

10 October 2024

FORMAL PROPOSAL

For

UNIVERSITY HOSPITALS PLYMOUTH

BAND 2 HEALTH CARE SUPPORT WORKERS (HCSW)

&

IMAGING CARE ASSISTANTS (ICA)

A Framework for Consultation with Trades Union members

Executive Summary

Proposal to re-band 1118 Band 2 HCSW/ICAs to Band 3 as of 30 September 2024. 732 will be offered the option to move to top of Band 3, as they have more than 2 years' service prior to 30 September 2024. 386 will be offered the option to move to the bottom of Band 3, as they have less than 2 years' service prior to 30 September 2024. Unsocial hours payments are protected for all those not at the top of Band 3 to ensure no detriment (loss of net pay) due to re-banding. Career pathways will be established to ensure all staff can complete any training they need to fully meet competencies within a reasonable timescale.

Following extensive scoping and review, there are only 10 current Band 2 HCSW/ICAs who are not currently eligible for re-banding. This figure includes the November 2022 and the post November 2022 groups. We have established an appeals process if they wish to appeal. The Trust will shortly write to staff involved in the second wave of Band 2/3 assessments with their outcomes and any staff not uplifted to Band 3 will also be able to appeal.

Staff eligible for re-banding will receive a recognition payment for duties they may have undertaken at a higher Band 3 prior to 30 September 2024 for a period of up to 5 years according to relevant length of service in a post assessed as Band 3. These have been calculated as individual pay journeys based on start date in Band 2. The maximum payment is approximately £5,000. Payments are pro rata for part time workers and are subject to tax and national insurance. These lump sums will not be pensionable.

Staff will also receive the AfC pay award for 2024/25 which will be paid from 30 September 2024 at their new Band 3 increment point.

The Trust will undo the previous interim corrective action taken to upgrade the group of staff in the original cohort from 01 April 2023 to the bottom of Band 3. Any resulting overpayments will be offset within the compensatory payment made. This will be set out clearly as each individual's pay journey.

1 Introduction

- 1.1 This document provides an update on the talks and a formal proposal inviting the Joint Trade Unions to:
 - i consult members regarding the adoption of the HCSW/ICA Band 3 job description by University Hospitals Plymouth (UHP) and the pay uplift for eligible Band 2 HSCW/ICA substantive employees as they adopt the Band 3 job description, with effect from 30 September 2024, to be paid in winter 2024
 - ii agree via our established local collective bargaining mechanism, the proposed recognition payment that recognises work that may have been undertaken at Band 3 completed prior to 30 September 2024 by the individual HCSW/ICA employees identified as being eligible (in scope) as per point 1.
- 1.2.1 This paper is written on behalf of the Trust by the Director of People and the Chief Nurse & Director of Integrated Professions. Both the Director of People and Chief Nurse & Director of Integrated Professions represented the Trust in formal talks and negotiations to date with Joint Trade Unions.

2. Background

- 2.1 The HCSW/ICA roles are an essential part of healthcare delivery, with postholders often being the staff who spend the most time with patients. These roles have evolved and expanded to take on more responsibilities, with individuals undertaking fundamental care roles, such as washing and dressing, assisting with mobility, assisting with feeding, basic observations and increasingly some clinical care, but without the pay and recognition for all the duties in the expanded role.
- 2.2 A national review by the Job Evaluation Group (JEG) of the Band 2 and Band 3 job profiles for HCSW/ ICAs was undertaken. The review provided clarification of the duties that come under Band 2 and the duties that come under Band 3. The Job Evaluation Group (JEG) recommended that Trusts undertake a review of Band 2 and Band 3 HSCW/ICA job descriptions (JDs) and person specifications (PS) to ensure they align with the national profile changes.
- 2.3 Many of these HCSW/ICAs will carry out a level of clinical patient care that has historically been defined in a Band 2 job description. However, since the national review of HCSW/ICA job profiles in August 2021, it is now deemed that clinical care is the remit of Band 3 HCSW/ICAs, whilst the Band 2 HSCW role is defined by personal care.
- 2.4 The generic UHP Band 2 and Band 3 HCSW/ICA JD and PS have been reviewed and amended in line with the National Job Profile changes. The revised JDs will be shared separately. Considerable work has been conducted by UHP to fully review the organisational requirement for HCSW/ICAs at Band 3 and to assess the skill set of Band 2 HCSW/ICAs against this demand. The methodology has been tested by a multi-disciplinary team and discussed with Staff Side.

