follows:
 - Adjustment of the criteria for inclusion of posts in the Executive Cohort to include the following:

Chief Executives:

Executive Directors;

Other posts reporting to a Chief Executive which have responsibility for a major area of operational or strategic activity; and

Other posts currently graded at Executive Level 5 or above.

- Creation of a new, 'Senior Management Cohort,' comprising staff in posts subject to the former Executive or Senior Manger pay arrangements but which do not meet the criteria for inclusion in the new Executive Cohort. This group will become subject to the same pay arrangements as those in the Executive Cohort but with different arrangements for their performance management.
- Staff occupying posts which do not transfer to the new Executive Cohort under the revised criteria will transfer to the Senior Management Cohort with effect from 1 October 2005, UNLESS the employer takes a decision with the agreement of the postholder to transfer him or her to Agenda for Change conditions with effect from 1 October 2004.



• Creation of a National Evaluation Committee which will have sole authority for evaluating posts in the Executive and Senior Manager cohorts using the Hay method.

6. Revised Pay Arrangements

- 6.1. The revised pay arrangements have been agreed by the Scottish Executive Management Group Remuneration Sub-Group which is responsible for public sector pay.
- 6.2. Details of the revised arrangements are set out in Schedule 3. For ease of reference the key elements are:
 - Pay for performance with a new five point performance scale 1 to 5, with more robust definitions.
 - Pay progression based on personal performance.
 - Change from 8 to 9 pay ranges with, in some instances, recalibration of the Hay points for access to a range. The ranges are from A (lowest) to I (highest), with set 3.5% spine point differentials.
 - Transitional pay arrangements which provide for assimilation to the nearest higher pay spine point with effect from 1 October 2005.
 - One off, non consolidated payment to those managers who are at or near the maximum of their current pay range so that they receive payment for what they would have received had the pay inhibitor not been in place.
 - The first pay for performance under the revised arrangements will be from 1 October 2006, based on performance in the period 1 April 2005 to 31 March 2006.

7. National Evaluation Committee

- 7.1. The National Evaluation Committee (NEC) will comprise a Health Board Chair plus Chief Executive, Finance Director, HR Director, Nursing Director, SEHD and Staff Side membership. It will operate under the auspices of the National Performance Management Committee introduced by HDL (2006) 54.
- 7.2. NEC will have sole authority for evaluating management posts in NHS Scotland using an updated version of the Hay method customised for the evaluation of Senior Management jobs in the NHS in Scotland. All such posts will require to be evaluated by NEC before they can become subject to the pay provisions in Schedule 3. Regional and local Evaluation Committees will be discontinued. New guidance and training in job analysis will also be given.
- 7.3. NEC will advise Board Remuneration Committees through HR Directors of the evaluation of all Health Board posts subject to these arrangements.
- 7.4. NEC will be responsible for ensuring consistency in evaluation of all management posts and for having adequate controls and audit trails in place, so that appropriate assurances can be given to Ministers on the robustness of management pay arrangements.







7.5. NEC will also evaluate, on request, posts not currently on the Executive or Senior Manager pay structures.

8. Action

Chairs of Employing Authorities and Remuneration Committees and Chief Executives should:

- Ensure that the terms of the Direction at Annex A and Schedules 1 to 4 are actioned in their Employing Authority;
- Copy this HDL to Local Partnership Forums and other relevant staff for information.

Yours sincerely

PAUL MARTIN

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Chief Nursing Officer and Interim Director for Workforce

ANNEX A

DIRECTION FOR EXECUTIVE, SENIOR MANAGER AND TRANSITIONAL GRADES TERMS AND CONDITIONS

NATIONAL HEALTH SERVICE (SCOTLAND) EXECUTIVE, SENIOR MANAGER AND TRANSITIONAL GRADES (REMUNERATION AND CONDITIONS OF SERVICE) **DIRECTION 2006**

- The Scottish Ministers in exercise of powers conferred on them by section 105(7) of, and paragraph 5 of Schedule 1, paragraph 7 of Schedule 5 and paragraph 6(1) of Schedule 7A to the National Health Service (Scotland) Act 1978 (as amended) hereby give the following direction.
- 2. This Direction may be cited as the Executive, Senior Manager and Transitional Grades (Remuneration and Conditions of Service) Direction 2006 and is given to Health Boards, NHS National Services Scotland, The State Hospital Board for Scotland, NHS Health Scotland, NHS Quality Improvement Scotland, Scottish Ambulance Service, NHS Education for Scotland, NHS 24 and National Waiting Times Centre Board, hereinafter referred to as "employing authorities".
- 3. Employing Authorities should apply the provisions detailed in Schedules 1-4 to this Direction.

