

**Welsh Partnership Forum Business Committee**

**Delivery of the 2022-4 Collective Agreement**

**Progress Report**

**February 2024**

**1. Background**

The pay increase elements of the collective agreement for the years 2022/24 were implemented with immediate effect.

The agreement included a series of 'non-pay elements which were finalised and received all union agreement in Summer 2023.

The specific wording of each non-pay element was arrived at through detailed negotiation and was jointly agreed on that basis (details can be found at appendix 1).

It became apparent that some of the target dates originally set early in the negotiations were either unachievable or may not achieve the best outcomes. Concerns were also raised about the deliverability given the budget constraints that Health Boards were under. Given all these factors it was jointly agreed by Welsh Government, NHS employers and trade unions to allow some degree of flexibility with regard to the target dates but all social partners committed to deliver all of the non-pay elements as agreed, by the end of March 2024. It is recognised that some areas are less advanced in terms of progress to date and these will be subject to significant focus during February and March. The challenges to implementation at local level are recognised and there will be a requirement for further work during 2024/25 to completely embed the outcomes of the agreement at organisational and department level in order for the benefits of the agreement for teams and individuals to be fully realised.

Work has also been taking place with Local Partnership Forums to ensure that they are aware of the commitments and the need to progress at a local level where possible and to also identify any potential barriers to delivery.

The Wales Partnership Forum Business Committee (and task and finish groups reporting to it) are taking forward each non-pay element as agreed with a milestone review planned for late February 2024 and a final delivery

review in March. Further communications will be issued following these review dates.

It is recognised that transparent and accurate communication is essential and it is hoped that the updates below against all the non-pay elements of the agreement will provide some clarity.

## **2. Summary of progress to date**

### **a) Unsocial hours payments**

- Payments for unsocial hours during sickness absence were reinstated after one week's sickness absence from March 2023. This will be subject to a review this spring. A commitment has been made to the reinstatement of these payments after three weeks' sickness absence irrespective of the outcome of the review.

### **b) Career progression**

- Working group set up to review and consider career progression arrangements and opportunities starting with nurse and other health care professional's progression from graduate entry level band 5 to 6. There is a shared aim of improving ability for individual progression in their professional field/staff group, valuing experience and role development through the development of a framework.

Initial Nurse preceptorship project complete, recommendations supported by Minister & Directors of Nursing and being implemented at organisational level. The aim of this work is for the national roll out of a consistent approach to preceptorship and clinical supervision.

Job Evaluation - A partnership Job Evaluation/Job Description review group has been set up. A Joint Policy Statement regarding the need to ensure roles are well designed, in line with the role profiles and that day-to-day expectations fit with the pay band of individuals has been agreed. A review is then planned which will develop proposals for the implementation of All-Wales Job Descriptions for high priority, high volume roles to support fairness, equity, flexibility, and portability across NHS Wales, together with proposals for an All-Wales Job Description Review policy.

### c) Flexible Working

- A Welsh Partnership Forum joint statement in support of providing opportunities for flexible working was published in June 2023 incorporating the need for organisations to adhere to the Retire and Return minimum standards. The new All Wales Flexible Working policy has been agreed at the full Welsh Partnership Forum and issued to the Service for implementation.

### d) Working Hours

- A joint working group has been established. The group is currently undertaking a watching brief of NHS Scotland who are further ahead in their considerations. NHS organisations are also carrying out work at local level to understand the implications at local level. A report will be developed by the end of March 2024 to support Business Committee consideration of whether a 36-hour working week is feasible, affordable and an agreed priority for all partners within NHS Wales.

### e) Reduction in use of agency/flexible workforce capacity

- A partnership group has been established including expertise from NHS Organisations as well as NHS Executive financial and workforce planning specialists. Following discussions, a Welsh Health Circular was issued on 13<sup>th</sup> December [All-Wales control framework for flexible workforce capacity \(WHC/2023/046\) | GOV.WALES](#) which sets out a phased approach of co-ordinated action to reduce expenditure on agency staff within NHS Wales.
- A key objective for this work is “transparent, consistent, and equitable application of existing agreed national terms and conditions, ensuring we pay our employed workforce for their contractual and any additional hours worked at the appropriate contractual rate and with clear rates”.

