

Bundle Remuneration & Terms of Service Committee 22 April 2021

10.00am Public Session

- 1 R21.17 Apologies
- 2 R21.18 Declarations of interests
- 3 R21.19 Draft minutes of previous meeting and matters arising 1.2.21
R21.19 Minutes RATS 1.2.21 v0.01 draft.doc
- 4 R21.20 Action log
R21.20 RaTS Summary Action log Public_live document Updated.docx
- 5 R21.21 Matters considered in private at the last meeting, to be noted in public: Raising concerns: Speak Out
Safely progress and proposal; Performance & Development Review - Executive Directors; Executive and
senior appointments.
- 6 R21.22 Draft R&TS Committee Annual Report (Sue Green)
R21.22 RTS Committee Annual Report 2020-21 DRAFT amended.docx
- 7 R21.23 National terms & conditions, policy and pay update (Sue Green)
R21.23 2021_04_22 RTS Committee - National Pay terms and Conditions Update Final.docx
R21.23a Bonus Payment (W) 01_2021 - V3.pdf
- 9 R21.24 Any other business
- 10 R21.25 Date of next meeting - 22.7.21.
- 11 R21.26 Resolution to exclude the press and public and move to private session



Remuneration & Terms of Service Committee (R&TS)

Minutes of the Meeting Held on
1.2.21 via Teams

Present: Mark Polin Medwyn Hughes Jackie Hughes Lucy Reid	Health Board Chair Independent Member (IM) Independent Member Health Board Vice Chair
In Attendance: Louise Brereton Sue Green Arpan Guha Liz Jones Jo Whitehead	Board Secretary Executive Director of Workforce & Organisational Development (OD) Acting Executive Medical Director Assistant Director, Corporate Governance Chief Executive
Agenda Item	Action
R21.1 Apologies There were no apologies. The Chair alluded to issues around preparatory arrangements and late papers relating to the current meeting, and it was agreed that the process would be improved for future meetings.	LB
R21.2 Declarations of interests None.	
R20.3 Draft minutes of previous meeting held on 6.10.20 The minutes were approved as an accurate record.	
R21.3a Summary action log R21.3a.1 The action log was reviewed and updated accordingly. Action R20.66 (Health Care Professions Council (HCPC) and General Pharmaceutical Council Wales (GPhC) Professional Registration Report 2019-2020) was discussed. The Board Secretary explained that the query relating to apparent discrepancies in different individuals' understanding of breaches that had taken place was due to a timing issue. The breaches had occurred in the timeframe preceding that covered by the report provided. The Board Secretary suggested that a report running from	

<p>January to January would provide a better picture in future, and she agreed to ask the Executive Director of Therapies and Health Science if the reporting timeframe could be amended.</p> <p>R21.3a.2 In respect of action R20.66.2 and the specific issue of consideration being given to the establishment of a 'people' committee, it was noted that this matter was close to resolution as part of the governance review. An IM reminded the Committee that the workforce is wider than those who are directly employed.</p>	LB
<p>R20.4 Matters considered in private at the last meeting, to be noted in public</p> <p>It was noted that Upholding Professional Standards in Wales (UPSW), managing the Primary Care Performers List, and uplift of pay for employees and workers on ad hoc pay rates in Primary Care had been discussed at the last meeting.</p>	
<p>R20.5 Draft revised R&TS Committee terms of reference</p> <p>The use of the word 'registered' as opposed to 'allied' was agreed in section 3.1.3. It was also agreed to add the Board Secretary to the 'in attendance' list under section 5.2.</p>	
<p>R20.6 Any other business</p> <p>None.</p>	
<p>R20.7 Date of next meeting</p> <p>The next meeting was scheduled for 22.4.21.</p>	
<p>R20.8 Resolution to exclude the press and public and move to private session</p> <p>The Committee moved into private session.</p>	

Remuneration and Terms of Service Committee

Summary Action Plan - Public

Officer	Minute reference and action agreed	Timescale	Latest update position	Revised timescale
20.7.20:				
S Green	R20.37.3 – Re. high profile disciplinary and tribunals that could threaten the reputation of the Board; Executive Director of Workforce & OD to work up a proposal on the parameters in respect of disciplinary and employment tribunal cases.	October meeting	Underway but delayed. Report to be submitted to the next meeting. Update 25.1.21: To be submitted to Committee at its next meeting in April 2021 Update 15.4.21 – Report on Agenda for meeting on 22.4.21 (private session in light of content)	April 2021
6.10.20:				
BO, Chief Pharmacist (in consultation with AT, Executive Director of Therapies & Health Science)	R20.66 Health Care Professions Council (HCPC) and General Pharmaceutical Council Wales (GPhC) Professional Registration Report 2019-2020: the report presented information about lapses, but not actions taken or processes. The Chief Pharmacist responded that in respect of GPhC, no actions were taken against registrants during the reporting period. He agreed	30.11.20	Chased up 10.11.20 Update 13.1.21 from the Clinical Director, Therapy Services via Chief Pharmacist: The process, and subsequent action if required, to any breach for HCPC registered staff would be in line with BCUHB's Procedure for the checking of registration and qualifications (WP2); Clinical Director asked to confirm that there were no breaches during the 1.4.19-31.3.20 reporting period.	Closed

