

EQUAL PAY POLICY

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CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST

DOCUMENT APPROVAL FORM

Policy Title: Equal Pay Policy			
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Name of Author: Jan Armstrong, Deputy Director of Human Resources			
Name of Sponsor: Kath Griffin, Director of Human Resources			
New Policy:		No	
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Type of Policy:	Risk management Operational policy Operational guidelines Mental Health Act Human Resource X Control of infection Drugs policy Other		
Equality Impact Assessment: If this policy has a potential discriminatory impact please record below the person who has informed and involved the sponsor: Name: Title: Date: NB: It is the sponsor's responsibility to submit the policy through the CHS approval route.			
Checklist for the review and approval of the policy			
	Is the policy compliant with:	Yes/No	Comments
	Corporate style	Yes	
	Format including duties,	Yes	
	Content; intended outcomes clearly described	Yes	
	Evidence base; key references included and cited in full	Yes	
	Associated documentation recorded	Yes	
	Review/consultation process:	Yes	

	List of groups/committees included with the policy		
	Appropriate stakeholders consulted	Yes	
	Approval: Staff side committee (if appropriate)		
	Dissemination & implementation: appropriately described	Yes	
	Training: requirements included (where appropriate)	Yes	
	Document control: table updated appropriately	Yes	
	Monitoring compliance/ effectiveness: adequate description and appropriate monitoring	Yes	
	Review date: identified and acceptable	Yes	
	Page numbers: correct with index	Yes	
	Intranet to be updated: Record the date and person responsible	Yes	01 12 15 Andrea Hetherington
	Individual approval; Policy author	Date	Sign
	Director of Corporate Affairs: update version control and approval of the process	Date	Sign 01 12 15 Andrea Hetherington
	Policy archived		01 12 15

Committee Approval

Committee which forms the approval process: Policy Committee

Date of approval: 12 November 2015

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1. INTRODUCTION

- 1.1 City Hospitals Sunderland NHS recognises the importance of equality and valuing diversity and is committed to ensuring that all staff are treated equitably regardless of their age, race (including nationality, ethnic or national origin), disability, sexual orientation, gender (including staff who have undergone gender re-assignment), marital, civil partnership or parental status, religion or belief, or lack of religion or belief. We believe as part of these principles that staff should receive equal pay for work of equal value.
- 1.2 This policy sets out how the Trust will comply with these requirements. It has been developed in line with guidance from NHS Employers, who in collaboration with the Equality and Human Rights Commission have developed an equal pay toolkit, recognising that the NHS organisations have a national pay structure and job evaluation scheme in place under the Agenda for Change agreement.

2 PURPOSE AND SCOPE

- 2.1 The Trust's objectives in relation to equal pay are to promote good practice by:-
- Committing to the principle of equal pay for work of equal value for all employees;
 - Eliminating any unfair, unjust or unlawful practices that impact on pay;
 - Reward fairly the knowledge, skills and experience of all staff;
 - Reviewing other Trust policies (e.g. Recruitment and Selection) to ensure consistency with equal pay principles.
 - Working in partnership with the recognised Trade Unions to eliminate any identified bias in systems, processes or practices, e.g. by responding to grievances on equal pay as a priority;
 - Operating pay and reward systems that are transparent, based on objective criteria and free from bias;
 - Attracting and retaining staff who are committed to delivering excellent healthcare services by supporting equality of opportunity and valuing diversity within our workforce.
- 2.2 This policy applies to all employees, irrespective of employment status and length of service.

3 DEFINITIONS

- 3.1 For the purposes of this policy and in line with relevant legislation, 'Pay' is defined by Article 141 of the Treaty of Rome as, "*The ordinary basic or minimum wage or salary and any other consideration, whether in cash or kind, which the worker receives directly or indirectly, in respect of his (or her) employment from his (or her) employer.*" Pay therefore includes pensions, any discretionary bonuses, payments and sick pay as well as other additional benefits.
- 3.2 'Like work' is defined as work, which is the same or broadly similar

- 3.3 'Work rated as equivalent', is defined as work, which has achieved the same or a similar number of points under a job evaluation scheme
- 3.4 'Work of equal value', is defined as work, which is of broadly equal value when compared under headings such as effort, skill and decisions.
- 3.5 The term 'equal terms' can cover all aspects of pay and benefits, including:
- basic pay;
 - overtime rates;
 - performance related benefits;
 - hours of work;
 - access to pension schemes;
 - non-monetary terms;
 - annual leave entitlements.

4 DUTIES

4.1 Board of Directors

The Board of Directors is responsible for ensuring that all staff are treated equitably and for monitoring and approving a framework for equal pay that is compliant with all relevant legislation and guidelines.

