

**Bargaining Support Group**



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## **Negotiating job evaluation schemes**

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*the public service union*

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## Why job evaluation schemes are important

Every workplace needs to have a fair and transparent system for assessing what pay different jobs should get.

The [CIPD's Reward Management 2019](#) report found that only half of permanent employees (51%) think they are paid fairly and even fewer (34%) think that everyone in their organisation is paid fairly. The report highlights how “money worries are a key driver of employee stress (impinging on productivity and organisational performance); a liveable wage benefits both employee *and* organisation.”

It is therefore key for the employer to ensure there is a fair and transparent pay evaluation process in place.

The aim of using an agreed job evaluation scheme is to ensure that individuals are not evaluated for more or less pay through whim, favouritism or prejudice, or indeed a misunderstanding or misrepresentation of what a job entails.

This is particularly important when considering issues of discrimination, including the consideration of equal pay for work of equal value.

Involvement of the union is an obvious necessity when these decisions are made, to help ensure that the schemes are non-discriminatory, based on sound principles and consistent with past practice.



## **How branches can benefit from negotiations about job evaluation schemes**

- Making sure that trade union representatives are involved in the setting up and implementation of a job evaluation scheme can help ensure that a fair pay and grading structure is established, one that aims to be impartial, gender-neutral, non-discriminatory and reliable.
- Ensuring that a good job evaluation scheme is in place will help towards eradicating any significant equal pay gaps between the average earnings of female and male workers doing equal work, or experienced by other groups of people with protected characteristics.
- Clarifying and potentially improving pay for some workers based on the actual job demands rather than the whim or prejudices of the employer, may help in addressing other discriminatory practices.
- By agreeing proper implementation of the job evaluation schemes, the number of cases concerning equal pay and other pay grading issues requiring steward representation could be reduced, freeing up steward time.
- Establishing a good job evaluation scheme in practice will highlight how UNISON values its members and recognises the need for transparency, consistency and a systematic approach when making decisions about pay grading. This could also result in an increase in your branch's activist base.
- Agreeing good and fair terms for a wide range of workers can be a useful recruitment and retention tool, advertising the benefits of joining UNISON for all. It can also highlight how UNISON reps have expert negotiation skills when dealing with employers.
- Organising around job evaluation and pay is a great way to increase involvement and participation of UNISON members in your branch.

## What is job evaluation?

**Job evaluation** is a process for working out the relative worth of posts in an organisation based on what the post-holder is doing or is expected to do.

It is carried out so that fair levels of pay for different jobs can be set that are not based on any subjective evaluation of the person doing each job, but rather on the actual demands and responsibilities of the post itself.

**The Equality Act 2010** defines a 'job evaluation study' as "a study undertaken with a view to evaluating, in terms of the demands made on a person by reference to factors such as effort, skill and decision-making, the jobs to be done by some or all of the workers in an undertaking or group of undertakings."

Working out someone's pay in a way that is fair and transparent, taking account of all that the post-holder will have to do and all that they need to bring to the job, as well as taking into account what other people are paid in the same workplace or in other similar workplaces, is a complicated business.

Job evaluation schemes have therefore been designed to provide a mechanism to help make decisions about pay that is fair and transparent, based on the comparison of roles.

However no job evaluation scheme operates using an infallible scientifically-proven measurement. There is always an element of subjectivity in how components of jobs are evaluated and weighted by the job evaluation panel, and initially by the scheme designer/s. Therefore it is particularly important for training to be provided from the start to ensure that pre-conceptions or prejudices do not become part of the evaluation process.

A carefully designed job evaluation scheme, if agreed with the trade union, and subsequently used by a properly trained panel, which should include trade union representatives, can help provide a basis for a fair pay system.

However, it should be noted that job evaluation is only a tool for putting jobs into an overall rank order. It is a means to achieve a new grading and pay structures. It is not an end in itself.

### **The design of the scheme and equal pay concerns**

Most agreed schemes are **analytical**, assessing a job by breaking it down into the details of its demands and responsibilities (i.e. the factors) through, for example, the use of a job evaluation questionnaire or job descriptions, person specifications, organisational charts and other job information. The information is then measured against agreed factor levels.

A cruder, more simplistic, non-analytical scheme would not break down jobs in this way into factors, but compares whole jobs to rank them. Such schemes would not be able to address equal pay concerns, and would not comply with the Equality Act definition described above.

In **'Job evaluation: considerations and risks'**

<https://www.acas.org.uk/index.aspx?articleid=682>, Acas confirms that “non-analytical job evaluation schemes such as ‘paired comparisons’ or ‘job ranking’ do not provide a defence against equal value claims.”

The UNISON guidance **'Keeping pay equal: trade union side guide to local government pay and grading reviews'** points out that “to provide a valid defence to an equal pay claim, a JE study must be:

- analytical;
- thorough and impartial;
- reliable; and
- gender neutral.”

Therefore an effective job evaluation scheme should be designed to be transparent, systematic and consistent. But any scheme also needs commitment from the employer, not only for time and resources, but to properly implement the outcomes of job evaluation exercises such as the re-grading of job roles.

### **Types of schemes**

Many employers use off-the-shelf schemes designed by external organisations. Such schemes include ones developed by Hay Group, Willis Towers Watson, Croner and Turning Point HR Solutions.

A few other employers might use an existing scheme that has been adapted to suit their organisation.

