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Gateways Policy

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1. Introduction

An individual progresses through their pay band by annual increments. The Knowledge and Skills Framework (KSF) introduces the concept of “Gateways”. A gateway is a stage on the pay band at which an individual member of staff is required to demonstrate that they have the knowledge, skills and abilities contained in the framework for their post in order to progress their development and to progress up the pay band.

There are two gateways: a foundation gateway, which is positioned at the end of an individual’s first step on the pay band (i.e. after the postholder has been 12 months on that pay band) and a second gateway which is positioned towards the end of the pay band. The actual position of the second or final gateway varies according to the pay band:

Pay band	Position
Band 1	Before the final point
Band 2-4	Before the first of the last two points
Band 5-7	Before the first of the last three points
Band 8	Before the final point
Band 9	Before the final point

The vehicle for assessment of those skills and knowledge is the appraisal interview/PDR.

2. The purpose of the KSF framework

The objectives of the framework are to:

- Describe the generic knowledge and skills that NHS staff need to apply in their work in order to deliver quality services
- Facilitate the development of services so that they better meet the needs of users and the public through investing in the development of all members of staff
- Support effective learning and development of individuals and teams
- Support the development of individuals in the post in which they are employed so that they can be effective at work
- Promote equality for and diversity of all staff

3. The purpose of a gateway

The foundation gateway is created as a subset of the full KSF outline, i.e. containing only those elements of the post which it is essential the postholder can demonstrate in their first 12 months in post. The Foundation Gateway will apply to any pay point to which an individual is appointed, including where an individual has been promoted to a new post. Its purpose is to:

- Check that individuals can meet the basic demands of their post on that pay band – the foundation gateway review is based on a subset of the full NHS KSF outline for the post
- Focus on the knowledge and skills that need to be applied from the outset in a post coupled with the provision of planned development in the foundation period of up to 12 months.
- After going through the foundation gateway individuals will progress to the second gateway provided that they continue to develop and apply their knowledge and skills in accordance with the KSF Outline for their post.

The second gateway marks the full set of knowledge and skills a competent postholder is required to demonstrate: hence its purpose is to confirm that individuals are applying their knowledge and skills to consistently meet the full demands of their post.

4. The underlying principle

The whole system is based on the principle of NO SURPRISES – if there are problems with individuals developing towards the full KSF outline for the post, or if there are performance, capability or disciplinary issues, these must have been addressed by reviewers **before** the gateway reviews. Any issues would be identified by having regular one to one meetings. Where there are performance issues and the passing of a gateway is in doubt then Human Resources should be involved.

5. The assessment process

The main vehicle for assessing whether or not an individual is meeting the KSF requirements of their post is the appraisal process. This is not a one-off annual meeting between manager and member of staff but a cycle of giving constructive support and feedback, and responding to suggestions and developing one's skills over the year.

A manager and their staff will consider actual performance against the requirement of the KSF outline: development activities to bridge any gaps will be included in the Personal Development Plan (PDP).

If there has been agreement between the individual and manager to add dimensions to the outline to support the reviewee's future development and career prospects, or the reviewee has developed extra skills that are not required in that post, these are not to be used in the Second Gateway Review. Only the requirements for the post as outlined in the KSF Full Outline should be used.

6. Gateway appraisals and the link with pay

- In most years pay progression will take the form of an annual increase in pay from one pay point within a pay band to the next as there is a normal expectation of progression. Gateway appraisals will take the same format but specific attention will be paid checking whether or not there is sufficient evidence of the appraisee applying their knowledge and skills to the post and thus fully meeting or exceeding all of the competencies as described in the KSF Outline for that gateway.
- Where the staff member and their reviewer are able to agree and demonstrate this evidence then the staff member can progress onto the next gateway point on the pay band.

7. Deferral of Pay Progression

- Where such evidence is lacking i.e. further learning and development and/or further application or demonstration of existing knowledge and skills is required, a move to the next increment may be deferred – they will stay on their existing pay point and not move up to the next pay point during that year. The reasons for deferment should be clearly identified and recorded together with those aspects of the KSF Outline still to be achieved/exceeded. Weaknesses in performance should be significant to result in pay deferral. Managers should seek further advice from HR around such an assessment.
- This should only be done exceptionally and the manager would have to demonstrate that despite having a PDP and being given support the individual still was not meeting the requirements of the framework.
- When performance eventually meets the required criteria (at an appraisal interview) then the increment will be awarded – without backdating.
- Managers are required to provide evidence that any adverse comment has been brought to the individual's attention prior to the assessment and support in developing the skill/correcting the behaviour provided.