Louise Brereton	to follow this matter up to ascertain the position as regards HCPC.		Update 1.2.21 Louise Brereton explained that this is a timing issue – the breaches happened in time frame preceding the report in question – and suggested that a report that runs from January to January would provide a better picture. Louise will ask Adrian Thomas if the reporting timeframe can be amended. See action R21.3a.1 below.	
S Green	R20.66.2 [Health Care Professions Council (HCPC) and General Pharmaceutical Council Wales (GPhC) Professional Registration Report 2019-2020]: An Independent Member ...asked if such matters would feed through the Director of Governance role in future... the matter would be discussed outside the meeting, as further thought also needed to be given to the role of the R&TS Committee in the timely reporting and escalation of significant issues that might impact on the Health Board's reputation. Other registration bodies such as the Nursing & Midwifery Council (NMC) would also be incorporated into this thinking.	30.12.20	Update 25.1.21: Consideration being given to whether this should be incorporated into the "people" governance/delivery structure. Committee comments shared with the Interim Director of Governance. Update 1.2.21 – this has been built into ongoing conversations; the issue of establishing a 'people' committee or not is close to being resolved via re-purposing within the existing committee structure. An IM reminded the Committee that the workforce is wider than those who are directly employed. Action remains open pending the conclusion of the 'people' committee issue. Update 15.4.21 – the matter of "no surprises" is addressed in the report on professional standards included on Agenda for the meeting 22.4.21	February April 2021
A Guha	R20.66.3 [Health Care Professions Council (HCPC) and General Pharmaceutical Council Wales (GPhC) Professional Registration Report 2019-2020]: ...issue relating to Physician Associates who were not currently members of a professional body... decide how best to provide oversight	30.11.20	Reminded 10.11.20. Responded 10.11.20 confirming that this would be picked up outside the meeting. AG has alerted various parts of the organisation about the the issue of colleagues not permitted to prescribe.	Closed

	and scrutiny of these non-registrant employees... these individuals should not be prescribing, therefore additional controls were being introduced. The Acting Executive Medical Director stated that he would pick up this area of concern outside the meeting.			
BO, Chief Pharmacist (in consultation with AT, Executive Director of Therapies & Health Science)	R20.66.4 [Health Care Professions Council (HCPC) and General Pharmaceutical Council Wales (GPhC) Professional Registration Report 2019-2020]: An Independent Member questioned the accuracy of the statement regarding no lapses, as she was aware of lapses in her own area of work in Radiology... The Chief Pharmacist agreed to pick up this issue with the Executive Director of Therapies & Health Science.	30.11.20	Update 13.1.21 from Clinical Director, Therapy Services via Chief Pharmacist: The Professional lead for Radiography in BCUHB has reconfirmed that there were no breaches in the period 1st April 2019 to 31 st March 2020. Update 1.2.21 – Linked to action R20.66.2: closed	Closed
S Green	R20.67.3 [Case Management - Professional Standards Review]: the Executive Director of Workforce & OD offered to circulate to Committee members the detail behind the numbers listed as cases over 24 weeks, with particular reference to a comparison with last year, the proportion of the workforce involved and the reasons for the delays.	30.11.20	Update 25.1.21: Delayed due to COVID response. To be circulated by end of February at the latest. Update 1.2.21 - Tribunal reports are not being brought before R&TS currently (the Committee only sees cases being dealt with internally); SG will draft a paper setting out the scope of what a report on this matter might include going forward. This will be circulated outside the Committee as it is not technically part of R&TS terms of reference. A fuller report containing the detail can then be brought to the April meeting. Update 15.4.21 – Report on Agenda for meeting on 22.4.21 (private session in light of content)	28.2.21

M Baker (Lead Manager, OMD) S Green / A Guha	R20.69.4 [Annual Raising Concerns/Safe Haven report 2018/19]: The Independent Member reiterated that she wished to understand the outcomes, lessons learnt and actions taken in relation to the specific cases in the report – not simply receive a description of process. The Lead Manager agreed to circulate additional information after the meeting.	30.11.20	Chased up 10.11.20, Lead Manager responded 10.11.20 to say that the action would be completed. Not received, chased up again 25.1.21. Lead Manager responded: response was delayed due to her sickness absence and now due to Covid-19 redeployment. Sue Green will link with Arpan Guha to close this – remains open Update – 15.4.21 – Suggest Action superseded following review of Raising concerns and revised Speak Out Safely process to be launched 30th April 2021	April 2021
1.2.21:				
L Brereton	R21.1 – update the R&TS Committee meeting preparation process	28.2.21	Completed – process updated to include agenda setting meetings and draft minutes to be sent to both Lead Exec and Chair at the same time; Board Secretary to be involved.	Closed
L Brereton	R21.3a.1 RE Action R20.66 (Health Care Professions Council (HCPC) and General Pharmaceutical Council Wales (GPhC) Professional Registration Report 2019-2020)... The Board Secretary suggested that a report running from January to January would provide a better picture in future, and she agreed to ask the Executive Director of Therapies and Health Science if the reporting timeframe could be amended.	28.2.21	A Thomas was asked on 24.2.21 if the reporting timeframe could be amended.	