The National Joint Council (NJC) job evaluation scheme, Agenda for Change NHS job evaluation scheme and Higher Education Role Analysis scheme are some of the few that are jointly agreed by employers and trade unions.

The Greater London Provincial Council scheme, although not jointly developed, is a bespoke scheme for local government and is used by many councils in the United Kingdom.

Some more details on common job evaluation schemes used in UNISON service groups can be found on page 27.

## **The business case for agreeing to use an analytical job evaluation scheme includes:**

- It provides a fair and transparent means to clarify the hierarchy of jobs within an organisation.
- It helps ensure that all employees can see how pay and grading structures have been developed.
- It can reassure employees that the employer operates fairly with regard to pay and grading, encouraging motivation and loyalty.
- Decisions on pay and grading are seen to be made in a logical, systematic way without favouritism or prejudice.
- It can address a lack of rationale in current pay grades and any issues of too many or too few job spot rates.
- It can be used to help fix any employee queries or concerns or dissatisfaction about pay and grading that might lead to grievances.
- It can be used to resolve any irregularities in pay and grading such as equal pay issues and undervaluing of certain types of jobs.
- It can be a defence in equal pay claims if an appropriate scheme is used, one that is discrimination-free.
- It can help avoid the time and cost involved in defending equal pay claims.
- It can improve job design and help identify the actual duties job holders carry out and training needed to do so.
- It can be used as a means of recognising the changes in the components that make up a post over time, in response to restructures or to technological advances.
- It helps to deliver greater partnership working with trade unions.

## Quick checklist for when employers are reluctant to use job evaluations or review existing schemes

Where nationally agreed schemes such as the Agenda for Change job evaluation scheme are used, local branches would not be expected to be involved in reviews of the scheme itself, rather in how it has been implemented locally.

See instead the quick checklist for when job evaluation schemes are already being used on page 30.

For health sector branches, see also the self assessment checklist a [www.nhsemployers.org/-/media/Employers/Documents/Pay-and-reward/Self-assessment-checklist-Sept-2018-FINAL.pdf](http://www.nhsemployers.org/-/media/Employers/Documents/Pay-and-reward/Self-assessment-checklist-Sept-2018-FINAL.pdf)

- Does the employer want to win employee loyalty and commitment? A transparent, consistent and equality-proofed job evaluation scheme that ensures clear and up-to-date job descriptions, person specifications and performance standards will go a long way to help achieve this.
- Does the employer want to pay appropriate salaries for jobs within their workplace? An out-of-date job evaluation scheme may not allocate pay grades fairly within the hierarchy of jobs.
- Does the employer want to get the best out of their staff? A good job evaluation scheme will help ensure a thorough understanding of the skills, knowledge and responsibilities of each job, and help to identify training needs within the organisation.
- Does the employer want to attract the best applicants to any vacancies? A good job evaluation scheme will help ensure up-to-date job descriptions and person specifications, with a thorough consideration of all the attributes genuinely needed for jobs. An out-of-date job evaluation scheme may mean that advertised posts don't compare favourably with the competition.
- Is there a gender pay gap issue at your workplace? Are some roles traditionally carried out by either by men or women and is there concern that these are either over or undervalued within the pay structure, backed up by the gender pay gap reporting figures? Implementing a new job evaluation scheme or reviewing and updating an existing scheme could be an important part of any gender pay gap action plan.
- Could the employer afford a potentially time-consuming and costly equal pay claim? A good analytical job evaluation scheme may provide the best defence against equal pay claims.



- ❑ What is the current turnover of staff and what are the current recruitment costs? This money could be better spent in ensuring that staff are rewarded in a way that has been determined fairly and openly through a good job evaluation scheme.
- ❑ Why do staff leave? Most often they leave for a better opportunity, a promotion, or a position where they feel they have more career potential. A good job evaluation scheme will help clarify the career path for employees.
- ❑ Have jobs changed or been restructured over a passage of time? Is the employer still confident that this has been fully taken into account within the pay and grading structure? A good job evaluation scheme will help address such a concern.
- ❑ Is the employer asked to justify why one job is graded higher than another or paid more? Are grievances or informal complaints raised about these disparities in pay, or appeals when the existing job evaluation scheme is applied? A good job evaluation scheme will help resolve this and deal with grading anomalies and grading appeals.
- ❑ A good job evaluation scheme, perhaps with the consideration of job families and use of technology, need not be time-consuming and over-bureaucratic, as long it has been designed appropriately, fairly and openly, and implemented and monitored by properly trained panels.
- ❑ Don't just take our word for it that job evaluations are a good idea. In the E-rewards survey of 98 UK-based organisations in 2017<sup>1</sup>, more than three-quarters of respondents were found to use a formal job evaluation scheme and the majority of those without one, planned to introduce a scheme.
- ❑ Don't just take our word for it on the need for reviewing existing job evaluation schemes. The Equality and Human Rights Commission (EHRC)<sup>2</sup> state that "ongoing monitoring and maintenance of a job evaluation scheme is vital". Acas<sup>3</sup> warn that "a job evaluation scheme should be relevant for up to 10 years but keep monitoring any changes to jobs."

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<sup>1</sup> [www.e-reward.co.uk/news/job-evaluation-in-the-uk-provisional-findings-from-e-reward-survey](http://www.e-reward.co.uk/news/job-evaluation-in-the-uk-provisional-findings-from-e-reward-survey)

<sup>2</sup> [www.equalityhumanrights.com/en/advice-and-guidance/job-evaluation-schemes](http://www.equalityhumanrights.com/en/advice-and-guidance/job-evaluation-schemes)

<sup>3</sup> <https://m.acas.org.uk/media/922/Advisory-booklet---Job-evaluation-considerations-and-risks/pdf/Job-evaluation-considerations-and-risks-advisory-booklet.pdf>

# Terminology

All analytical schemes are based on certain principles – that roles can be broken down into tasks and responsibilities, and these can be attributed with a certain value.