3. Methodology

- 3.1 A review of our HCSW establishment was undertaken by the Trust, considering the staff skill levels against the 16 descriptors has been conducted using the following methodology:
 - Band 3 role scoping was undertaken for all Band 2 HCSW roles across all sites of the organisation, reviewing against the National Job Profile 16 Descriptors.
 - Excluded were, ICAs, bank only HCSWs, Administration and Clerical and Nursery staff at Band 2.
 - In line with the wording within factor 2 of the National Job Profile, revised job description and person specification, staff were scoped based on equivalent relevant experience to vocational qualification level 3 (*Factor 2 Knowledge, Training & Experience*).

- Data minimisation principles were applied to adhere to GDPR when handling person identifiable information.
- Managers and Matrons were engaged in the process following the same role scoping guidance, which requested bench marking each Band 2 staff member to each of the 16 Role Descriptors of the Band 3 NHS Role Profile Descriptors.
- A form was designed to collect scoping data in a rigorous and consistent format. Data was entered by Ward/Department Managers with confirmation by Matrons, data quality checking was undertaken during the process in preparation for Care Group sign off.
- The following confirmation statement was applied to the sign off stages: "The named employee is doing (undertaking) all 16 factors as laid out in the National Job Profile for Healthcare Support Worker (higher level) Band 3 AfC."

4. Background to Formal Talks

- 4.1 At intensive formal talks (July 2024), between Director of People, Chief Nurse & Director of Integrated Professions, the Joint Trade Unions and other Full Time Officers, the Trust proposed a model for resolution of the current dispute including historical recognition.
- 4.2 In response the Staff Side negotiators invited the Trust to:
 - ✓ Review and potentially widen staff/roles to be included as in scope of the review.
 - ✓ Provide further detailed data, including demographics, and updated ESR data.
 - ✓ Negotiate as a sovereign body under collective bargaining and recognition agreement.
 - Explore alternative proposals based on a more equitable distribution rather than cliff edge lump sum based year tranche approach.
 - ✓ Look at potential for developing a package based on the gold standard of an individual pay journey approach.
- 4.3 Trust negotiators responded positively to these requests and:
 - ✓ Provided all ESR and demographic data requested.
 - ✓ Revisited and reviewed the scoping exercise.
 - Provided additional expert resource from Finance to support the Joint Negotiators in modelling and individual pay journey exploration.
 - ✓ Prioritised further talks on this important issue.
- 4.4 The Joint Negotiators then entered further intensive talks based on the following principles:
 - ✓ Openness, transparency, honesty and partnership solution focused working.
 - Commitment to sovereignty no need or requirement to replicate models used elsewhere in the system.
 - Dedication to getting it right and doing the best for Trust staff/union members.
 - ✓ To be able to recognise those staff who have longer continuous service.
 - ✓ Opportunity, not obligation, to re-band if staff member chooses not to accept re-banding offer.
 - ✓ Commitment to career pathway and training.
- 4.5 With a commitment to jointly fully exploring issues and principles around:
 - ✓ Every staff member identified as in scope getting something and proportionate to individual service and circumstances.
 - ✓ Pro rata payments for part time staff.
 - Check and challenge, and where appropriate, extension of in scope (including consideration of apprentices, bank staff, staff not at work including on Maternity, Adoption, Sick Leave, etc, Retire and Return, fixed term contracts moved/changed role, leapfrogging, leavers).
 - \checkmark To be mindful of the financial situation of the Trust in a time of considerable financial restraints.
 - ✓ Investigate ability to stagger payments to minimise any impacts on benefits being recalculated if applicable.

- ✓ Unsocial Hours Payments protection.
- Recognition of service incremental credit date (also called seniority date) as well as move to re-band date.
- ✓ Individual pay journeys can we meet best practice in addressing this issue?
- 4.6 It was agreed that we shared the joint aim and objective to create a solution bespoke to UHP which meets the needs of our staff, union members and demographics of our HCSW/ICA workforce.
- 4.7 Following further intensive talks throughout August and September 2024, the Trust agreed to consider alternative models taking into account challenge from and issues raised by Joint Trade Unions.
- 4.8 The Trust further supported this work by identifying and providing specialist financial expertise to test the proposed model and to check and challenge against testing of potential alternatives including Livewell, Torbay and other alternatives.