### f) Retention Strategy

- HEIW has published a Nurse Retention Plan (The NRP) following significant engagement and agreement with partners. This has been shared with CEOs, WODs and Retention leads in delivery organisations as part of a new National Retention Programme of work. The 2-year programme provides funding for a retention lead role to be recruited in each organisation, a suite of tools and resources and the establishment of a retention community of practice to share best practice and support delivery, improvement, and evaluation. The NRP is

a key deliverable from phase 1 of the Strategic Nursing Workforce Plan currently under development.

- Business cases for the introduction of any Recruitment and Retention Payments (RRPs) are routinely presented to the Welsh Partnership Forum Business Committee for approval in line with the protocol. A communication has been issued to all W&OD Directors advising them of when it is appropriate to use RRP (referencing the need to ensure that job descriptions are up to date and matched appropriately) and reminding them of the approval mechanism.

#### g) Retire and Return

- A partnership group has been established to take forward the development of an All-Wales Pension Flexibilities policy. Reference to retire and return/partial retirement will be included in this policy. It is anticipated that a jointly agreed policy statement will be issued in January 2024 and the policy itself in February 2024.

#### h) Health and Wellbeing

- Significant work in the area of health and wellbeing is being taken forward at both All-Wales and organisational levels. Several elements of the National Workforce Implementation Plan are relevant to delivery of this item of the non-pay agreement as are a number of local initiatives developed under compassionate management and general health and wellbeing plans. The draft health and wellbeing framework – an action from the Workforce Strategy for Health & Care and the National Workforce Improvement Plan - has been developed in partnership and will be shared for agreement at the next WPF meeting. A partnership group is being established to review returns from the Local Partnership Forums which are relevant to health & wellbeing and to liaise with service co-ordinating groups in order to provide assurance / make recommendations on further steps as required.
- A tripartite occupational health group has been set up to develop and establish a control framework for occupational health services that sets:
  - the scope of Occupational Health Service delivery and minimum service levels (this would include where it makes sense to collaborate on a regional NHS, regional public sector or national NHS basis);
  - core service access and reporting key performance indicators for referrals; quality assurance standards (informed by the SEQOHS Self-Assessment Framework);
  - reporting and publication of performance information;

- a method for highlighting where a service may be struggling or not delivering against standards and a support mechanism to enable them to get back on track or to identify that more fundamental action is required;
- a plan and timetable to support all organisations to achieve SEQOHS Accreditation (timescale subject to identification of targeted resource to ensure focus on service delivery is not diluted).

#### i) CPD

- Health Education and Improvement Wales is leading on the development of a CPD strategy for NHS Wales and consultation is about to begin with the strategy likely to be published in advance of the August 2024 deadline. A partnership group has been established to provide assurance that the commitments made in the non-pay element of the agreement with regard to protected time for CPD are being delivered.

#### j) Partnership Agreement Hub

- The Welsh Partnership Forum hub has been developed and is hosted on the NHS Wales Employers website [Welsh Partnership Hub \(WP-HUB\) | NHS Confederation](#). A process for dealing with situations where there is disagreement over the interpretation of an agreed policy within an NHS organisation has been developed and is included in the Protocol for the Review & Development of All Wales policies.

#### k) Ensuring safe and effective care

- An All-Wales escalation policy has been developed by operational leads, with wider nursing and other executive director level involvement. There is also direct social partner involvement in groups developing definitions and approaches impacting the non-pay agreement (exceptional circumstances through the named responsible executive for corridor care etc and “must not dos” in terms of care in inappropriate settings).

#### l) Pay restoration

- Welsh Government has committed to the principle of pay restoration to 2008 levels. A collective Welsh Partnership Forum trade union side position on the effectiveness of the Pay Review Body process for future years is being sought and a tripartite meeting has been held.

## Non-pay agreement elements 2022 - 2024

***NOTE - it has been jointly agreed by all the social partners to allow some degree of flexibility with regard to the target dates identified in the text below. Whilst the commitment to deliver these elements as agreed by the end of March 2024 remains.***

### Unsocial hours allowance

- a) Reinstated after three weeks sickness absence with immediate effect.
- b) With effect from 1<sup>st</sup> March 2023, for a twelve-month period, USH will be reinstated after one week's sickness absence.
- c) Monitoring of this additional change will be undertaken in the context of relevant wider partnership discussions for example around flexible working.
- d) Work in social partnership to review how the policy is implemented to ensure fairness, industrial injuries are properly recognised, and that staff are not discriminated against in line with the Equalities Act 2010.
- e) After twelve months there will be a formal review in partnership with the expectation that the USH reinstatement after one week's sickness absence will be made the permanent position.