Signed by authority of the Scottish Ministers

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ELINOR MITCHELL

Associate Director for Workforce A member of staff of the Scottish Executive

St Andrew's House **EDINBURGH** 18 October 2006



SCHEDULE 1: REALIGNMENT OF EXECUTIVE COHORT

Background

- 1. The new Executive Cohort was established following acceptance by Ministers of the Report from the Executive Managers Working Group. The pay and contractual arrangements are set out in HDL (2006) 23 and the initial arrangements for performance management through the National Performance Management Committee are set out in HDL (2006) 54.
- Posts were included in this Cohort on the basis of decisions taken by the Felt Fair Panel using the following four criteria:

NHS Board Chief Executives:

NHS Board Executive Directors;

Senior managers who head up major strategic or operational functions and are direct reports to the NHS Board Chief Executive; and

Direct reports to Chief Operating Officers, Divisional Chief Executives and equivalents, where the reportee has overall responsibility for a major area of operational delivery.

3. Application of these criteria has resulted in a number of anomalies, including:

Some big jobs in the larger boards are excluded because they are third-in-line, whilst much smaller jobs in smaller Boards are included;

Some important roles are excluded, because they are not, 'operational,' whilst their operational colleagues in jobs of the same grade are included; and

Some operational jobs, which are included, are not, 'Executive,' posts but are in fact middle management posts.

Implementation

The criteria for inclusion of posts in the Executive Cohort (i.e. those which require to be performance managed by the NPMC) are now redefined as follows:

Chief Executives;

Executive Directors;

Other posts reporting to a Chief Executive, which have responsibility for a major area of operational or strategic activity; and

Other posts currently graded at Executive Level 5 or above.



- 5. The fourth criterion used by the Felt Fair Panel will become redundant and the Felt Fair Panel's function will be assumed by the National Evaluation Committee.
- 6. Health Boards should submit details to the NEC of all posts currently graded Executive Level 5 or above which are not already included in the Executive Cohort. Submissions should include the job description and existing evaluation lines.
- 7. Subject to approval by the NEC, these posts will transfer to the Executive Cohort at Grade D or above in accordance with HDL(2006)23. If the NEC does not approve the evaluation of the post at Grade D or above it will transfer to the Senior Management Cohort and the postholder will become subject to the pay provisions in Schedule 3.
- Posts already included in the Executive Cohort, which do not meet the revised criteria at 8. paragraph 4 above (i.e. posts formerly on Executive Levels 6, 7 or 8 which were admitted to the Executive Cohort on the basis of the fourth Felt Fair Criterion) will remain within the Executive Cohort for so long as the postholder remains in post. When the post becomes vacant, the employer should take a decision in accordance with Schedule 2 on whether it should move to the Senior Manager Cohort or to Agenda for Change.



SCHEDULE 2: IDENTIFYING THE SENIOR MANAGEMENT COHORT

Background

- 1. Following creation of the Executive Cohort it was recognised that the remaining employees on the Senior Manager pay structure ranging from Executive Levels 8 to 3 (and old Senior Manager Grades 5 to 12) would either transfer to Agenda for Change or to mirrored pay arrangements similar to the Executive Cohort. It has now been recognised that the Agenda for Change Evaluation System has limitations in measuring most management posts and that many management posts cannot be successfully performance managed using the Knowledge and Skills Framework.
- 2. It has been accepted that the AfC Evaluation System has limitations in relation to:

Management Breadth (co-ordination and integration of different activities to meet organisational objectives); and

Accountability (answerability for the consequences of actions).

These are critical elements of Senior Management jobs. A distinction must therefore be drawn between those posts which are fundamentally managerial in nature and are performance driven and those for which Agenda for Change is appropriate and which are therefore KSF driven.

- 3. Senior Management jobs carry responsibility for the integration together of related operations for the achievement of defined organisational objectives over a significant timescale and are required to manage the interfaces with associated functions.
- 4. There are jobs which meet this definition at all grades within the existing Executive and Senior Manager Grading Structure. It is therefore unrealistic for the majority of the group of Senior Managers remaining outwith the Executive Cohort to transfer to Agenda for Change. There are however some clinically oriented jobs within this structure which can be satisfactorily evaluated by AfC and for which the Knowledge and Skills Framework is appropriate.