5. Pay Intention – how will staff know how the proposals would affect them so they can make an informed decision?

- 5.1 The scoping review exercise identified the skill set and length of time that individuals may have been performing some of the duties of a Band 3 HCSW. This information has been collated and the intention is that by the end of October 2024 each HCSW/ICA will receive a personalised letter from one of 5 templates; the letter will explain the level of pay that they will move to (bottom of Band 3 if less than 2 years' experience, top of Band 3 if more than 2 years' experience on 30 September 2024), and the training pathway they may be required to follow. Their respective re-banding date for the compensatory payments as per calculation below will be 30 September 2024 and for incremental credit will be as start date in Band 2 role if prior to 30 September 2024. Letter templates will follow.
- 5.2 The letters will also explain that those Band 2 employees currently in receipt of unsocial working hours allowance (USH) will be pay protected on moving to Band 3 so that they do not experience any decrease in overall pay. The protection will remain until the employee reaches the Band 3 higher pay point. This effectively would give the employee up to 2 years' protection.

6. UHP Proposals

- 6.1 The Trust's objective is to ensure that Band 2 HCSW/ICAs who are eligible for re-banding receive their settlement payments as soon as possible but recognises that formal consultation and ballot will need to take place of Trade Unions members.
- 6.2 We invite the joint Trade Unions to formally consult with their members with the purpose of reaching an agreement between the Trust and Staff Side Trade Unions based on the principles above and the proposals set out below. Thereafter, individuals maintain their right to choose whether or not to accept the proposals as they apply to them. HCSW/ICAs who choose to re-band will receive:
 - 6.2.1 Payment and re-banding in recognition for duties undertaken by Band 2 HCSW/ICAs outside of Band 2 who have been identified for re-banding and/or as qualifying for a payment ("In Scope") or who fall into scope as result of success appeal, for a period of up to 5 years prior to 30 September 2024.
- 6.3 The recognition payment ("the payment") is defined as a sum of money to recognise the clinical work that may have been completed previously in line with the Band 3 duties and will be calculated under "the calculation" under the agreed formula and will be used to make payments for any member of staff "in scope".
- 6.4 The "re-banding date" is 30 September 2024. This is the applicable date on ESR that those in scope will be moved to either bottom or top of Band 3 depending on whether they have two years or more service as of re-banding date.

7. The Calculation

7.1 Compensatory payments will be based on the staff member's total length of service, in years, in the Band 2 post now assessed at Band 3 post as per the table below. These payments will be made <u>pro-rata to total days in service for each year</u>. Payments will be paid pro-rata to current contracted hours. Payments will be subject to Tax and National Insurance but will not be pensionable.

Start Date in Assessed Role	Length of Service (at 30 September 2024)	Compensatory payment range
Sep 23-Sep 24	0 to 1 year	£0-£949
Sep 22-Sep 23	1 to 2 years	£949-£1898
Sep 21-Sep 22	2 to 3 years	£2000-£3000
Sep 20-Sep 21	3 to 4 years	£3000-£4000
Sep 19-Sep 20	4 to 5 years	£4000-£5000
Before Sep 19	Over 5 years	£5000

We have included some examples below of what this means for staff:

The maximum payment a staff member will receive, based on someone who is on a 37.5 hour contract at Band 2, with more than 5 years' service as at 30 September 2024, is £5,000.

An example for a member of staff on full time 37.5 hours, who started in a post now assessed to be Band 3, on 01 July 2021, is £3,250. This is based on the calculation of 3 years 91 days in service, so is £3,000 for 3 years' service plus £250 for a further 91 days' service $(91/365 \times £1,000 = £250)$.

An example for a member of staff on part time 20 hours, who started in a post now assessed to be Band 3 on 01 July 2021, is £1.733. This is 20/37.5 (53.33%) of the full time payment of £3,250. This is based on the calculation of 3 years 91 days in service, so is £3,000 for 3 years services and £250 for a further 91 days' service (91/365 x £1,000 = £250).

8 Points to Note

- 8.1 Tax and National Insurance will be made as required for recognition payments under existing rules.
- 8.2 Subject to any changes in HMRC rules, staggered payment options will be offered to staff as it is recognised that it may be preferable for some individuals to receive the additional payment in multiple instalments (paid across several months but within this financial year, i.e. 4 months as the aim is to pay in December 2024), rather than together in a single month's pay. An example of this might be where individuals receive Universal Credit payments, where any changes to monthly income will directly impact the value of these payments.
- 8.3 The following will also apply:

Adoptive and other leave – period of maternity/paternity/adoption/sick and special leave are included in the length of eligible continuous service for recognition payment calculators.