4.2 Chief Executive

The Chief Executive has ultimate responsibility for ensuring that robust equal pay policies and procedures are in place that are compliant with all relevant legislation and guidelines.

4.3 Director of Human Resources

The Director of Human Resources is responsible for:

- Ensuring this and other related policies comply with legislation;
- Ensuring appropriate training is available for employees responsible for the application of the policy;
- Developing a corporate reporting framework;
- Reporting, monitoring, analysing and publishing equal pay data on the Trust's workforce and job applicants;
- Providing a scrutiny role;
- Working in partnership with the recognised trade unions to address any areas of concern.

4.4 Human Resources Strategy Group

The Trust's Human Resources Strategy Group is responsible for ensuring that any requests for local pay arrangements for staff groups are considered in line and comply with equal pay legislation.

5. LEGISLATIVE FRAMEWORK

- 5.1 In determining the pay and remuneration of all its employees, the Trust will comply with all relevant employment legislation, including the Equal Pay Act 1970, the Equality Act 2010, Part-time Employment (Prevention of Less Favourable Treatment) Regulations 2000, the Agency Workers Regulations 2010 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.
- 5.2 With regard to equal pay requirements contained within the Equality Act, the Trust will ensure there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through use of the Agenda for Change NHS Job Evaluation Scheme, NHS Terms & Conditions of Service, the Trust's Job Evaluation and Banding Policy, Recruitment and Selection Policy and Organisational Change and Pay Protection Policy.

6. EXISTING PAY SYSTEMS

- 6.1 The Trust recognises that in order to achieve equitable pay, it must operate a pay system that is transparent and based on objective criteria.
- 6.2 With the exception of Trust Directors and those managers employed on local contracts, pay is determined by national NHS terms and conditions of employment, including Agenda for Change.
- 6.3 Pay for Executive Directors is determined by the Trust's Remuneration Committee and is subject to equal pay legislation. The Committee consists of Non-Executive Directors and the Chief Executive (for posts excluding the Chief Executive) with the Director of Human Resources in attendance. This Committee makes its decisions based on market research data provided for the individual posts by the Director of Human Resources.
- 6.4 Pay for other senior managers employed on local contracts is determined by the Chief Executive in consultation with the Trust Chair and Director of Human Resources. Decisions are made based on market research data provided for the individual posts by the Director of Human Resources.

7. ACTIONS TO IMPLEMENT EQUAL PAY

- 7.1 To ensure equal pay in practice, the Trust will:
- Carry out consultation on this policy with the recognised Trade Unions in line with the agreed Partnership Agreement;
 - Provide training and advice for managers involved in decisions about pay and benefits;
 - Carry out equal pay reviews as appropriate;
 - Monitor the impact of pay practices
 - Determine matters regarding grade and pay in accordance with:
 - The NHS Job Evaluation Scheme
 - NHS Terms & Conditions of Service
 - Job Evaluation and Banding Policy

- Recruitment and Selection Policy
- Organisational Change and Pay Protection Policy
- Monitor grievances related to pay, reporting the outcome of these to the Board of Directors and Joint Consultative Group.

8. COMPLAINTS

- 8.1 Complaints about the lack of equal pay may be made in accordance with the Trust Grievance Policy and Procedure.

9. MONITORING COMPLIANCE / EFFECTIVENESS OF THE POLICY

Area for monitoring	Method	Frequency	Responsibility	Monitoring Assurance Group	Lead for developing action plan	Group responsible for monitoring action plan
Pay and reward systems are free from bias and compliant with Trust policies	Workforce Report	Annual	Deputy Director of HR	Executive Committee	Director of HR	Board of Directors
No breaches of equal pay legislation	Workforce Report	Quarterly	Deputy Director of HR	Executive Committee	Director of HR	Board of Directors

10 DISSEMINATION, IMPLEMENTATION AND TRAINING

- Dissemination to all staff via Team Brief
- Copy of policy on CHS Intranet / HR policies
- Contracts of employment
- Recruitment and selection training
- Job evaluation training

11 CONSULTATION, REVIEW, APPROVAL AND RATIFICATION

Consultation

- Human Resources Strategy Group
- Joint Consultative Group

Review

- Every 3 years

Approval

- Executive Committee

Ratification

- Policy Committee

12 **REFERENCES**

- Equality Act 2010
- NHS Employers Equal Pay Toolkit – www.nhsemployers.org
- Agenda for Change Handbook – www.nhsemployers.org
- NHS Job Evaluation Handbook - www.nhsemployers.org

13. **ASSOCIATED TRUST DOCUMENTS**

- Job Evaluation and Banding Policy
- Recruitment and Selection Policy
- Grievance Policy and Procedure
- Recruitment and Selection Policy
- Organisational Change and Pay Protection Policy
- Quarterly Workforce Report