- Where no such evidence is forthcoming and a member of staff successfully challenges through the grievance procedure, deferment on grounds of breach of the “no surprises” principle, or that they had not had a PDP, or that they did not know what was expected of them, or that no action plan had been agreed to remedy any deficiency, or that they had not been offered any support by their manager or that they had not had the opportunity to develop the required skills/knowledge, then it would be inequitable to defer an increment and it is likely that they would pass through the gateway by default.
- There is no link between this system and any part of the disciplinary process.

Failure to pass through a gateway, may, after the recovery plans have been worked through and if not successful lead to the capability process.

To summarise, *an increment will only be deferred* where the staff member’s shortfall in performance and against their KSF Outline has been identified and discussed and has not been resolved despite opportunities for appropriate training/development and support. The increment will be deferred until the shortfalls in performance have been resolved so that performance is acceptable and competencies within the KSF Outline are met.

Thus there is an onus on both manager and staff member to ensure that communication about performance (knowledge and skills) is regular and constructive and that evidence of that communication is retained. Where a manager and/or a member of staff is absent on the due date of the appraisal the intention of that appraisal meeting (if a gateway appraisal) should already have been clear – i.e. through previous discussions. Where absence is longer term the reviewer’s manager or equivalent should make the decision or appoint another reviewer (as appropriate).

Deferral of an increment will be notified to HR via a change form and in advance of the month of the incremental date.

8. Barriers to progression

Barriers may be organisational, for example:

- Financial constraints
- Inadequate managerial support as agreed in the PDP
- Inability to be released from workplace due to staffing issues
- Altered or cancelled course schedules not in the control of the individual

If these have been present then the individual should progress to the next pay point/through their gateway. The agreed development/ support should be arranged as soon as possible and an Interim Review arranged to monitor progress. These mitigating circumstances should be recorded.

9. Maternity/Adoption Leave, Long-term sickness absence Secondments and Acting-up

Pay progression will not be deferred if an individual is on/has recently been on an agreed or recognised period of extended absence. When a gateway falls soon after or during a period of extended absence and the knowledge and skills have not previously been demonstrated then a new date of up to a year from return will be agreed for the demonstration of evidence against the outline for the post (but pay will not be deferred).

Where short term secondment or acting-up has taken place (less than one year) then evidence from the secondment post can be used in a review against the outline for the substantive job

If a secondment is for longer than one year then an individual would work towards the foundation gateway for the seconded post; on return to their substantive post incremental progression would not have been stopped but demonstration of progression against the outline for their substantive post would continue as in the maternity/absence scenario.

10. Recruitment

The applied knowledge and skills required at foundation level should be clearly stated during the recruitment process.

11. Incremental Dates and KSF Gateways

- Q. If someone has their pay deferred at a gateway because they have not met the outline and they then go on say 9 months later to do so:
- is their pay backdated and is the date of successfully meeting the outline their new incremental date?
 - do they retain their incremental date and receive another pay increase 3 months later?

A.

1. If someone does not meet their outline because, **despite support from the organisation** they cannot demonstrate the necessary knowledge and skills then their increment is deferred [T&C 6.21, KSF p16] until they can demonstrate these (9 months later in the example). They will then get the extra increment each subsequent month [KSF p16, 34], but this will not be backdated, as for 9 months they did not have the skills and were therefore not entitled to the extra pay for those 9 months. When their normal incremental date comes round again (in this case 3 months later), they will go onto the next incremental point as usual, as they are now meeting their outline requirements.

The key points are that:

- **the incremental date is not affected** by the outcome of a KSF development review

- the increment due at a gateway point is a recognition that the KSF outline has been achieved by the individual, if this is not the case they are not entitled to start receiving the increment until they have met the outline
- the application of knowledge and skills can't be backdated, **so the increment is not backdated**

It is important for people to recognise that deferred does not mean backdated.

2. If the outline cannot be met because, although the individual is committed to develop, the **organisation has failed to support them**, then **the increment will be paid**, (as it is not fair to penalise the individual for something that is not their fault) but the organisation must record the outcome of the review and ensure that the necessary support is provided as a priority. [T&C 6.24, KSF p34].
3. Organisations must agree jointly robust arrangements for cases where development reviews cannot take place before an increment is due, and for cases where there is not agreement on the outcome of a review. [T&C 6.18, 6.24]. These locally agreed arrangements will include **backdating of increments if it is found that they have been inappropriately deferred**.

This Policy has been assessed against the EIA tool.