Appeals – this group's eligibility for payment under this settlement was reviewed to establish if they were working at a Band 3 level prior to the change of role, and it is believed those identified are included within scope. Anyone who believes they should have been identified as in scope may use the appeals procedure at Appendix 2 and, if successful, will be entitled to payment under this agreement.

Apprentices – apprentices are in scope of this proposal with the exception being their service will be recognised bar the first 8 weeks.

Bank colleagues – the agreement applies to substantive contracts within the Trust, not bank worker agreements. The onus of responsibility for rates of pay on a bank arrangement are different to those of a substantive contract.

Change of hours – the payment will be calculated based on current contractual hours on 30 September 2024. It is recognised that some individuals may challenge this based on their individual patterns of working hours.

Leavers – anyone who left the Trust before 30 September 2024 (date of agreement) will not be eligible for payment agreement. Any staff who leave between the date of the agreement and the implementation payment date who meet the in-scope criteria will also be eligible for the recognition payment using the calculation as set out.

Movers – individuals who have been a band 2 during the reference period but have moved to another role would still be eligible for a recognition payment in line with the guidance contained within this document.

Fixed Term contracts/secondments – HCSW/ICAs with an active, unique contractual status (i.e. fixed term contract/secondment) will be reviewed on a case by case basis and will receive the settlement payment if identified as falling into scope.

Incremental credit date – this is the total period (number of years/months/days) of potential experience an individual has, including service before 30 September 2024 and may also exceed the Reference Period. It will be recorded on individual staff ESR records to recognise their potential total years' experience at Band 3.

Incremental credit refers to the seniority date of an employee in their band, which reflects their personal experience. It is proposed that the existing Band 3 HCSW retain their existing increment date and that all Band 2 HCSW that are to be uplifted to Band 3 have their earliest 'start date' in a Band 2 role as their seniority date.

Leap froggers – it is recognised that there are some existing Band 3 HCSW/ICAs who have completed all educational qualifications and meet all the competencies of a Band 3 HCSW, but who due to the length of their employment are at the lower pay increment level of Band 3. Staff who remain at the bottom of band 3 as a result of leapfrogging will receive a letter detailing the process in which their circumstances will be reviewed.

Retire and return – as part of the "retire and return" process, there has previously been a requirement for colleagues to have a short break in service. Unless any break is longer than 35 days this will be discounted for the purpose of this agreement. This means anyone in this group will be treated as if they have no break in service for the period up to 30 September 2024 and will be regarded as "in scope".

Remaining at Band 2 as a choice even if in scope – HCWS/ICA who choose to remain as a Band 2 following assessment as a Band 3 will still be eligible for a recognition payment taking into account relevant service in an eligible post up to a maximum of 5 years until reverting to a Band 2 role. The Trust has supportive measures in place for any staff member who decides that they do not wish to move to a Band 3 in the future and agrees to seek, as far as possible, to retain staff within the same team in the event they wish to revert to a Band 2 role.

Unsocial Hours (USH) protection – the Trust has agreed to the principle of no detriment with regards to USH, so that take home pay is protected as a result of moving to Band 3. The Payroll Team will apply a 'local enhancement multiplier' to protect USH at the Band 2 rates until the employee reaches the Band 3 higher pay point.

This protection will end if a staff member chooses to change their job in the Trust and their new role does not qualify for this protection.

