

WHC (2024) 017



Llywodraeth Cymru
Welsh Government

WELSH HEALTH CIRCULAR

Issue date: 28 March 2024

Status: Action

Category: Workforce

Title: **Implementation of the Non-pay Elements of the 2022-4 Collective Agreement**

Date of Expiry / Review Not applicable

For Action by:

Chief Executives, NHS Wales Health Boards/Trusts/Special Health Authorities

Directors of Workforce, Health Boards/Trusts/Special Health Authorities

Action required by: dates specified in parts 1, 2 and 3

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Enclosure(s): None

Implementation of the Non-pay Elements of the 2022-4 Collective Agreement

Rationale and background

NHS Wales operates an effective and long standing social partnership model which brings Welsh Government, NHS Employers and health unions together to pursue shared priorities and address workforce challenges. The social partnership approach is supported through formal structures both at national level (Wales Partnership Forum) and at local Health Board / Trust / Special Health Authority level. Each of the partners bring their unique perspective and priorities in order seek to co-produce solutions and agree delivery outcomes.

Through the Social Partnership and Public Procurement (Wales) Act 2023, Welsh Government has legislated to provide statutory underpinning to the approach adopted in NHS Wales and to extend this to other sectors. The Act also initiates a statutory requirement for annual reporting against the new social partnership duty.

Under our social partnership approach significant service change proposals would be shared and tested at the earliest opportunity in order to seek to achieve consensus before settled decisions are made. We adopt this same approach in the most challenging situations around strict financial limitations impacting shared principles.

In this context we are setting out in this Welsh Health Circular a control framework for the delivery in partnership of certain non-pay elements the development of which were aspects of our collective agreement 2022-4.

This Welsh Health Circular also contributes to and supports the objectives of WHC (2023) 046 'All-Wales Control Framework for Flexible Workforce Capacity'.

Objectives for this work

- Contribute to the improvement of staff morale and well-being (assisting with recruitment into vacancies).
- 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.
- Consistent delivery in social partnership of collectively agreed policies and approaches.

- Incentivise employed workforce over agency working through flexible working.
- Better value for money for NHS resources – reducing the additional costs associated with recruitment, retention and avoidable deployment of agency workforce.
- Enhance quality and safety of patient experience by delivering more care by our own workforce who are employed and familiar with our organisations and processes.

Programme delivery - three part control framework

The framework identifies three areas where aspects of the non-pay collective agreement require local action.

Part 1 – Immediate assurance (page 4)

Incorporates aspects of the collective agreement non-pay elements which are -

- Statutory requirements
- Contractual terms
- Existing policy under collective agreement (implied terms)

Part 2 – Required (page 5)

Incorporates aspects of the collective agreement non-pay elements which are -

- Implementation of new policy under this collective agreement (implied contractual terms).
- National tripartite collectively agreed priorities.
- Specific aspects of national strategic plans relevant to these policies/priorities.

Part 3 – Expected (page 6)

Incorporates aspects of the collective agreement non-pay elements which are -

- Aspects of longer term strategic plans.
- Goals for longer term delivery according to local circumstances.
- Best practice options or shared proposals from Wales Partnership Forum (WPF) for local consideration and local prioritisation.

The requirements of this circular below provides the specifics of which aspects of each collective agreement non-pay element falls into each of parts 1-3.

Requirements of this Circular

All implementation measures and reports should be agreed in partnership at the Local Partnership Forum.

Reports must include a statement from the chair of the staff side that the content has been agreed. If there is no agreement, an explanatory statement as to why this is the case should be included.

Part 1 – Immediate assurance

For each of points 1-6 below

- Review current implementation of the relevant aspect of the collective non-pay agreement.
 - Take any remedial implementation measures required.
 - Provide an assurance report by the end of May 2024 confirming that the relevant measures are in place.
1. Confirm that Unsocial Hours Allowance has been reinstated after one weeks sickness absence since 1st March 2023 and that this has now been made the permanent position.
 2. Confirm implementation of the all-Wales flexible working policy including the principle that acceptance of flexible working becomes the default across the workforce unless there are clear reasons to decline.
 3. Confirm implementation of the All-Wales pensions flexibilities policy.
 4. Provide details of the system in place to ensure staff are paid in line with national agreed terms and conditions for all of the hours they work (including their breaks and shift over runs and additional hours).
 5. Confirm that staff have access to drinking water (freely available within the workplace) and that this is enabled not prevented by Infection Prevention & Control through risk assessments and with clear local guidance, taking the environment and patient risk groups into consideration.
 6. Confirm delivery of the CPD relevant requirements of the Nursing Staff Levels Act (2016) Statutory Guidance (paras 38 and 40) and the Duty of Quality Statutory Guidance 2023 and Quality Standards 2023 (paras 6.5 and 12.15).

Part 2 – Required

For each of points 1-3 below

- Review any existing implementation of the relevant aspect of the collective non-pay agreement.
 - Provide a baseline report by the end of May 2024.
 - Develop an action plan, agreed at the Local Partnership Forum, which will achieve the outcomes required in the relevant non-pay element and provide a copy of the action plan by the end of July 2024.
 - Provide a monitoring / progress towards objectives report by the end of September 2024 (as appropriate this could be the completion report).
 - Provide a completion report confirming full implementation of the relevant aspect of the collective non-pay agreement by the end of January 2025.
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1. Review how Unsocial Hours Allowance is implemented to ensure fairness, industrial injuries are properly recognised, and that staff are not discriminated against in line with the Equalities Act 2010.
 2. Review the use of radiography on-call standby in out of hours arrangements to ensure that the frequency of on-call standby does not negatively impact an individual's work-life balance consistent with the twelve principles set out in Table 22, Annex 29 of the NHS Terms and Conditions of Service Handbook.
 3. Confirm implementation of the all-Wales Occupational Health minimum service levels/KPIs (incorporating monitoring and support).

Part 3 – Expected

For each of points 1-3 below

- LPF agree local priority areas and an action plan, developed in partnership, appropriate to local circumstances, with details provided by the end of July 2024.
 - Update / progress report by the end of September 2024.
 - Outcomes report by the end of January 2025 (for the purposes of sharing implementation best practice and identification of future national priorities).
1. In implementing and monitoring the following -
 - WHC (2024) 012 Nursing Preceptorship,
 - HEIW Nursing for the Future Strategic Workforce Plan,
 - HEIW Nurse Retention Plan,
 - Birthrate Plus Report and
 - other professional group retention strategies,- identify recommendations which may be transferrable across all Agenda for Change groups with the aim of improving the ability for individual progression in their professional field/staff group.
 2. Implement appropriate to local circumstances the HEIW 'Staff Health and Wellbeing best practice guide' (incorporating nutrition and rest aspects of the staff welfare project).
 3. Implement appropriate to local circumstances the HEIW Continuing Professional Development Strategy. 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.