V36 13.4.21

Cyfarfod a dyddiad: Meeting and date:	Remuneration and Terms of Service Committee 22.4.21						
Cyhoeddus neu Breifat: Public or Private:	Public						
Teitl yr Adroddiad Report Title:	Draft Remuneration and Terms of Service Committee Annual Report 2020/21						
Cyfarwyddwr Cyfrifol: Responsible Director:	Sue Green, Executive Director of Workforce and Organisational Development						
Awdur yr Adroddiad Report Author:	Liz Jones, Assistant Director, Corporate Governance						
Craffu blaenorol: Prior Scrutiny:	Jo Whitehead, Chief Executive						
Atodiadau Appendices:	Appendix 1 – Committee Terms of Reference up to 6.10.21 Appendix 2 – Committee Terms of Reference from 7.10.21 Appendix 3 – Committee Cycle of Business						
Argymhelliad / Recommendation:							
The Committee is asked to approve the report for submission to the Audit Committee.							
Please tick as appropriate							
Ar gyfer penderfyniad /cymeradwyaeth For Decision/ Approval	<input checked="" type="checkbox"/>	Ar gyfer Trafodaeth For Discussion	<input type="checkbox"/>	Ar gyfer sicrwydd For Assurance	<input type="checkbox"/>	Er gwybodaeth For Information	<input type="checkbox"/>
<i>If this report relates to a 'strategic decision', i.e. the outcome will affect how the Health Board fulfils its statutory purpose over a significant period of time and is not considered to be a 'day to day' decision, then you must include both a completed Equality Impact (EqIA) and a socio-economic (SED) impact assessment as an appendix.</i>						Y/N to indicate whether the Equality/SED duty is applicable	N
Sefyllfa / Situation:							
Each Committee is required to produce an annual report on its activities, to provide the Board, via the Audit Committee, with assurance that it is operating in accordance with its terms of reference.							
Cefndir / Background:							
The R&TS Committee continued to meet throughout 2020 despite the Covid-19 pandemic, with the exception of its April meeting which was stood down in order to free up time to be devoted to the pandemic response.							
Asesiad / Assessment & Analysis							
The draft R&TS Committee Annual Report 2020/21 is presented for approval herewith.							

DRAFT

Remuneration & Terms of Service (R&TS Committee) Annual Report 2020-21

1. Title of Committee:

Remuneration & Terms of Service (R&TS) Committee

2. Name and role of person submitting this report:

Sue Green, Executive Director of Workforce & Organisational Development

3. Dates covered by this report:

01/04/2020-31/03/2021

4. Number of times the Committee met during this period:

The Committee was routinely scheduled to meet 4 times and otherwise as the Chair deemed necessary. During the reporting period, it met on 4 occasions. These were meetings held in public, which were followed by a private section of the agenda when sensitive or confidential information was discussed. In addition, one extraordinary private meeting was convened, to consider urgent interim and substantive Executive appointments.

Attendance at meetings is detailed within the table below:

Members of the Committee	15.6.21	20.7.20	17.8.20	6.10.20	1.2.21
Mark Polin, Chair	P*	P	P	A	P
Jackie Hughes, Independent Member	P	A	P	P	P
Medwyn Hughes, Independent Member	P	P	P	P	P

Lucy Reid, Health Board Vice-Chair	P [co-opted]	P	P	P	P
Marian Wyn Jones [Independent Adviser; co-opted]	◆	◆	P	◆	◆
Formally In attendance (as per Terms of Reference)	15.6.21	20.7.20	17.8.20	6.10.20	1.2.21
Simon Dean, Interim Chief Executive	P	A	A	◆	◆
Sue Green, Executive Director of Workforce & OD	P	P	P	P	P
Gill Harris, Acting Chief Executive	◆	◆	◆	P	◆
Arpan Guha, Executive Medical Director	◆	◆	◆	P*	P
Jo Whitehead, Chief Executive	◆	◆	◆	◆	P
Louise Brereton, Board Secretary	◆	◆	◆	◆	P

Key:

P - Present

P* - Present for part meeting

A - Apologies submitted

X - Not present

◆ Not a member of the Committee at this time.

In addition to the above core membership, other Directors and Officers from the Health Board regularly attend meetings of the Committee. For a full list of attendance, please see the approved minutes which can be accessed on the Health Board's website via the following pages:- <https://bcuhb.nhs.wales/about-us/committees-and-advisory-groups/>

5. Assurances the Committee is designed to provide:

The Committee is designed to provide advice and assurance to the Board on the following key areas as set out in its Terms of Reference as follows:-

- advice to the Board on remuneration and terms of service for the Chief Executive, Executive Directors and other senior staff within the framework set by the Welsh Government;

- assurance to the Board in relation to the Health Board's arrangements for the remuneration and terms of service, including contractual arrangements, for *all staff*, in accordance with the requirements and standards determined for the NHS in Wales; and
- to perform certain specific functions as delegated by the Board and listed below.