## Role profiles

The Agenda for Change scheme has nationally agreed **role profiles** with recommended factor and pay levels based on job evaluation.

There are a wide range of NJC local government profiles, but these, unlike the Agenda for Change role profiles, are only advisory. Job descriptions and person specifications and other job information are measured against the levels described in the role profile.

The **role profile** is a broad summary of the main work involved in a type of role aligned to the appropriate factors in the scheme.

A **job family** is a group of jobs that are closely related to one another.

The **job description** should be a comprehensive description of the work carried out in a particular role, usually broken down into different sections.

The **person specification** details the knowledge, skills, experience and attributes required to carry out the job.

## Factors and levels

The tasks and responsibilities need to take account of '**factors**', such as skills and knowledge, qualifications and/or experience or training needed, effort required, the working environment, necessary contact with other people, management of other people and other responsibilities.

Job evaluation schemes usually have between six and 13 factors but some (like Agenda for Change with 16 factors) have more. They may also be split into sub-factors as is the case with the Hay scheme.

A **factor** is a particular aspect of work, such as 'Responsibility for other people', or 'Knowledge and skills'.

Each factor is broken down into **levels**. For example if the factor is 'Communication with the public', Level 1 might be taking a message; Level 2 might be taking a message and following it up; and so on.

The **factor plan** is the agreed criteria (i.e. the number of factors) against which the relative importance of a job will be evaluated.

Common factors used include:

- Knowledge and skills
- Problem-solving and decision-making skills
- Planning skills
- Responsibility for people management
- Responsibility for financial resources
- Responsibility for physical resources
- Responsibility for people, patients/clients' wellbeing
- Impact and influence
- Initiative and independence or freedom to act
- Communication and networking
- Working environment
- Leadership
- Physical effort
- Emotional demands.

Points are agreed for each level. These may vary from factor to factor. The number of levels within each factor may also vary.

The job is evaluated against the factors, and points are awarded dependent on which levels are part of the role. This will be based on evidence such as job descriptions. However often job descriptions are not fully up-to-date and may not completely outline all that is expected of that role so additional evidence, such as interviews and questionnaires about the nature of the role, are needed.

## Scoring

Each level of each factor is worth a certain number of points. The total points that a particular job collects is called the **points score**. Jobs are then put in order of points – this is called **ranking**.

**Weighting** is a process used in some job evaluation schemes whereby some factors are 'weighted' more highly than others, so that they attract extra points or where there are more levels within a particular factor.

The various posts within a workplace can be listed in a rank order based on the number of points awarded. The scores and rank order can then be used to attribute pay and grades to the role. This would normally be done by looking at the range of scores in the rank order and dividing these by, for example, the points for a knowledge, responsibility or skill level (i.e. those points that would normally require an upgrade) to determine the number of grades.

As **Acas** then explains, “the grading structure will establish the: number of grades; where the grade lines should be drawn in order to give an appropriate span of points; related pay structure.”

Care should be taken so that grade lines are not drawn between clusters of jobs generally carried out by men and those generally carried out by women.

**Rank order** is a list of jobs with those with the highest point scores at the top.

**The pay and grading exercise** happens once a job evaluation scheme has been set up. This is the process of actually implementing the scheme in a workplace and then translating point scores into salary levels.

### **Appeal process**

Any job evaluation scheme should also include an appeal process, so that if employees feel that it is not being applied fairly and their role has been wrongly evaluated, it can be queried and checked.

### **Job matching**

Some job evaluation schemes may use a less detailed system of comparing factors without assigning points, instead or as well as rating factors using points. Here the job being evaluated is assigned to a grade or level above, below or equal to a role profile or **‘representative’ or ‘benchmark’ job** dependent on whether the factors are present.

**Job matching** matches the job description, person specification and other job information to the representative job profile, after a full evaluation of that representative profile has been carried out, so that a more time-consuming full evaluation of all individual roles that are very similar can be avoided.

If there is no match, another profile could be selected. If that fails, it is likely the job will need to be individually evaluated using a job evaluation questionnaire.

**Benchmark jobs** are often used as a representative sample of jobs against which other jobs to be evaluated can be compared.

# Role of the trade union

## Design stage

If a new job evaluation scheme is being considered for a workplace, ideally the employer will appoint a steering group to agree on its initial set-up, time scales, testing, pay modelling and equality proofing.

It is important that trade union representatives are included in this working group. It is also key that the employer allows sufficient time and resources to implement what will inevitably be a complex process for assessing pay grades.

In the absence of an agreed job evaluation scheme, the steering group will need to agree on:

- factors
- any weighting of factors
- use of any benchmark jobs
- how evaluators are to be trained
- how the appeal system will work
- how employees will be communicated about the scheme.

The Equality and Human Rights Commission advise in their guidance 'Gender-neutral job evaluation schemes':

"The choice of factors affects the final ranking of jobs. A robust JE needs to identify all the demands of a job, and not overvalue or ignore factors that are associated with jobs that typically have been done by women or by men."

Trade unions believe benchmark jobs are helpful as they can provide early warning signs of any problems with factors. They can also provide the first steps to costing the job evaluation exercise.