### Career progression

- a) Review career progression arrangements starting with nurse and other health care professional's progression from band 5-6.
- b) Shared aim of improving ability for individual progression in their professional field/staff group.
- c) Development of a framework (including an implementation plan for career progression) by Summer 2023.
- d) Implement recommendations of the nurse preceptorship scheme report.
- e) Utilise this work to consider developing similar schemes across other Staff groups.

### Role Profiles and expectations

- a) Job evaluation - review job descriptions which are over three years old.
- b) We know there are concerns about whether our national role profiles are fit for purpose and whether 'on the ground' people are being asked to undertake duties that exceed the expectations of their role and pay band. We will consider the work being undertaken by the NHS Staff Council and will undertake a review of the national role profiles and develop a national plan

and methodology. This will look across teams to ensure roles are well designed, in line with the role profiles and that day-to-day expectations fit with the pay band of individuals.

- c) NHS Employers will set up a working group to plan how job descriptions can be reviewed every three years, and explore a potential mechanism to identify priorities, such as areas with a substantial number of vacancies, and how existing Annex 20 arrangements can be applied. They will identify an appropriate reporting mechanism.
- d) The working group will report progress via the Partnership Agreement Hub and complete the work plan by the end of 2023.

### **Flexible Working**

- a) Implement the principle that acceptance of flexible working becomes the default across the workforce unless there are clear reasons to decline.
- b) Deliver an all-Wales policy on flexible working by September 2023.
- c) We know that lack of flexibility about working hours drives some people to working for agencies – we will issue a statement of principles about flexible working which emphasises that requests to work flexibly should be agreed as the default position and this will be fully integrated into our policies by September 2023, for immediate implementation by employers.
- d) An appropriate evaluation mechanism will be developed, exploring all relevant options including the Partnership Agreement Hub, the NHS Executive etc.
- e) Reports will be provided through that agreed mechanism on a quarterly basis with the first report due in December 2023.

### **Advanced Rostering**

- a) We also know that last minute changes to shifts makes it difficult to plan your work life balance and you feel pressured to take shifts at the last minute to provide cover. This is creating extra pressure on people, and this is unacceptable. We will drive through up to date rostering best practice to include rosters issued 12 weeks in advance, whilst recognising some degree of flexibility must be retained, and incentivisation to encourage the early filling of rota gaps in an open and transparent way so people can better plan their working hours to suit their circumstances.
- b) In September, Welsh Government will set up a working group with employers, nurse and other interested staff group representatives to identify and embed best rostering practice to explore all the opportunities that better management can deliver for nurses, patients and employers. This group will report by February 2024 with a view to complete implementation as soon as practical before the end of 2024.

## **On Call Standby**

- a) Welsh Government are committed to develop a working group to undertake a review of the use of on-call standby in out of hours arrangements in Radiology with the objective to ensure that the frequency of on-call standby does not negatively impact an individual's work-life balance.

## **Working Hours**

- a) Explore reducing hours in the working week for Agenda for Change staff with the aim of moving to a 36-hour working week without loss of earnings.
- b) Working group to report on feasibility and implications (service provisions, safe staffing levels, staff wellbeing, and costs).
- c) If the 36-hour working week is found to be feasible, affordable and an agreed partnership priority, then the working group will develop a plan by March 2024 which defines a timeline for the move to 36 hours working week without loss of earnings.

## **Reduction in use of agency**

- a) We will work in social partnership to reduce reliance on agency workers through all means possible including adherence to the NHS Agenda for Change Terms & Conditions.
- b) We want to reduce the spend on Agency staff and to ensure that we offer fair pay in line with AfC (which includes wider benefits than pay alone) to our own workforce rather than fund the profits of private sector agencies.
- c) Incentivise NHS employment e.g., weekly pay, annualised hours, additional hours.
- d) Review the use of overtime and bank rates to incentivise.
- e) Any extra hours added onto the end of the shift due to work pressures will be paid at overtime rates across all roles.
- f) Robust national action will be planned and delivered in social partnership with the establishment of a Steering Group in July.
- g) The Group will explore and develop actions in a number of areas including -
  - i. All the items collectively agreed under point 5 of the non-pay elements of the pay offer from May.
  - ii. Priority will be given to exploring the issues around additional hours pay, we will develop a national approach to paying bank shifts at substantive grade rates.

