

## 1. Policy Statement

This policy ensures that if your pay is affected by organisational change, where appropriate, we can reduce that effect for you, for a period of time. This policy applies to all employees with the exception of those with preserved rights under the UK Transplant Pay Protection Policy. If you have existing TUPE protection arrangements, in place, these will continue as agreed. Those employees working in Scotland should look at Terms and Conditions for any differences that may apply. Employees working in England, Northern Ireland, and Wales, are covered by this policy. Our commitment to inclusion across race, gender, age, religion, identity, and experience drives us forward every day. This policy provides two types of protection:

- Short term earnings protection
- Long term basic salary protection

### Short term earnings protection

Short term earnings protection is used where due to operational requirements, you may have a change of working pattern, resulting in a reduction in your regularly paid allowances, such as enhancements for unsocial hours; on-call or contracted/rostered overtime. Non contracted overtime is not included. It may also be used should you have an enforced reduction in your contracted hours.

This is protection of total earnings to offset the immediate impact of a reduction in your additional earnings. This will therefore not be paid in any period where total earnings, i.e. basic pay plus additional earnings after the change in terms and conditions, are equal to or more than your total earnings before the change.

Your total earnings level to be protected is calculated over a reference period. The reference period will be the four complete normal pay periods immediately prior to the date of the change. A pay period is a complete calendar month.

Protection of your additional 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. Should this be requested, this would be in line with the European Working Time Regulations. Only where the total earnings exceed the level of protected earnings will additional TOIL or pay be given. You should record and claim all of your unsocial hours, overtime, or other additional duties worked, as usual. Should you unreasonably refuse to work to your previous work pattern, protection will be reassessed and may be stopped.

## Duration of short term earnings protection

Length of NHSBT Service on protected activity	Duration of protection
Up to one year	1 month
1 to less than 3 years	3 months
3 to less than 5 years	6 months
5 years or more	12 months

Where your activities being protected are paid as a permanent allowance e.g. driving allowance and variable earnings are unaffected, then your pay protection will start immediately on the date of the change. Where variable earnings are being claimed, short term earnings protection will start when all of your variable payments have been paid; usually one month after the date of change.

## Long term basic salary protection

This applies if your basic pay is reduced as a result of organisational change. In these circumstances, you will be entitled to receive protection of your former basic annual salary with any annual pay award increases and future pay step increases based on the length of your NHS service (see below).

If you are receiving a high cost area supplement that has been protected, this will be treated as a separate element as if it were basic pay. Protection will be given with any annual pay award increases based on the table below. Your basic pay and any high-cost area supplement will be protected at the level of pay on the day before the change.

If your shift pattern or level of work outside your normal working hours changes, this could affect protection. Your manager must notify NHSBT Pay Support immediately of any change to contracted working hours.

## Duration of Long term basic salary protection

Length of NHS Service	Duration of protection
Less than one years' service	Nil
One to less than 3 years' service	1 year
Three to less than five years' service	2 years
Five or more years' service	3 years

At the end of the protection period, if you have not secured or been offered suitable alternative employment at your previous pay band, you will receive mark-time protection for a maximum of 3 years. This means that you will receive any increases that are due in the lower grade (pay awards and incremental progression); this increase will reduce the pay protection by the same amount of the increase. At the end of the mark time period the pay protection will stop.

## 2. The Process

There are situations where specific pay protection arrangements or situations may apply, and therefore it is not possible to reference all examples in this policy or the supporting FAQ's.

Any specific concerns you may raise through your Trade Union Representative will always be considered as part of any collective consultation process, and therefore any protection arrangements resulting from any given change programme will be communicated to you by Human Resources. Should you have any questions contact [HR Direct](#).

Any applicable Pay Protection provided, is communicated as part of the Organisational Change Policy and Process, for example, in Individual Consultation. Should you have any concerns, you may seek representation from a Trade Union Representative of a Trade Union you belong to, not acting in a legal capacity or to be accompanied by an NHSBT colleague.

### Confidentiality

All conversations, be it informal or formal, must be kept confidential by all parties involved. We appreciate that this can sometimes be difficult when working in a small team or close environment; however, confidentiality must be maintained. Any breaches in confidentiality will be taken seriously.

## 3. Policy Approval and Review

Policy version	UCD/People/Protection/018v1.4
Title	Pay Protection Policy
Approved by SPC	7 <sup>th</sup> July 2022
EIA completed	28 <sup>th</sup> February 2023
Counter Fraud check	14 <sup>th</sup> July 2022
This document replaces	UCD/Workforce/Protection/018v1.3
Effective Release Date	July 2022
Review Date	April 2024
Author	Claire Surtees
Filepath	G/HR/HR/Everyone/Policies
Distribution	Available on People First