The steering group should agree scores for each factor level within the benchmark job. Jobs should then be matched factor by factor, as required by the law, in order to determine whether they match the benchmark job.

Importantly the steering group will also need to agree on what information is to be used to evaluate individual jobs, whether a combination of job descriptions, person specifications, interviews and questionnaires. However it should be noted that job descriptions and person specifications rarely refer to effort and environmental demands, and a separate questionnaire may need to be completed covering these demands.



As **Acas** points out:

“Gathering the information [to be used to evaluate individual jobs] takes time and a great deal of tact and diplomacy. Many organisations recruit or train job analysts to interview job holders and write factual job descriptions.”

Once these areas have been agreed upon, the job evaluation scheme should always then be tested out and equality-proofed to ensure that it is fair, using a sample of jobs representative of gender, ethnicity, part-time, full-time, commonly occurring jobs, developing roles, service/department representative jobs and jobs that can fully test the factors.

The outcomes should be closely scrutinised by the steering group to ensure that they are consistent across all job types and reflect the culture and values of the organisation.

### **Implementation stage**

Once the design and testing is complete, ideally a different group of properly trained people, including trade union representatives, will make up the panels who undertake the actual job evaluation exercises.

The original steering group who evaluated the benchmark jobs could also engage in this exercise. They will have been trained and as long as they are not matching against benchmark jobs they have developed, it should not be an issue.

Then, once the scoring has been completed and a hierarchy of jobs agreed, the trade union should again be included in agreeing grades for jobs. The trade union will also need to agree the amount of information to be provided to individual post-holders who appeal.

UNISON believes that jobholders should be provided with the levels and scores for each factor and the rationale for the levels selected.

The trade union reps will have a clear role in helping communicate any new grading and pay structure to employees, so the employer is advised to involve them in decision-making to ensure that communications are kept positive.

## Job evaluation and equal pay

It is important in the design stage and set up and testing of the scheme, there is consideration of how any changes to the pay structure will, as a result affect men and women in the workplace, and if there are differences such as discriminating in favour of male workers.

**Acas** also highlights other areas that might cause an impact on gender.

“Gender imbalance may also be caused by:

- the way the scheme was built
- grade and grade lines
- the span of points for each grade
- the pay span for each grade
- the length of and progression through incremental scales
- payments made in addition to basic pay.”

### The way the scheme is built

The factors to be used will need to take account of the full range of job demands that are important elements in all the posts, including those traditionally undertaken by women. The levels should differentiate appropriately for each factor and be clearly defined.

In particular, there needs to be a careful consideration of how some factors are weighted so that they do not unfairly give higher scores to certain factors, such as physical strength, that may be part of jobs traditionally undertaken by men, as opposed to other factors such as interpersonal skills or finger dexterity, that may be skills in jobs traditionally carried out by women.

The selection of benchmark jobs is also key to whether they fully represent the range of jobs within the organisation and can provide meaningful comparisons.

**The Equality and Human Rights Commission** (EHRC) identifies “five main areas where job evaluations can be susceptible to gender bias.” These are the choice of job factors and whether they reflect all the work being evaluated, and the potential discriminatory nature of job factor definitions, levels, weighting and scoring.

“Addressing these five risks will help to ensure your job evaluation is gender neutral.”

More details at [www.equalityhumanrights.com/en/advice-and-guidance/job-evaluation-schemes](http://www.equalityhumanrights.com/en/advice-and-guidance/job-evaluation-schemes)

## Pay grades and scales

Care should be taken so that boundaries between pay grades or grade lines are not drawn so that the different pay grading is potentially discriminatory. For example there could be a problem if the grade line is drawn just above a large group of jobs generally carried out by women or just below a large group of jobs traditionally carried out by men, as this could cause the majority of women to always be in the lower grade whilst men are in the higher grade.

The UNISON guidance '[Keeping pay equal: trade union side guide to local government pay and grading reviews](#)' points out that "employers are able to minimise the risk of perpetual appeals by not drawing grade boundaries through clusters of JE scores and ensuring that each higher grade represents a step-up in demand (as measured by JE points)".

In other words, the **grade lines** or boundaries between one group of jobs and another where a difference in pay rate is applied, should be at points where jobs can be distinctively differentiated in scoring.

For example, if the job evaluation scores for two jobs are very close but one of the jobs benefits from a higher pay grade, it is more likely to be questioned through an appeal.

Some types of jobs may also historically benefit from payments made in addition to basic pay and this could contribute to gender imbalance. Therefore this also needs to be carefully considered in any pay structure. For example, overtime or unsocial pay rates may predominantly benefit full-time male workers and not part-time women workers particularly if they have caring responsibilities and are unable to be so flexible as to when they can work.

Trade unions tend to recommend using incremental salary scales rather than fixed point salaries as there is some reward for additional expertise coming from experience and it may help to motivate employees. However the increments should not exceed six points per grade, equivalent to five years' service. Otherwise again they could disadvantage women where their employment service is for example, broken by maternity leave or other family responsibilities.

It could also be potentially age discriminatory.

[Acas](#) guide for employers and employees '[Age and the workplace](#)' states: "In many cases employers require a certain length of service before increasing or awarding a benefit such as additional holiday entitlement. Without the exemptions contained in the *[Equality]* Act this could often amount to indirect age discrimination

because some age groups are more likely to have completed the length of service than others.