## **Additional Hours**

- a) We also know that people find shift overruns and working through breaks is tiring and frustrating and this is compounded by the unfairness that some of these additional hours are not remunerated. Welsh Government will work with NHS Employers to issue a pay letter by end of September 2023 to ensure that nurses are paid properly for the hours they work including their breaks and shift over runs in line with national agreed terms and conditions.
- b) A working group will be established in October 2023 by NHS Employers to ensure a robust system is in place for the logging and claiming of additional hours that is able to produce regular reports by April 2024. An interim solution will be put in place by employers as this work is undertaken.

## **Recruitment and Retention Premia (RRP)**

- a) Alongside the work on retention and limiting agency use, the Welsh Government will set up a review to develop national guidance on the appropriate and proportionate use of RRPs against shortages in certain specialist areas, that review will conclude by the end of November 2023, implementation of the national guidance will be reviewed in partnership.
- b) This will recognise that all applications to pay RRP will need to first be endorsed by the WPF Business Committee as part of the existing governance mechanism around the use of RRP.
- c) Where a retention plan is developed it must contain specific reference to the national guidance on the use of RRPs.

## **Retention Strategy**

- a) Implement and monitor recommendations contained in.
  - i. National Workforce Implementation plan,
  - ii. Nursing Retention Plan due in April 2023,
  - iii. other professional group retention strategies (including the review of Birthrate Plus Report).
- b) Identify recommendations which may be transferrable across all Agenda for Change groups.

## **Retire and Return**

- a) Deliver an all-Wales policy on retire and return by September 2023.
- b) Reissue and reaffirm retire and return principles and make these mandatory minimum standards from May 2023.

- c) Make joint representations in social partnership to UK Government to explore options for future pension flexibility regulation changes to aid retention and facilitate early retirement.

### **Health and well-being**

- a) Work in social partnership to deliver a programme of changes that improve individuals experience of work including.
  - i. Support for individuals to enable people to remain in work or return from absence as quickly as possible.
  - ii. Ensure that support for the mental wellbeing of staff has parity with physical wellbeing support.
  - iii. A focus on redeployment (including cross boundary working) rather than sickness absence when this is appropriate.
  - iv. Full implementation of the Fatigue and Facilities and Midwives Caring for You Charters.

### **Continuing Professional Development (CPD)**

- a) CPD is included as a priority in the National Workforce Implementation Plan is led by HEIW. This will include.
  - incorporate the output of the staff welfare project.
  - identify key benefits in staff retention, working at top of licence, utilising whole workforce and delivering prudent health care.
  - have the long-term goal for all staff protected time as parity with medics but set specific steps to achieving that which are realistic and achievable.
- b) Alongside this, the WPF Business Committee will jointly.
  - immediately reaffirm the current expectations of employers to enable regular CPD time to support the maintenance of professional registration.
  - develop an all-Wales approach which guarantees protected time for staff CPD (with the aim, over time, of extending this guarantee to all NHS staff learning and development).

### **Partnership Agreement Hub**

- a) Create a Partnership Agreement Hub which will.
  - disseminate agreements,
  - track progress, and
  - hold the relevant organisations to account for delivery and compliance with terms & conditions and all-Wales policies.

## **Ensuring safe and effective care for our service users**

- a) We are all committed to providing the best care for our patients and Welsh Government will establish a task and finish group to include representatives such as, Chief Operating Officers, nurses and other staff groups working in some of our most challenging settings so that they can help us to find ways to ensure that care is delivered in safe and appropriate setting across Wales.
- b) We commit that onboarding (allocating extra patients to wards/departments over establishment) or corridor care will only be enacted in exceptional circumstances through the named responsible executive.
- c) A national escalation policy will be developed and implemented containing “must not dos” in terms of examinations/investigations/personal sensitive communications undertaken in inappropriate settings which compromise the privacy and dignity for all.

## **Pay restoration**

- a) Welsh Government commit to the principle of pay restoration to 2008 levels.
- b) Work in social partnership to make practical plans to meet this aim (including influence UK Government and Pay Review Body).
- c) Work in social partnership to influence changes to the PRB process for future years.