During the period that this Annual Report covers, the Committee operated in accordance with its terms of reference – version 6.0 being operative until 6.10.20, and version 7.0 being operative from 7.10.20. Version 7.0 incorporated the following narrative:

3.1.9 consider reports on behalf of the Board giving an account of progress on performers list regulatory cases.

3.1.10 consider reports on behalf of the Board on the position as regards whistleblowing and Safe haven.

Version 7 also added the Executive Medical Director and Board Secretary as being 'in attendance', with Executive 'in attendance' quoracy amended to read '*at least 2*'. Use of the word 'registered' as opposed to 'allied' was agreed in respect of section 3.1.3. A further statement was added as follows:

'the Executive Director of Finance may be invited to attend as required, and will be consulted on any paper to be submitted to the Committee which may have financial implications'.

Both versions of the terms of reference are appended at Appendix 1 and Appendix 2.

The work programmes, cycles of business and overall performance of each Committee/Group/Forum are reviewed by the Committee Business Management Group (CBMG) which meets quarterly. The CBMG oversees effective communication between Committees, avoiding duplication and ensuring all appropriate business is managed effectively and efficiently through the Health Board's governance framework.

A fundamental review of the Governance Structures has been undertaken by the Interim Director of Governance. This work is being finalised at the point of producing this Annual Report.

The R&TS Committee is required to publish its agenda and papers 7 days ahead of the meeting, and a breach log is maintained by the Office of the Board Secretary where there are exceptions to this requirement. During the reporting period there were two instances of papers being published on the Health Board's website later than the required date.

6. Overall *RAG status against Committee annual objectives / plan:
Green/Amber

The summary below reflects the Committee's assessment of the degree to which it has met these objectives.

Objective as set out in Terms of Reference	Assurance Status (RAG)*	Supporting narrative <i>(Please provide narrative against all red and amber including the rationale for the assurance status)</i>	Committee assessment of the quality of the Assurance provided <i>(please provide in narrative format)</i>
To provide advice to the Board on remuneration and terms of service for the Chief Executive, Executive Directors and other senior staff within the framework set by the Welsh Government	Green	Satisfactory	Satisfactory
To provide assurance to the Board in relation to the Health Board's arrangements for the remuneration and terms of service, including contractual arrangements, for <i>all staff</i> , in accordance with the requirements and standards determined for the NHS in Wales	Green	Satisfactory	Satisfactory
To perform certain, specific functions as delegated by the Board and listed below:			
The remuneration and terms of service for the Chief Executive, Executive Directors and other Very Senior Managers (VSMs) not covered by Agenda for Change; ensuring that the policies on remuneration and terms of service as determined from time to time by the Welsh Government are applied consistently	Green	Satisfactory	Satisfactory

To be sighted on the objectives set by the Chief Executive for his immediate team, confirm that Directors have had objectives set, and that appropriate and timely performance reviews have taken place	Amber	The terms of reference have been strengthened to reflect the importance of objectives, and members have had sight of objectives set. However, concerns exist as regards the timeliness of reviews taking place.	Partly assured. Further assurance is required on the issue of timeliness of performance reviews (this matter features on the April 2021 R&TS Committee agenda; this meeting is outside the current reporting timescale)
Proposals to make additional payments to consultants	-	No business of this nature required consideration during the 2020/21 reporting period.	-
Proposals regarding termination arrangements, ensuring the proper calculation and scrutiny of termination payments in accordance with the relevant Welsh Government guidance	-	No business of this nature required consideration during the 2020/21 reporting period.	-
Removal and relocation expenses	-	No business of this nature required consideration during the 2020/21 reporting period.	-
Consider and approve Voluntary Early Release scheme applications and severance payments in line with Standing Orders and extant Welsh Government guidance	-	No business of this nature required consideration during the 2020/21 reporting period.	-
Monitor compliance with issues of professional registration, including the	Green	Reports received in accordance	-

revalidation processes for medical and dental staff and registered nurses, midwives and health visitors and registered professionals		with the cycle of business.	
Monitor and review risks from the Corporate Risk Register that are assigned to the Committee by the Board and advise the Board on the appropriateness of the scoring and mitigating actions in place	-	No business of this nature required consideration during the 2020/21 reporting period.	-
Investigate or have investigated any activity (clinical and non-clinical) within its terms of reference.	-	No business of this nature required consideration during the 2020/21 reporting period.	-
Obtain outside legal or other independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers it necessary, in accordance with the Board's procurement, budgetary and other requirements	-	Not required during the reporting period.	-
Consider and where appropriate, approve on behalf of the Board any policy within the remit of the Committee's business including approval of Workforce policies	Green	Workforce policies have been presented to R&TS as and when necessary.	Satisfactory
Consider reports on behalf of the Board giving an account of progress where any exclusion in respect of Upholding Professional Standards in Wales (UPSW) has lasted more than six months	Green	Comprehensive UPSW reports are regularly presented to the Committee.	Satisfactory
Consider reports on behalf of the Board giving an	Amber	Performers list reports have been	Partly assured. Clarity is required

account of progress on performers list regulatory cases		regularly presented to the Committee. However, queries have been raised regarding the composition of the Performers list and the associated information reported.	on the composition of the Performers list and what should therefore be reported on (this matter features on the April 2021 R&TS Committee agenda; this meeting is outside the current reporting timescale).
Consider reports on behalf of the Board on the position as regards whistleblowing and Safe haven	Green	Reports have been presented to the Committee in line with the cycle of business	Satisfactory.