Any benefit earned by five years service or less will be exempt. Employers may use pay scales that reflect growing experience or limit the provision of non-pay benefits to those who have served a qualifying period, subject to the five year limit.

The use of length of service of more than five years for all types of employment benefits is lawful if it fulfils a business need. These could be:

- awarding or increasing the benefit is meant to reflect a higher level of experience of the employee, or to reward loyalty, or to increase or maintain the motivation of the employee;
- the employer has reasonable grounds for concluding that using length of service in this way fulfils a business need of his undertaking.

In order to meet these requirements employers would need evidence from which they can conclude there is a benefit to the organisation. This could include information the employer might have gathered through monitoring, staff attitude surveys or focus groups for example.”

Where possible, grades should have the similar number of spinal column points so that no particular grade could benefit from more pay progression opportunities.

### **How the scheme is carried out**

A job evaluation scheme may be carefully designed to avoid all forms of discrimination, but how it is implemented is also key to ensure fairness.

In the case of *Diageo plc v Thomson* the employment appeal tribunal found that the JE study had some defects in the way it was carried out. There was only a panel of two undertaking the evaluations, and only one of the panel was a trained evaluator in the Hay system, the particular scheme being used. There was an absence of contemporary evaluation records and central monitoring rendered the job evaluation insufficiently thorough in its analysis. It was therefore not a ‘valid’ defence to the equal pay claim.

The decision as to which jobs will be included in the job evaluation exercise is also important for equal pay concerns.

The UNISON guidance ‘[Keeping pay equal: trade union side guide to local government pay and grading reviews](#)’ whilst focusing on the local government service group, reminds all trade union reps “that ‘over time, every job (but not necessarily every job holder) should be evaluated’... This is important to ensure that the JE process covers all distinct jobs in the organisation. If some jobs are left out,

this could call into question the validity of the JE exercise as a defence to equal pay claims.”

Therefore too narrow a selection of jobs being evaluated could lead to equal pay claims. All distinct jobs within the organisation should eventually be evaluated and any job matching undertaken must be done on an analytical factor by factor basis.

### **Using more than one scheme**

In addition, potential gender pay issues need to be considered should the employer intend to use more than one type of job evaluation scheme for jobs in the workplace.

The NJC guidance states that “where an organisation uses more than one JE scheme it could increase the risk of legal challenge, as well as present practical difficulties in application. The legal risk is likely to be greater the lower down in the pay structure that the cut-off point for the application of the schemes is set, as it is more likely to impact on jobs and grades which are predominantly filled by women.”



## Other potential difficulties

New pay and grading structures can throw up a number of other difficulties that should be considered and agreed upon before implementation.

### A change of pay grade

Job evaluation exercises could lead to post-holders being moved to a lower grade. Therefore trade union reps and branches may need to negotiate a level of pay protection, sometimes called '**red circling**' whilst also considering whether this might also lead to accusations of unequal pay. The issue of whether the previous pay was based on discriminatory pay practices will be relevant to whether the pay protection is lawful.

If job evaluation exercises show that a role should be at a higher grade, the union reps and branches will need to have agreed with the employer as to whether new pay will be phased in and whether any pay will be paid retrospectively. Phasing in creates equality risks if it is delaying equal pay. However, if the costs of immediate implementation are prohibitive and would lead to less helpful pay and grading structures, this could be a justification.

### Job matching

If job matching is used, it is important that the level of permissible variation in factors between the benchmark job and the job being evaluated is only minor. In the NHS Agenda for Change agreement, there could be variations in five factors but only by one level up or down, and the levels of 'knowledge' and 'freedom to act' have to match.

The NHS Agenda for Change uses national profiles for jobs. In local government the grading of jobs is decided locally. However, there are a significant number of local government profiles which can be used as a guide.

The **NJC job evaluation technical notes**

([www.unison.org.uk/content/uploads/2018/06/NJC-Technical-Notes.pdf](http://www.unison.org.uk/content/uploads/2018/06/NJC-Technical-Notes.pdf)) explains that "the Tribunal [in the case of *Hartley & Others v Northumbria NHS Healthcare Trust*] was satisfied that the NHS matching process, which involves matching jobs locally to national benchmark profiles, was acceptable but dependent on two premises:

- The national benchmark profiles were themselves derived from analytical evaluations of actual Health Service jobs
- The matching process was conducted on a factor by factor (analytical) basis using all the factors.

Like job evaluation, job matching involves people making judgements. It is therefore important to have rules and mechanisms in place locally that ensure these judgements are informed, structured and consistent.”

### **Need for regular reviews**

Once evaluations are being undertaken they should be regularly reviewed to check:

- that the scheme is being used consistently
- to see if there are any patterns emerging in appeal cases
- that factors are still relevant for the jobs within the organisation.

## Quick checklist for the introduction of a job evaluation scheme:

- Is there a common method of assessing the demands of jobs already in place? If not, is an analytical job evaluation scheme being considered?
- Does the employer intend to use only one job evaluation scheme within the organisation?
- Is the trade union consulted about and involved in the design of the job evaluation scheme to be used (such as being represented on the steering group that agree the initial set-up, testing and equality proofing)?
- What will be the aim of the job evaluation exercises?
- What jobs are to be included? The job evaluation process should eventually cover all distinct jobs within the organisation.
- Are jobs going to be evaluated through a job evaluation questionnaire or matched against benchmark jobs or role profiles?
- Will the employer be able to follow through and cover the cost of a new grading and pay structure?
- The selection of factors is particularly critical: are the factors consistent with the culture of the organisation? Do they cover all the demands of the jobs in the organisation?
- Are the factors non-discriminatory and gender neutral?
- Are the factors and levels explained in straightforward, easily understandable language and clearly defined?
- Are the factors focusing on skills and abilities that can be demonstrated, or outputs that are realistic and achievable?
- Do the factors cover all of the job roles within the organisation?
- Do the factors cover all the aspects of the job roles including what is required to fulfil the job, the responsibilities?
- Do any factors overlap so that points are attributed twice to a particular component of the job?