9 Career Development & Resourcing

- 9.1 Essential to the scoping review, was identifying the skill set of all the HCSW/ICA, regardless of formal qualification: the uplifting of band is based on skillset. Some may need to do additional training, and this has been programmed for.
- 9.2 An educational pathway has been designed to develop the Band 2s who partially meet the criteria for Band 3 and will be required to work in a Band 3 role. The process flowchart is in Appendix 1.
 - i. If these staff have already been working at this level, as per the assessment mapped against the role descriptors, they will be renumerated from 30 September 2024, with the expectation they complete the educational pathway to fully meet the criteria within a reasonable timeframe.
 - ii. The options available to current staff will enable career development and provide assurance regarding skills and knowledge, through a consistent approach to assessment.
 - iii. It is recognised that in providing a reasonable timeframe to complete the required competencies, and or qualifications, may lessen the pressure on Education to meet this requirement. There remains the risk in a timely completion being dependent upon additional delivery from Education within their current establishment and commitment.
 - iv. Education will provide a development list for each Practice Educator, detailing the amount of education required for each HCSW/ICA and the timings of delivery for agreement prior to commencing. Alternative models of delivery will be explored where possible to reduce the amount of release expected of HCSW/ICA, recognising there is not budgeted bank to provide this in year 2024-2025.
 - v. Those that remain at Band 2 will have clearly defined career pathway options should they wish to progress and develop into a Band 3 when vacancies arise.
 - vi. For new starters there is a clearly defined career pathway to enable both new to care and those with existing experience to be successful on the Band 3 pathways utilising either apprenticeship route for those who work over 30 hours per week, and diploma for those who work less than 30 hours per week and meet the criteria. The pathway can be viewed in Appendix 1. A care certificate will be required to work at Band 3.
 - vii. To reduce the impact on clinical delivery when waiting for new starters to coincide with an apprenticeship start date (which is limited to twice annually); all new HCSW/ICA starters will begin in their substantive role and on full pay, (not 75% of pay associated with an apprenticeship contract as currently), irrespective of when their apprenticeship starts and follow the allocated induction programme to meet their role requirements prior to their apprenticeship starting. Further work will be undertaken in reviewing the offer to all staff groups with regards to training contracts to ensure equity of approach.
 - viii. New recruitment for Band 2 HCSW/ICA posts will follow the current procedure and development options.

10. Change Plan

10.1 It is proposed that staff will be communicated with from late September 2024 to inform them of the intent to re-band them and uplift their pay; they will receive individual communications as soon as possible.

The letters that each individual will receive highlights that staff side consultation and trade union member consultation/ballots must take place before any change is implemented. The joint Trade Unions will consult their members on the proposals as set out above, we commit to sending out individual letters at the same time so that staff can make informed choices with knowledge of their individual circumstances/details of individual proposed payment they would receive, in making decision whether to accept and when voting in any trade union consultation ballots.

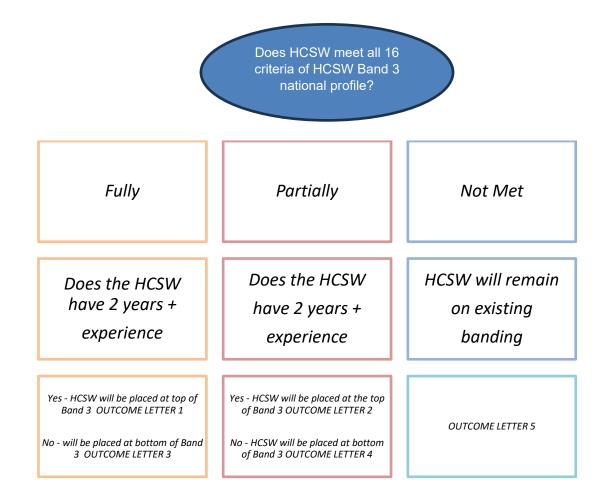
10.2 Proposed timetable, should offer be accepted, that would need to be met for November/December 2024 payment:

- Wednesday 09 October 2024: Staff Side extraordinary meeting to decide whether to take proposals to members and consult.
- By two weeks later: Trust to send out individual letters after notification that Staff Side have met and agreed to take proposals to members and consult.
- Within one month: Staff Side consultation with members to close.
- TBC: Staff Side to notify Trust whether proposal accepted by Trade Unions for payments to be able to be made in December pay run.
- TBC: if the proposal is accepted by the Trade Unions, data passed to Payroll Team for rebanding of staff to be actioned for December pay run.
- Calculation and payment of lump sums to be completed and paid in December pay.
- TBC: all appeals to have been received. To be reviewed in November.
- 10.3 Engagement plan/sessions/joint sessions Q&As will run during any consultation with Trade Unions' members during this time. The Staff Side will be responsible for organising Trade Union specific sessions, with support from the Trust to be available as required.