**Key:*

Red	= the Committee did not receive assurance against the objective
Amber	= the Committee received assurance but it was not positive or the Committee were partly assured but further action is needed
Green	= the Committee received adequate assurance against the objective

7. Main tasks completed / evidence considered by the Committee during this reporting period:

The key substantive agenda items considered during the 2020/21 reporting period were as follows

- Draft Remuneration & Staff Report 2019/20 – approved for submission to the Audit Committee
- Executive Team acting/interim arrangements were agreed
- The search and appointment process for the Chief Executive was approved
- The R&TS Committee Annual Report 2019/20 was approved
- The Reserve Forces Training and Mobilisation All Wales Policy was noted
- The General Medical Council revalidation update 2020 was noted
- The Nursing & Midwifery Council Registration, Revalidation and Fitness to Practice Annual Report 2019 was noted
- Upholding Professional Standards in Wales updates were noted
- An update on GP managed practice staff harmonisation of pay and terms & conditions was noted
- An Executive Team update relating to appointments and the development of new roles was noted
- Arrangements regarding the new Chief Executive's appointment were agreed
- Revised Committee terms of reference were approved

- A Health and Care Professions Council and General Pharmaceutical Council for Wales Registration Report 2019/20 was noted
- A case management and professional standards review update was noted
- An Annual Raising Concerns/Safe Haven Report 2018/19 was noted
- A progress report on the Raising Concerns review was noted
- A report on Managing the Primary Care Performers List in North Wales was noted
- Pay arrangements for employees and workers on ad hoc pay rates in primary care were approved
- A Raising Concerns Speak Out Safely progress report and proposal was noted and supported
- An update on the Performance & Development Review of Executive Directors was noted.

Full details of the issues considered and discussed by the Committee are documented within the agenda and minutes which are available on the Health Board's website and can be accessed from the following pages

<https://bcuhb.nhs.wales/about-us/committees-and-advisory-groups/>

8. Key risks and concerns identified by this Committee in-year which have been highlighted and addressed as part of the Chair's reports to the Board:

In addition to risks/concerns discussed and mitigated in private session, the Committee Chair's Assurance Report to the Board listed the following:

Meeting Date	Key risks including mitigating actions and milestones
17.8.20	The risks associated with vacant posts were mitigated by the interim and recruitment arrangements set out by the Executive Director of Workforce and Organisational Development
6.10.20	Lack of timeliness relating to some management processes (now addressed by improvement plans in place)
1.2.21	<p>The Speak out Safely proposal mitigates the risk of staff not feeling able to raise concerns in a safe environment</p> <p>The enhanced focus on the Executive Director Performance and Development Review process mitigates the risk of Executives not having objectives set, which in turn carries delivery, performance and accountability risks.</p>

9. Review of Effectiveness

Chair's statement to be added following Committee review at the meeting of 22.4.21

10. Focus for the year ahead:

The primary focus of the Committee over the next twelve months will be Executive and senior employees' objective setting and performance management; professional standards and Performers List reporting; compliance monitoring; employee relations, speak out safely reporting; pay harmonisation.

In addition, it is likely that the Committee will need to focus upon changes relating to the overall operating model of the organisation, enabling measures required to support these changes and implications on pay terms and conditions of service.

The Committee has established a Cycle of Business for the year ahead covering the breadth of its work, and primarily focussing on its key areas of risk, as defined in the Board Assurance Framework. This is attached at Appendix 3.

V1.0

Appendix 1 – R&TS Terms of Reference v6.0

**Betsi Cadwaladr University Health Board
Terms of Reference and Operating Arrangements**

**REMUNERATION AND TERMS OF SERVICE
COMMITTEE**

1. INTRODUCTION

- 1.1** The Board shall establish a committee to be known as the Remuneration and Terms of Service Committee (**R&TS**). The detailed terms of reference and operating arrangements in respect of this Committee are set out below.

2. PURPOSE

- 2.1** The purpose of the Committee is to provide:

- advice to the Board on remuneration and terms of service for the Chief Executive, Executive Directors and other senior staff within the framework set by the Welsh Government;
- assurance to the Board in relation to the Health Board's arrangements for the remuneration and terms of service, including contractual arrangements, for *all staff*, in accordance with the requirements and standards determined for the NHS in Wales; and
- to perform certain, specific functions as delegated by the Board and listed below.