- Are factors weighted appropriately?
- If benchmark jobs are to be used are they representative of the full range of job roles within the organisation, and does the employer take account of the need to individually evaluate non-benchmark jobs?
- Are you confident that the benchmark jobs have been correctly scored (with scores agreed for each factor within the benchmark job not just agreement on its total score)?
- For job matching exercises, has an agreed process been put in place that will recognise when variations are minor enough to not make the job substantially different from the benchmark job?
- Is the information on individual jobs used for evaluations – particularly the job descriptions – fully accurate, up-to-date and agreed with the postholder?
- Will the postholder also be interviewed and if so, who by? Or will the employer send out questionnaires to the postholder?
- Has the job evaluation scheme been equality-proofed?
- Has the job evaluation scheme been tested on a sample of jobs representative of the full range within the organisation that can fully test the factors?
- Has the employer agreed with the trade union on how jobs are going to be assimilated to the new grade, including where it is a promotion, downgrading or simply a straight move across?
- Are grade lines or boundaries at points where jobs can be distinctively differentiated in scoring and do not cut through clusters of jobs generally carried out by women and jobs generally carried out by men?
- Do grades generally have a similar number of spinal column points?
- How are the points for each grade and pay span for each grade determined and do these impact on a particular group of workers such as women?
- What is the length and progression through incremental scales and does this have any impact on a particular group of workers such as women or younger workers?
- Is there an appeal process within the job evaluation scheme separate from the normal grievance procedure?

- Will trade union representatives be included in the team of evaluators who hear appeals?
- What can employees base their appeals on? This is normally the factor plan, the job description and person specification, but also may be on the basis that their job has been wrongly clustered and evaluated with others.
- What level of information will be provided to employees who appeal?
- Is there an agreed timescale for receiving and dealing with appeals?
- Has the employer agreed with the trade union on how evaluators are to be trained and how many evaluators are required for the job evaluation panel?
- Will there be a different group of people making up the job evaluation panel who implement the scheme by undertaking the actual job evaluation exercises in the organisation?
- Will the trade union be represented within this job evaluation panel?
- Is the trade union involved in scoring and the overall hierarchy of jobs, agreeing job families and grades?
- Will the job evaluation panel receive thorough training on the scheme and regular refresher training?
- Has the employer agreed with the trade union on how employees will be communicated about the scheme?
- Will the scheme be regularly reviewed to check that it is being used consistently, to see if there are any patterns emerging in appeal cases and to check to that the factors used are still relevant?



## Training

It's crucial that the team involved in job evaluation exercises are all properly trained to the same standard across both the management and trade union/staff side to ensure consistency in evaluations. Ideally there will also be regular refresher training to ensure that skills and knowledge are not lost.

Elements covered by the job evaluation training commonly include:

- The scheme and its objectives
- Interview training
- Interpretation of job descriptions
- The factors and their levels to be evaluated
- The scoring process
- Any software used
- Unconscious bias
- Practice evaluations.

In addition, equality law and equal pay principles should be key components of any training for job evaluation practitioners.

Depending on the type of role that **trade union job evaluation practitioners** have, some or all of these **skills** will be needed:

- analysis
- interviewing
- spotting gaps in job information
- assertiveness
- record-keeping
- reporting back to staff side.

Management representatives may have limited knowledge of equality law and little experience of applying legal principles to pay and grading reviews. Knowledge of equality law and equal pay issues can help to deter employers from cutting corners or pursuing options or proposals that would be detrimental and possibly subject to legal challenge.

The NHS Job Evaluation Scheme technical sub group, the Job Evaluation Group (in their document [www.nhsemployers.org/-/media/Employers/Documents/Pay-and-reward/Self-assessment-checklist-Sept-2018-FINAL.pdf](http://www.nhsemployers.org/-/media/Employers/Documents/Pay-and-reward/Self-assessment-checklist-Sept-2018-FINAL.pdf)) advises that “the use of external third parties by an organisation should only be a short-term measure to deal with temporary capacity problems, when other options have been exhausted. It should not be a substitute for developing sound and comprehensive internal processes, and internal JE [job evaluation] resources and knowledge.”

Developing expert job evaluation knowledge within managers and trade union representatives is key to avoiding unfair pay grading and potential equal pay problems.

Contact your **regional education teams and / or LAOS** to find out what training and resources are available to assist you with increasing your skills and knowledge, in negotiations with your employer or in promoting the issues in this guide with your members. <https://learning.unison.org.uk/>

## Job re-evaluation

Jobs may evolve and change over a period of time, and sometimes this involves staff being asked to take on greater responsibilities or develop more skills. In other cases, the qualifications required for the job increase or change. Where these changes are significant, members may be entitled to have their job re-evaluated.

However it should not be necessary to undertake re-evaluations frequently. Acas suggest that “a job evaluation scheme should be relevant for up to 10 years but keep monitoring any changes to jobs.” Jobs may be change much more frequently so monitoring is important.

