

### Frequently asked questions

These are provided for guidance or quick reference guide only, so always refer to the policy

#### 1. Protection

##### 1.1 Who decides that I should receive pay protection?

This will depend on the details within the change programme and if your basic pay, hours or other payments are affected. If so, this will be instigated by Human Resources and communicated to you directly.

##### 1.2 How long will my pay be protected for?

This will depend on whether it is considered to be long or short-term earnings protection.

Long-term earnings protection is based on the length of NHS service.

Short-term earnings protection is based on the length of NHSBT service that you have been doing the activity that is changing. The timescales are detailed in the policy.

##### 1.3 How do I instigate pay protection?

The HR Change support team will provide details to NHSBT Pay Support through a 'Notification of protection situation' form. This form must be completed in addition to the relevant Contractual change form. This may be requested by the HR Change Lead from HR Change Admin at the appropriate time. The contractual change form should also be sent to NHSBT Pay Support.

##### 1.4 If I want to reduce my contracted hours, how will this affect my short-term pay protection?

Your short-term pay protection will be reduced on a pro-rata basis i.e. to reflect the reduction in your hours.

##### 1.5 If I want to increase my contracted hours, how will this affect my short term pay protection?

Any additional earnings relating to the increase in hours will be offset against your protected earnings level. For example, if your new earnings are equal or greater than your short-term pay protection level then your pay protection would stop.

##### 1.6 If I voluntarily reduce or stop working unsocial hours in the future how will this affect my pay protection?

If you are already in receipt of short-term pay protection due to a reduction in your shift pattern and you voluntarily reduce or stop working unsocial hours then your short term pay protection will stop. Your manager must notify NHSBT Pay Support of this change so that your short term pay protection will stop.

### **1.7 In what circumstances will I not receive pay protection?**

When you have made a request for change.

- Where a redundancy payment has been made or will be made.
- Changes resulting from disciplinary action or as a result of capability due to poor performance.
- If you are on a career break.
- At the end of a temporary job change in a higher grade.
- When returning to your substantive post following a secondment.
- When any Recruitment and Retention Premia or Responsibility Allowance ends.

### **1.8 If I have been successful in applying for a higher graded post, how will this affect my long term pay protection?**

If your new salary is not equal to your previous salary, the long-term basic salary protection will remain in payment. If your new salary plus high-cost area supplement equals or is greater than the original protected salary, the long-term basic salary protection will cease.

### **1.9 If I am currently receiving pay protection due to my compulsory move to a High-Cost Area and I am now applying for a post in the Fringe High Cost Area, how will this affect my pay protection?**

If you voluntarily obtain a post which does not attract the same level of High-Cost Area Supplement then any High Cost Area Supplement, protection will cease.

### **1.10 Will I automatically receive pay protection for changes to AFC Subsistence /Away From Base Allowance?**

This is an expense and changes to expenses, which include subsistence payments, do not normally trigger pay protection.

We only protect as and when a short term pay protection is triggered (by a change to working arrangements which does create a need for short term earnings protection), then all taxable subsistence payments have to be included in the calculation of the overall level of earnings to be protected.

This is necessary because the ESR short-term pay protection calculation automatically counts all **taxable** payments towards meeting the earnings level being protected when calculating any 'top up' protection to be paid each month. If we did not include them, then the 'top up' payment would be less than that due.

### **1.11 Can I refuse to work overtime if I am in receipt of short-term earnings protection?**

No, protection of your earnings is conditional upon you undertaking any reasonable overtime, unsocial hours or other additional duties which led to the protection, up to the level of the protected earnings.

### **1.12 Will I still receive short term earnings protection if I am absent on sick leave**

No, you will not receive short term pay protection during your absence.

### **1.13 Will I still receive long term pay protection if I am absent on sick leave**

Yes, subject to the length of your sick pay entitlement, i.e. if you go onto half pay sick pay, the long term pay protection that is paid will also be half. If you have had an accident at work and full sick pay has been granted then pay protection would continue, for the duration of the sickness period or the duration of the protection period, whichever comes first.

## 2. Reference Period

### 2.1 What is a reference period?

Should you receive short-term pay protection, this needs to be based on an average level of earnings you received for a given period in time. This period is called the reference period. The reference period will normally be the four complete normal pay periods immediately prior to the date of the change. A pay period is a complete calendar month.

### 2.2 If I have been absent due to ill health for any of the reference period, how will my pay protection be calculated?

If it is for more than half of the reference period, the four pay periods immediately before your absence, will be taken as the reference period. Should you return to work, including on reduced duties, the normal reference period will apply.

### 2.3 If I have been on maternity leave during the reference period, how will my pay protection be calculated?

Your average weekly earnings used for the calculation of maternity leave pay will be taken as the pay in the reference period for the purposes of the payment protection calculation.

### 2.4 How is my short-term earnings protection calculated if I am also in receipt of long term pay protection?

The amount of long term pay protection you receive each month will be included in the short term pay protection calculation when calculating your average earnings level.

## 3. Pay Award

### 3.1 How is my long-term pay protection affected by an annual pay award?

Your long term-pay protection figure will be recalculated so that the new pay award is included on your current salary and the salary we are protecting you to. If you are on mark time pay then the increase in the pay award will be applied to your salary but also used to lower your pay protection.

### 3.2 How is short-term pay protection affected by an annual pay award?

Your short-term pay protection earnings level will not change but the increase in salary can sometimes mean that your total earnings now exceed the protected earnings level.

## 4. Pension Implications

### 4.1 Will my short term pay protection be pensionable?

Any protection paid which relates to a pensionable element of you pay will be pensionable under the provisions of the NHS Pension Scheme section you are a member of. For more information go to ['Pensions'](#)

### 4.2 Will my long-term pay protection be pensionable?

Yes.

### 4.3 How will my pension be impacted by a change in salary and any protection I may receive?

If you are in the 1995 NHS Pension Scheme, you may be able to apply for protection of benefits and should contact NHS Pensions for options available.

The 2008 and 2015 NHS Pension Scheme regulations do not contain provision for protection of benefits.

For more information about how your pension scheme benefits will be affected by a reduction in your pensionable earnings when you pay protection period ends go to [‘Pensions’](#) .

## 5. Policy Approval and Review

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## 6. FAQ’s Section Details

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