3. DELEGATED POWERS AND AUTHORITY

3.1 The Committee, in respect of its provision of advice and assurance will and is authorised by the Board to: -

3.1.1 comment specifically upon

- the remuneration and terms of service for the Chief Executive, Executive Directors and other Very Senior Managers (VSMs) not covered by Agenda for Change; ensuring that the policies on remuneration and terms of service as determined from time to time by the Welsh Government are applied consistently;
- and to be sighted on the objectives set by the Chief Executive for his immediate team, confirm that Directors have had objectives set, and that appropriate and timely performance reviews have taken place
- proposals to make additional payments to consultants;
- proposals regarding termination arrangements, ensuring the proper calculation and scrutiny of termination payments in accordance with the relevant Welsh Government guidance.
- removal and relocation expenses

3.1.2 consider and approve Voluntary Early Release scheme applications and severance payments in line with Standing Orders and extant Welsh Government guidance.

3.1.3 to monitor compliance with issues of professional registration, including the revalidation processes for medical and dental staff and registered nurses, midwives and health visitors and Allied professionals.

3.1.4 monitor and review risks from the Corporate Risk Register that are assigned to the Committee by the Board and advise the Board on the appropriateness of the scoring and mitigating actions in place;

3.1.5 investigate or have investigated any activity (clinical and non-clinical) within its terms of reference. It may seek relevant information from any:

- employee (and all employees are directed to cooperate with any legitimate request made by the Committee); and

- other committee, sub-committee or group set up by the Board to assist it in the delivery of its functions.

3.1.6 obtain outside legal or other independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers it necessary, in accordance with the Board's procurement, budgetary and other requirements;

3.1.7 consider and where appropriate, approve on behalf of the Board any policy within the remit of the Committee's business including approval of Workforce policies.

3.1.8 Consider reports on behalf of the Board giving an account of progress where any exclusion in respect of Upholding Professional Standards in Wales (UPSW) has lasted more than six months.

4. SUB-COMMITTEES

4.1 The Committee may, subject to the approval of the Health Board, establish sub-committees or task and finish groups to carry out on its behalf specific aspects of Committee business.

5. MEMBERSHIP

5.1 Members

- Four Independent Members of the Board
- The Chair of the Audit Committee will be appointed to this Committee either as Vice-Chair or a member.

5.2 In attendance

- Chief Executive Officer
- Executive Director of Workforce and Organisational Development (Lead Director)

Other Directors will attend as required by the Committee Chair, as well any others from within or outside the organisation who the Committee considers should attend, taking into account the matters under consideration at each meeting. A Trade Union Partner Chair of the Local Partnership Forum will be in attendance at meetings held in public as an ex-officio member.

5.3 Member Appointments

5.3.1 The membership of the Committee shall be determined by the Chairman of the Board taking account of the balance of skills and expertise necessary to deliver the Committee's remit and subject to any specific requirements or directions made by the Welsh Government. This includes the appointment of the Chair and Vice-Chair of the Committee who shall be Independent Members.

5.3.2 Appointed Independent Members shall hold office on the Committee for a period of up to 4 years. Tenure of appointments will be staggered to ensure business continuity. A member may resign or be removed by the Chairman of the Board. Independent Members may be reappointed to the Committee up to a maximum period of 8 years.

5.4 Secretariat

5.4.1 Secretary: as determined by the Board Secretary.

5.5 Support to Committee Members

5.5.1 The Board Secretary, on behalf of the Committee Chair, shall:

- Arrange the provision of advice and support to Committee members on any aspect related to the conduct of their role; and
- Ensure the provision of a programme of development for Committee members as part of the overall Board Development programme.

6. COMMITTEE MEETINGS

6.1 Quorum

6.1.1 At least two Independent Members must be present to ensure the quorum of the Committee, one of whom should be the Committee Chair or Vice-Chair. In the interests of effective governance it is expected that at least one Executive Director will also be in attendance.

6.2 Frequency of Meetings

- 6.2.1 The Chair of the Committee, in agreement with Committee Members, shall determine the timing and frequency of meetings, as deemed necessary. It is expected that the Committee shall meet at least once a year, consistent with the Health Board's annual plan of Board Business.

6.3 Withdrawal of individuals in attendance

- 6.3.1 The Committee may ask any or all of those who normally attend but who are not members to withdraw to facilitate open and frank discussion of particular matters.

7. RELATIONSHIP AND ACCOUNTABILITIES WITH THE BOARD AND ITS COMMITTEES

- 7.1 Although the Board has delegated authority to the Committee for the exercise of certain functions as set out within these terms of reference, it retains overall responsibility and accountability for ensuring the quality and safety of healthcare for its citizens through the effective governance of the organisation.

- 7.2 The Committee is directly accountable to the Board for its performance in exercising the functions set out in these Terms of Reference.

- 7.3 The Committee, through its Chair and members, shall work closely with the Board's other Committees to provide advice and assurance to the Board through the:

7.3.1 joint planning and co-ordination of Board and Committee business; and

7.3.2 sharing of information

in doing so, contributing to the integration of good governance across the organisation, ensuring that all sources of assurance are incorporated into the Board's overall risk and assurance arrangements.