Appendices

- 1. Pay Implications and pathways per individual eligibility
- 2. Appeal Process
- 3. Letter Templates TBC
- 4. Compensatory Payments table

Appendix 1: Pay Implications and pathways per individual eligibility



Appendix 2: Appeal process

University Hospitals Plymouth NHS Trust HCSW Banding Appeal Procedure

- 1.1 If the employee does not feel that they should remain as a Band 2 they have the right to appeal. During an appeal, employees have the right to be represented by a Trade Union or a workplace colleague.
- 1.2 To exercise the right to appeal and using the form in Appendix 2, the employee should do so by writing to Steven Keith, Director of People, within 10 working days fully stating the grounds for appeal, sending the appeal to <u>plh-tr.appealrequests@nhs.net</u>
- 1.3 On receipt of the appeal letter the Director of People will acknowledge the appeal and where requested the People Directorate will organise an appeal meeting, normally within one month of receipt of the appeal. If the employee does not request a meeting, the appeal will be heard in their absence.
- 1.4 The employee must take all reasonable steps to attend this meeting. If an employee or their representative cannot attend the meeting on the proposed date, a further date within 7 working days after the date originally proposed will be arranged. Where no meeting has been requested, the appeal will be considered on the basis of the written grounds of appeal.
- 1.5 The appeal will be chaired by a Deputy Chief Nurse (or delegated person), and they will be supported by a senior member of the People Directorate. The appeal panel will not have been involved in the HCSW scoping exercise.
- 1.6 The appeal process will be conducted according to the process outlined in Appendix 1.
- 1.7 The outcome of the appeal will be sent within 7 working days.
- 1.8 The outcome letter will mark the end of internal procedures relating to the HCSW banding process.

Appeal Procedure – no meeting requested

- 1. The appeal panel will consider the grounds of appeal as per appendix 2 of the process.
- 2. A decision will be provided in writing normally within 7 days of the appeal being considered.

Appeal Procedure – meeting requested

- 1. Introduction by Chair
 - The Chair will:
 - Introduce those present
 - > Outline the procedure for the Hearing
- 2. Employee Appeal
 - a) The individual raising the appeal (with support from a representative) will present their grounds for appeal.
 - b) The Appeal Panel will have the opportunity to question the case
- 3. Adjournment for Appeal Panel to consider case
- 4. <u>Reconvene for decision (if to be given verbally)</u>
 - The individual raising the appeal will be:
 - Informed of the outcome of the appeal.
 - > Informed that the outcome will be confirmed in writing.

HCSW Appeal Submission

NAME	
EMPLOYEE NUMBER	
DATE OF APPEAL	
LINE MANAGER	
APPEAL MEETING YES/NOT	

GROUNDS OF APPEAL	Insert Grounds here
GROUNDS OF AFFEAL	

Appendix 3: Letter templates TBC

Appendix 4: Compensatory payments table

Starting month	Months in service	Compensatory Payment
Pre Sept 2019	Over 60	£5,000
Oct-19	60	£5,000
Nov-19	59	£4,917
Dec-19	58	£4,833
Jan-20	57	£4,750
Feb-20	56	£4,667
Mar-20	55	£4,583
Apr-20	54	£4,500
May-20	53	£4,417
Jun-20	52	£4,333
Jul-20	51	£4,250
Aug-20	50	£4,167
Sep-20	49	£4,083
Oct-20	48	£4,000
Nov-20	47	£3,917
Dec-20	46	£3,833
Jan-21	45	£3,750
Feb-21	44	£3,667
Mar-21	43	£3,583
Apr-21	42	£3,500
May-21	41	£3,417
Jun-21	40	£3,333
Jul-21	39	£3,250
Aug-21	38	£3,167
Sep-21	37	£3,083
Oct-21	36	£3,000
Nov-21	35	£2,917
Dec-21	34	£2,833
Jan-22	33	£2,750
Feb-22	32	£2,667
Mar-22	31	£2,583
Apr-22	30	£2,500
May-22	29	£2,417
Jun-22	28	£2,333
Jul-22	27	£2,250
Aug-22	26	£2,167
Sep-22	25	£2,083
Oct-22	24	£1,898
Nov-22	23	£1,819
Dec-22	22	£1,740
Jan-23	21	£1,661
Feb-23	20	£1,582
Mar-23	19	£1,503

Apr-23	18	£1,424
May-23	17	£1,344
Jun-23	16	£1,265
Jul-23	15	£1,186
Aug-23	14	£1,107
Sep-23	13	£1,028
Oct-23	12	£949
Nov-23	11	£870
Dec-23	10	£791
Jan-24	9	£712
Feb-24	8	£633
Mar-24	7	£554
Apr-24	6	£475
May-24	5	£395
Jun-24	4	£316
Jul-24	3	£237
Aug-24	2	£158
Sep-24	1	£79