Implementation

- 5. Health Boards should submit details of posts currently on Executive Levels 6, 7 and 8 (and old Senior Manager Grades) to the NEC for review of their evaluation. Submissions should include the job description and existing evaluation line with an indication of when and by whom the evaluation was carried out.
- 6. Subject to approval by the NEC Boards should transfer such posts to the Senior Management Cohort in accordance with the provisions in Schedule 3.
- 7. Health Boards may identify posts currently within the Executive or Senior Manager pay structures which do not meet the definition of 'Senior Management Posts' given at paragraph 3 above and, with the agreement of the postholder, exclude these from the Senior Management Cohort. These might include Senior AHP, pharmacy or psychology posts. Any posts so identified will transfer to Agenda for Change with effect from 1 October 2004 and receive appropriate arrears







of pay in accordance with the Agenda for Change agreement. If the postholder does not agree to transfer to Agenda for Change, he or she will become subject to the pay provisions in Schedule 3 and the post should transfer to Agenda for Change when it falls vacant.

SPRIG will give further consideration to the issues affecting transfers to Agenda for Change and any guidance which it develops will be available to Boards to assist in future decision making.



SCHEDULE 3: SENIOR MANAGEMENT COHORT PAY ARRANGEMENTS

Pay Ranges

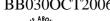
- The revised pay ranges apply from 1 October 2005 and are set out in Table 1 attached. The Hay points for access to a range is shown in Table 2, in some instances the Hay points have been slightly recalibrated from the corresponding range under the previous arrangements. It is not anticipated that anyone should drop down a grade as a result of the recalibration but, should this happen the individual should be protected and transfer to the appropriate range as though the recalibration had not occurred. The revised arrangements have nine pay ranges, A to I with 3.5% spine point differentials. The bottom two spine points in each pay range are temporary spine points to enable managers to transfer from the old arrangements to the next highest spine point under the new arrangements.
- 2. Placement in a pay range is by job evaluation using the Hay method as applied by the NEC with movement through the pay range based on performance.
- 3. New appointments' placement within the pay range should normally be to spine points in the lower half of the pay range. Any placement to a spine point in the upper half of the pay range must have the approval of the Remuneration Committee. Appointment to a spine point in the upper half of the pay range should be the exception rather than the rule and the reasons for it fully evidenced.

Performance Management

- 4. Performance management is through a five point rating system for personal performance appraisal. The Minister will continue to determine the pay range uplift by Direction, following appropriate consultation with the Scottish Executive Management Group Remuneration Sub Group. The five point rating scale is as follows:
 - 1. *Unsatisfactory*: Misses most targets.
 - 2. Incomplete: Misses some targets without counterbalancing with overachievements.
 - 3. Complete: Balances shortfalls with over-achievements
 - Superior: Meets all targets and exceeds most. 4.
 - Outstanding: Substantially exceeds all targets.
- Application of the appraisal arrangements will be the responsibility of Board Remuneration Committees applying the same principles as approved for the Executive Cohort.

Performance Pay

The first performance appraisal using the new arrangements should be for the period 1 April 2005 to 31 March 2006. This will result in the first pay for performance under these arrangements from 1 October 2006. The five point rating and definition for performance is explained above. For performance pay, the following is proposed (it will still be for Ministers to determine uplift):





Unacceptable: no increase, (0%, reduction in real pay terms).

Incomplete: inflation uplift only.

Complete: inflation uplift plus a consolidated increment.

Superior: inflation uplift, plus consolidated increment plus non consolidated bonus increment.

Outstanding: inflation uplift plus consolidated increment plus two non consolidated bonus increments.

- 7. Non consolidated increments (one off payments) may be paid at any consolidated spine point on a pay range provided the appropriate performance marking has been attained. This does not however apply to the top two (shaded) spine points in each pay spine which are only available as non consolidated payments. The highest consolidated spine point is that just below the shaded spine points, for example in Pay Range A, spine point 35.
- 8. Any inflation payment, progression through a pay range and pay for performance can only be paid on evidence based performance. This will require an agreed set of objectives for the performance year and clear evidence that the objectives have been attained. It will be for each NHS Board Remuneration Committee to determine whether anyone appointed between 1 April 2005 and 31 March 2006 can have sufficient evidence of performance to be given a performance marking. As a rule of thumb, it should be possible to give a reasonable evidence based performance marking for anyone appointed between 1 April and 30 September. It may also be reasonable to provide a performance marking for anyone appointed between 1 October and 31 December but it is unlikely that they can have sufficient evidence to be given an *Outstanding* or even *Superior* marking. An evidence based performance marking for anyone appointed after 31 December should be increasingly unlikely as the date approaches 31 March and at best should attract an *Incomplete* marking.