- 7.4 The Committee shall embed the corporate goals and priorities through the conduct of its business and in doing and transacting its business shall seek assurance that adequate consideration has been given to the sustainable

development principle and in meeting the requirements of the Well-Being of Future Generations Act.

8. REPORTING AND ASSURANCE ARRANGEMENTS

8.1 The Committee Chair shall:

8.1.1 report formally, regularly and on a timely basis to the Board on the Committee's activities, via the Chair's assurance report as well as the presentation of an annual Committee report;

8.1.2 ensure appropriate escalation arrangements are in place to alert the Health Board Chair, Chief Executive or Chairs' of other relevant committees of any urgent/critical matters that may affect the operation and/or reputation of the Health Board.

8.2 The Board Secretary, on behalf of the Board, shall oversee a process of regular and rigorous self-assessment and evaluation of the Committee's performance and operation.

9. APPLICABILITY OF STANDING ORDERS TO COMMITTEE BUSINESS

9.1 The requirements for the conduct of business as set out in the Standing Orders are equally applicable to the operation of the Committee, except in the following areas:

- Quorum

10. REVIEW

10.1 These terms of reference and operating arrangements shall be reviewed annually by the Committee and any changes recommended to the Board for approval.

Date of approval

Audit Committee

Health Board – November 2019.

V6.0 Approved

Appendix 2 – R&TS Terms of Reference Version 7.0

Betsi Cadwaladr University Health Board Terms of Reference and Operating Arrangements

REMUNERATION AND TERMS OF SERVICE COMMITTEE

1. INTRODUCTION

- 1.1** The Board shall establish a committee to be known as the Remuneration and Terms of Service Committee (**R&TS**). The detailed terms of reference and operating arrangements in respect of this Committee are set out below.

2. PURPOSE

- 2.1** The purpose of the Committee is to provide:

- advice to the Board on remuneration and terms of service for the Chief Executive, Executive Directors and other senior staff within the framework set by the Welsh Government;
- assurance to the Board in relation to the Health Board's arrangements for the remuneration and terms of service, including contractual arrangements, for *all staff*, in accordance with the requirements and standards determined for the NHS in Wales; and
- to perform certain, specific functions as delegated by the Board and listed below.

3. DELEGATED POWERS AND AUTHORITY

3.1 The Committee, in respect of its provision of advice and assurance will and is authorised by the Board to: -

3.1.1 comment specifically upon

- the remuneration and terms of service for the Chief Executive, Executive Directors and other Very Senior Managers (VSMs) not covered by Agenda for Change; ensuring that the policies on remuneration and terms of service as determined from time to time by the Welsh Government are applied consistently;
- and to be sighted on the objectives set by the Chief Executive for his immediate team, confirm that Directors have had objectives set, and that appropriate and timely performance reviews have taken place
- proposals to make additional payments to consultants;
- proposals regarding termination arrangements, ensuring the proper calculation and scrutiny of termination payments in accordance with the relevant Welsh Government guidance.
- removal and relocation expenses

3.1.2 consider and approve Voluntary Early Release scheme applications and severance payments in line with Standing Orders and extant Welsh Government guidance.

3.1.3 monitor compliance with issues of professional registration, including the revalidation processes for medical and dental staff and registered nurses, midwives and health visitors and registered professionals.

3.1.4 monitor and review risks from the Corporate Risk Register that are assigned to the Committee by the Board and advise the Board on the appropriateness of the scoring and mitigating actions in place;

3.1.5 investigate or have investigated any activity (clinical and non-clinical) within its terms of reference. It may seek relevant information from any:

- employee (and all employees are directed to cooperate with any legitimate request made by the Committee); and

- other committee, sub-committee or group set up by the Board to assist it in the delivery of its functions.

3.1.6 obtain outside legal or other independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers it necessary, in accordance with the Board's procurement, budgetary and other requirements;

3.1.7 consider and where appropriate, approve on behalf of the Board any policy within the remit of the Committee's business including approval of Workforce policies.

3.1.8 consider reports on behalf of the Board giving an account of progress where any exclusion in respect of Upholding Professional Standards in Wales (UPSW) has lasted more than six months.

3.1.9 consider reports on behalf of the Board giving an account of progress on performers list regulatory cases.

3.1.10 consider reports on behalf of the Board on the position as regards whistleblowing and Safe haven.

4. SUB-COMMITTEES

4.1 The Committee may, subject to the approval of the Health Board, establish sub-committees or task and finish groups to carry out on its behalf specific aspects of Committee business.

5. MEMBERSHIP

5.1 Members

- Four Independent Members of the Board
- The Chair of the Audit Committee will be appointed to this Committee either as Vice-Chair or a member.