### Case studies

A number of UNISON branches have been successful at evidencing the increasing responsibilities and skills of Healthcare Assistants (HCAs), leading to a change in pay from band two to band three.

Following UNISON activity, **Somerset Partnership NHS Trust** acknowledged there was an issue and commissioned a review of the job descriptions, competencies and banding variations. This showed that large numbers of band 2 staff had been working at band 3 level for many years. This prompted the Trust to make an offer to employees. The UNISON branch and organising staff worked with the HCAs to support a collective grievance that resulted in an improved offer from the employer.

The **NHS Glasgow Clyde & CVS Branch** has supported hundreds of healthcare support workers on pay band 2, to win re-banding claims. The branch found that over the years, staff had taken on additional duties and responsibilities to fill gaps in the clinical workforce. Many had completed further qualifications and training which had not been recognised in their job descriptions. Getting re-banded to band 3 has meant pay increases of up to 9% for many members together with increased earnings potential.

The **Bradford Health Branch** initiated an ‘invisible worker’ campaign to address the historic undervaluing of HCAs and participated in a joint working group with the Trust to review their roles and responsibilities. The branch went on to work with the employer to draw up a revised set of job descriptions to properly capture the content of roles at bands 2, 3 and 4. These JDs are now used for recruiting new staff. The existing staff have used them to benchmark their work and claim the correct banding for the work they do, as well as appropriate back-dating.

However branches and reps should note that even if a job has changed it will not automatically mean it should be placed in a higher band or pay grade. It will depend on whether the additional points take it into a higher grade.

Job evaluation schemes do not measure the volume of work so an increase in the amount of work would not lead to a post being re-evaluated. However excessive volumes of work is a health and safety issue.

## Quick checklist for job re-evaluations

- Check on the details of the employer's job evaluation policy or procedure.
- Establish the change in the job, particularly in relation to the factors within your job evaluation scheme. Ask the post-holder/s:
  - What has changed?
  - What activities are carried out?
  - How are they carried out?
  - Why are they carried out if not part of main responsibilities?
  - How often are they carried out?
  - For how long?
  - And gain full details of the additional responsibilities, skills or effort etc. required from the role from the member.
- Approach the employer with:
  - The member's original job evaluation outcome
  - The member's original job description and person specification
  - The evidence of the new duties, responsibilities, knowledge etc.
  - An organisational chart showing where the job sits
  - The job profiles for that particular job family (if relevant).

# Types of job evaluation schemes and further information

## Healthcare

The **Agenda for Change (AfC) Job Evaluation Scheme (JES)** is used across the NHS in England, Northern Ireland, Scotland and Wales. It is designed by employers and trade unions in partnership to reflect the complexities of health service roles and the unique nature of the work undertaken by NHS staff.

The scheme is maintained by the national NHS Job Evaluation Group to ensure it is being implemented consistently across the NHS. The scheme requires partnership working between employers and trade unions at national and local level.

The main source of advice on the NHS JES is the job evaluation handbook. This is a jointly agreed resource that gives advice on the governance and practicalities of delivering robust JE practice locally.

Agenda for Change is fair and consistent with the principles of equal pay. The job evaluation scheme stands up to scrutiny because it complies with the Equality and Human Rights Commission requirements for gender neutral schemes and has been tested in court, with the case of ***Hartley and ors v Northumbria Healthcare NHS Foundation Trust***. The Employment Tribunal held that the methodology was a valid JE study. The job matching was done on an analytical factor by factor basis, not a whole job basis. It was not invalidated by using composites of existing jobs or generic profiles for new jobs for the matching exercise.

For further details, see [www.nhsemployers.org/pay-pensions-and-reward/job-evaluation](http://www.nhsemployers.org/pay-pensions-and-reward/job-evaluation) This includes the NHS Job Evaluation handbook and all advice and guidance as well as national job profiles and details of training.

## Local government

Nationally, UNISON, Unite and GMB support the use of the **National Joint Council (NJC) Job Evaluation Scheme** (included in Part 4 of the Green Book) and the **Scottish Joint Council (SJC) Job Evaluation Scheme** (recommended for use by the Red Book). The guiding principles of these schemes are: equal pay and equality; single status; openness and jointness (i.e. joint ownership by both trade union and management).

In Greater London, the unions agreed to use the **Greater London Provincial Council Scheme (the GLPC Scheme)**. This scheme has also been used wholly or primarily in the South West, Northern Ireland and Wales but has also been used in the East Midlands, North West and Scotland.

The unions have taken the stance that other schemes may be acceptable only if they meet the criterion set out by the Local Government Pay Commission (2003) that “the

principles and safeguards which are found in the NJC scheme are demonstrably present in another scheme.”

For further information on the NJC and GLPC schemes, see the information and resources including technical notes and role profiles at [www.unison.org.uk/at-work/local-government/key-issues/delivering-equal-pay/](http://www.unison.org.uk/at-work/local-government/key-issues/delivering-equal-pay/)

Further information on the SJC scheme from UNISON Scotland <https://unison-scotland.org/>.

## Schools

Currently there are no national job descriptions for school support staff jobs, but there are 59 model role profiles which schools can use as a basis for forming job descriptions. These were developed jointly by the National Joint Council (NJC).