Transition Arrangements

Transfer to the Senior Management Cohort pay arrangements

- 9. In order to transfer to these revised pay arrangements posts require to be evaluated by NEC.
- 10. Under the transition arrangements managers will transfer over from their current consolidated pay to the nearest highest spine point under the revised arrangements in the Table 1. No-one however may transfer to either of the two shaded spine points at the top of each pay range unless their current salary is protected on a personal basis in which case the provisions of paragraphs 16 to 20 below will apply. As the spine points have 3.5% differentials this means that managers will transfer over to the revised pay arrangements with anything from an increase of 0% to just under 3.5% depending on their current place in the pay range and its relativity to the nearest higher pay spine point on the revised pay arrangements.
- 11. The bottom two shaded spine points are transitional spine points designed to ensure that noone is overly advantaged as a consequence of introducing the revised pay arrangements and receives more than 3.5% on transfer. It is intended that they will be removed over two years. For example, someone on level 8 at the bottom of the pay range of £35,928 at 1 April 2005 would move on to







Grade A to transitional spine point 46 and receive £36,803 with effect from 1 October 2005. The next pay for performance is due on 1 October 2006 at which time it is expected that there will be an addition for inflation. It is anticipated that all but a few managers will be complete or above and that they will receive inflation plus a consolidated increment. In these circumstances the manager will receive an inflation increase and go onto the next spine point which is 45. By 1 October 2007 no one should be on the transition spine points.

Non-consolidated payment on transfer

- 12. When the Executive Managers Review began it was expected that the pay arrangements would have been in place by now. In recognition of this it is proposed to partially remove the pay inhibitor to allow for the payment of up to a 4% non consolidated payment to be made in certain circumstances. To get the full additional 4% payment a manager will require to have had an **effective or above** performance marking for his or her performance in 2004/05. Under the current arrangements managers at the top of their pay range at 31 March 2005 will have received only the 2% inflation increase from 1 April 2005 and nothing for performance. The one off non consolidated payment will be based on the salary at 31 March 2005. The payment is non pensionable and must **not** be added to consolidated pay when transferring to the revised pay arrangements.
- 13. For example, a manager on level 7 on a salary of £53,673 at 31 March 2005 and with an *Effective* marking for performance during 2004/05 would have received a 2% increase for inflation to £54,746 at 1 April 2005. Under the transitional arrangements in paragraph 12 he or she would receive a 4% one off non consolidated payment based on the salary at 31 March 2005 of £2,147.
- 14. There may also be some managers who have an **effective or above** performance marking for their performance in 2004/05 and who were near the top of their pay range at 31 March 2005. In these circumstances they will have received the 2% inflation increase and some part of the 4% additional consolidated pay, taking them to the current maximum of the pay range. In these cases, the manager may receive as a one off non consolidated payment the difference between what he or she received as a consolidated payment and what he or she would have received had the pay inhibitor not been in force. The payment is non pensionable and must **not** be added to consolidated pay when transferring to the revised pay arrangements.
- 15. For example, a manager on level 6 on a salary of £61,000 at 31 March 2005 and with an *Outstanding* marking for performance during 2004/05 would, if the inhibitor had not been in operation, have received a consolidated pay increase of 6% taking him or her to £64,660. However, as the pay inhibitor was applied, this would mean the salary would have been capped at the maximum for level 6 of £63,871. Under the transitional arrangements in paragraph 14 he or she would be eligible for the difference between the capped consolidated pay of £63,871 and the amount he or she would have received of £64,660, giving a non consolidated transitional payment of £789.

Managers on protection

16. Managers on protection are managers whose current post when evaluated or approved by NEC produces a score that would result in a lower grade on the previous grading arrangements, i.e. as determined by NHS MEL(2000)25, this includes managers who are in posts that are in interim organisational structures or posts that have still to be evaluated or approved by NEC.





Managers on protection at the maximum of their protected scale

17. Managers on protection who are currently on the maximum of their protected scale will move across to the revised pay arrangements on a personal pay basis to the nearest higher pay spine point, this is the maximum personal spine point. They will remain on that spine point with eligibility for an inflation uplift, unless their performance is rated as unacceptable when no inflation uplift will be paid. Managers on protection who transfer will not be eligible for the 4% non consolidated payment.

Managers on protection below the maximum of their protected scale

- 18. Managers on protection who are currently below the maximum of their protected scale will require to have two spine points identified under the revised pay arrangements:
 - The nearest higher spine point to their current salary of their protected scale. This is the spine point to which they will transfer.
 - The nearest higher spine point to the maximum of their protected scale. This is the maximum personal spine point that can be progressed to.
- 19. The manager will transfer to the revised pay arrangements to the nearest higher spine point and will progress to the maximum personal point through the annual performance arrangements. Managers on protection transfer will not be eligible for the 4% non consolidated payment.
- 20. For example, a manager who is identified as protected on level 3 and whose salary is £85,000 would transfer to Grade F, spine point 21, £87,188. The maximum of level 3 is £97,329 and the nearest higher spine point under the new scale is spine point 17, £100,050, this becomes the maximum personal spine point that can be progressed to while on protection. No non consolidated pay can be earned above the maximum personal spine point.