For further information on the role profiles for school support staff, see the information at [www.skillsforschools.org.uk/resources-research/professional-standards-for-school-roles/role-profiles-for-school-support-staff/](http://www.skillsforschools.org.uk/resources-research/professional-standards-for-school-roles/role-profiles-for-school-support-staff/)

## Higher education

The **Higher Education Role Analysis (HERA)** scheme was agreed between unions and employers. It was introduced in 2003 as part of the National Framework Agreement, when there was a move to a single national pay spine, although each university will have locally agreed grade boundaries.

UNISON believes that HERA is the best scheme for the sector since it was specifically developed for higher education and can be applied to all jobs. Although the scheme is an analytical and equality-proofed scheme, some universities have decided to use other schemes. Also since its introduction some institutions have not stayed up-to-date with their subscriptions, stopped subscribing altogether or modified the scheme themselves, moving to the use of generic role profiles. Increasingly universities see it as a management tool and no longer operate it in partnership with unions nor train up reps in the scheme.

HERA uses different language in comparison to other job evaluation schemes. The factors are called ‘elements’, and instead of job evaluation it has ‘role analysis’. Behind the different words are slightly different concepts.

## Further education

The Further Education Job Evaluation (FEJE) scheme was developed by a joint management and trade union working party. It is an analytical scheme that evaluated jobs in terms of demand such as effort, skill and decisions, using Gauge computer software. It is the scheme recommended for colleges to use.

For further information see the UNISON guide '[Negotiating advice for college staff: job evaluation, grading structures and equal pay](#)' available to order from the online catalogue, stock code 2638.

## Other job evaluation schemes

**The Hay system** is sometimes used in local government (predominantly for managerial jobs) and other sectors. Reservations have been made that the original system has an inbuilt bias against jobs traditionally done by women, can be interpreted inconsistently, is not transparent about what the scoring and weighting system is based on and that some areas of a job are not measured adequately. Increasingly the NJC job evaluation scheme is being used for managerial posts.

## General guidance

### Acas

**'Job evaluation: considerations and risks'**

[www.acas.org.uk/index.aspx?articleid=682](http://www.acas.org.uk/index.aspx?articleid=682)

### The Equality and Human Rights Commission

**'Equal pay: How do I carry out job evaluation?'**

[www.equalityhumanrights.com/en/advice-and-guidance/job-evaluation-schemes](http://www.equalityhumanrights.com/en/advice-and-guidance/job-evaluation-schemes)

**Gender neutral job evaluation schemes: an introduction to the law**

[www.equalityhumanrights.com/en/publication-download/gender-neutral-job-evaluation-schemes-introduction-law](http://www.equalityhumanrights.com/en/publication-download/gender-neutral-job-evaluation-schemes-introduction-law)

If your branch is considering going through a job evaluation process with the employer, contact your **regional officer** [www.unison.org.uk/regions](http://www.unison.org.uk/regions).

Also contact your **regional education teams and / or LAOS** to find out what training and resources are available to assist you with negotiating with your employer or promoting the issues in this guide with your members <https://learning.unison.org.uk/>

Further guidance on pay and other workplace issues is available from the bargaining support unit [www.unison.org.uk/bargaining-guides](http://www.unison.org.uk/bargaining-guides).



## Quick checklist for when job evaluation schemes are already being used

- Has the job evaluation scheme including its role profiles, factors and levels been agreed, tested and maintained?
- Is the job evaluation scheme systematically and consistently used?
- Has it been equality proofed?
- What information do all staff have about the job evaluation scheme and why it is being used?
- Do all staff have details on how the job evaluation scheme works?
- Are all staff kept informed at all stages of a job evaluation process so that they can feel confident about the process?
- Is there a properly trained panel within the organisation who carry out the evaluations and is the trade union represented within this panel?
- Are the job descriptions and person specifications to be used in job matching exercises comprehensive and up-to-date?
- Are the post-holders as well as line managers interviewed about the roles to ensure that information to be used is accurate and up-to-date?
- Are there likely to be any changes to status or grade levels of jobs with the implementation of the scheme?
- If so, do employees know how they may be affected and any transition arrangements to be put in place to new grading structures?
- After completion of a job evaluation exercise, how soon are jobs evaluated as being too low in the grading structure moved up? And will an employee's pay be backdated?
- After completion of a job evaluation exercise, will an employee's salary be protected for a period of time at least, should the job role be evaluated as being too high in the grading structure?
- Will any new pay structure be checked for its gender impact through an equality impact assessment?
- Do all staff know where in the grading structure their own job has been placed as a result of evaluation, including having details of the job evaluation score?
- Is there an appeals process within the job evaluation scheme and does this have clear guidelines?

- Are staff clear on what grounds they may appeal against a job evaluation decision?
- Do a different team of evaluators hear any appeal, and does this include a trade union rep?
- Does the employer have a plan for job evaluation training courses to keep the supply of trained JE practitioners replenished?
- Is sufficient time and resources provided to operate the scheme, including sufficient paid time off for the trade union reps to undertake JE work (separate from any facility time)?
- Is the scheme regularly monitored and reviewed to ensure that it is consistently used, as well as kept up-to-date with changes within the organisation and job roles?
- Are systems in place that allow management and trade union job evaluation leads to monitor the interaction between or within panels, such as when there are frequent misunderstandings over factors or regular over or under-evaluation, so that remedial action can be made or further training arranged?
- Is there a system in place for recording all job evaluation outcomes?
- How often will jobs be re-evaluated?
- Can the job evaluation scheme be used to improve the pay and grading structure currently in place?
- Can the job evaluation scheme be used to assist with equal pay and in equal pay audits?