Promotion and Acting

21. Promotion will normally be rewarded with the addition of one spine point on the new grade or placing on the minimum of the scale (including transitional points) if the increase to the postholder's previous salary is greater that the equivalent of one increment.

Additional Payments

22. In general there should be no additional payments, however, in certain circumstances such as a manager taking on additional work on a temporary basis or in a different NHS Board, an additional payment may be paid. In these cases the Department should be asked for its view and advice will be provided on a case by case basis.

Other Terms and Conditions of Employment

23. Other terms and conditions of employment including sick pay, annual leave, statutory and public holidays will be those laid down and amended from time to time by the UK Staff Council and as set down in the Agenda for Change NHS Terms and Conditions of Service Handbook.

BB0300CT2006







TABLE 1 SENIOR MANAGEMENT COHORT PAY: EFFECTIVE 1 OCTOBER 2005

Pay Scales									
Spine									
Point	Grade	Grade	Grade	Grade	Grade	Grade	Grade	Grade	Grade
	1	Н	G	F	Е	D	С	В	А
1	£173,485								
2	£167,619								
3	£161,950								
4	£156,474		İ						
5	£151,183	£151,183							
6	£146,070	£146,070							
7	£141,130	£141,130							
8	£136,358	£136,358							
9	£131,747	£131,747	£131,747						
10	£127,292	£127,292	£127,292						
11	£122,987	£122,987	£122,987						
12	£118,828	£118,828	£118,828		Ì				
13	£114,810	£114,810	£114,810	£114,810					
14	£110,927	£110,927	£110,927	£110,927					
15		£107,176	£107,176	£107,176					
16		£103,552	£103,552	£103,552					
17		£100,050	£100,050	£100,050	£100,050				
18		£96,667	£96,667	£96,667	£96,667				
19			£93,398	£93,398	£93,398				
20			£90,239	£90,239	£90,239		İ		
21			£87,188	£87,188	£87,188	£87,188			
22			£84,239	£84,239	£84,239	£84,239			
23				£81,391	£81,391	£81,391			
24				£78,638	£78,638	£78,638		1	
25				£75,979	£75,979	£75,979	£75,979		
26				£73,410	£73,410	£73,410	£73,410		
27					£70,927	£70,927	£70,927		
28					£68,529	£68,529	£68,529		Ī
29					£66,211	£66,211	£66,211	£66,211	
30					£63,972	£63,972	£63,972	£63,972	
31						£61,809	£61,809	£61,809	
32						£59,719	£59,719	£59,719	
33						£57,699	£57,699	£57,699	£57,699
34						£55,748	£55,748	£55,748	£55,748
35							£53,863	£53,863	£53,863
36							£52,042	£52,042	£52,042
37							£50,282	£50,282	£50,282
38							£48,581	£48,581	£48,581
39								£46,939	£46,939
40								£45,351	£45,351
41								£43,818	£43,818
42								£42,336	£42,336
43									£40,904
44									£39,521
45									£38,138
46									£36,803







TABLE 2: HAY RECALIBRATIONS AND OLD AND NEW CORRELATION

Old GM and	Former Exec	Job 1	Units	Revised Exec Recalibra		ration
SM Grades	Pay levels	Min	Max	Pay Grades	Min	Max
	1.			Ī	2584+	
	1+			_		
12	1	2141	2550	H	2245	2584
11	2	1801	2140	G	1801	2244
10	3	1508	1800	\mathbf{F}	1508	1800
9	4	1261	1507	${f E}$	1261	1507
8	5	1056	1260	D	1056	1260
7	6	880	1055	C	880	1055
6	7	735	879	В	735	879
5	8	614	734	\mathbf{A}	614	734



SCHEDULE 4: TRANSFER OF TRANSITIONAL GRADES TO AGENDA FOR CHANGE

Background

- The former Senior Manager Grades 0 to 4 were converted to Transitional Grades with effect 1. from 1 April 2000 by MEL (2000) 25. Entry to these grades has been closed since that date and Ministers have approved uplifts to salary ranges identical to those applied to staff covered by Agenda for Change.
- 2. These steps were taken in order to facilitate the smooth transfer of staff in these grades to Agenda for Change.

Implementation

3. Health Boards should transfer all staff employed in posts on Transitional Grades 0 to 4 to Agenda for Change with effect from 1 October 2004.