5.2 In attendance

- Chief Executive Officer

- Executive Director of Workforce and Organisational Development (Lead Director)
- Executive Medical Director
- Board Secretary

Other Directors will attend as required by the Committee Chair, as well any others from within or outside the organisation who the Committee considers should attend, taking into account the matters under consideration at each meeting. A Trade Union Partner Chair of the Local Partnership Forum will be in attendance at meetings held in public as an ex-officio member.

The Executive Director of Finance may be invited to attend as required, and will be consulted on any paper to be submitted to the Committee which may have financial implications.

5.3 Member Appointments

5.3.1 The membership of the Committee shall be determined by the Chairman of the Board taking account of the balance of skills and expertise necessary to deliver the Committee's remit and subject to any specific requirements or directions made by the Welsh Government. This includes the appointment of the Chair and Vice-Chair of the Committee who shall be Independent Members.

5.3.2 Appointed Independent Members shall hold office on the Committee for a period of up to 4 years. Tenure of appointments will be staggered to ensure business continuity. A member may resign or be removed by the Chairman of the Board. Independent Members may be reappointed to the Committee up to a maximum period of 8 years.

5.4 Secretariat

5.4.1 Secretary: as determined by the Board Secretary.

5.5 Support to Committee Members

5.5.1 The Board Secretary, on behalf of the Committee Chair, shall:

- Arrange the provision of advice and support to Committee members on any aspect related to the conduct of their role; and
- Ensure the provision of a programme of development for Committee members as part of the overall Board Development programme.

6. COMMITTEE MEETINGS

6.1 Quorum

- 6.1.1 At least two Independent Members must be present to ensure the quorum of the Committee, one of whom should be the Committee Chair or Vice-Chair. In the interests of effective governance it is expected that at least two Executive Directors will also be in attendance.

6.2 Frequency of Meetings

- 6.2.1 The Chair of the Committee, in agreement with Committee Members, shall determine the timing and frequency of meetings, as deemed necessary. It is expected that the Committee shall meet at least once a year, consistent with the Health Board's annual plan of Board Business.

6.3 Withdrawal of individuals in attendance

- 6.3.1 The Committee may ask any or all of those who normally attend but who are not members to withdraw to facilitate open and frank discussion of particular matters.

7. RELATIONSHIP AND ACCOUNTABILITIES WITH THE BOARD AND ITS COMMITTEES

- 7.1 Although the Board has delegated authority to the Committee for the exercise of certain functions as set out within these terms of reference, it retains overall responsibility and accountability for ensuring the quality and safety of healthcare for its citizens through the effective governance of the organisation.
- 7.2 The Committee is directly accountable to the Board for its performance in exercising the functions set out in these Terms of Reference.
- 7.3 The Committee, through its Chair and members, shall work closely with the Board's other Committees to provide advice and assurance to the Board through the:

7.3.1 joint planning and co-ordination of Board and Committee business; and

7.3.2 sharing of information

in doing so, contributing to the integration of good governance across the organisation, ensuring that all sources of assurance are incorporated into the Board's overall risk and assurance arrangements.

- 7.4 The Committee shall embed the corporate goals and priorities through the conduct of its business and in doing and transacting its business shall seek assurance that adequate consideration has been given to the sustainable development principle and in meeting the requirements of the Well-Being of Future Generations Act.

8. REPORTING AND ASSURANCE ARRANGEMENTS

- 8.1 The Committee Chair shall:

8.1.1 report formally, regularly and on a timely basis to the Board on the Committee's activities, via the Chair's assurance report as well as the presentation of an annual Committee report;

8.1.2 ensure appropriate escalation arrangements are in place to alert the Health Board Chair, Chief Executive or Chairs' of other relevant committees of any urgent/critical matters that may affect the operation and/or reputation of the Health Board.

- 8.2 The Board Secretary, on behalf of the Board, shall oversee a process of regular and rigorous self-assessment and evaluation of the Committee's performance and operation.

9. APPLICABILITY OF STANDING ORDERS TO COMMITTEE BUSINESS

- 9.1 The requirements for the conduct of business as set out in the Standing Orders are equally applicable to the operation of the Committee, except in the following areas:

- Quorum

10. REVIEW

10.1 These terms of reference and operating arrangements shall be reviewed annually by the Committee and any changes recommended to the Board for approval.

Date of approval

Audit Committee

Health Board –

V7.0 Approved Feb 2021

Appendix 3

R&TS Committee Cycle of Business:

Item	April	June	July	Oct
Opening Business				
Apologies for Absence	x		x	x
Declaration of Interests	x		x	x
Previous Minutes and Action Plan	x		x	x
Core Agenda Items				
Committee annual report (inc annual review of ToR)	x			
Speak Out Safely			x	
Employee relations professional standards report	x			x

Removal and relocation expenses - by exception (as and when required)	x		x	x
Remuneration Report (June 2021 Extraordinary meeting)		x		
Remuneration and Terms of Service issues : Executives and Very Senior Managers	x		x	x
Objective setting arrangements : Executives and Very Senior Managers (every meeting as required)	x		x	x
Performance Management : Executives and Very Senior Managers (every meeting as required)	x		x	x
Upholding Professional Standards in Wales (<i>Private</i>) to include Performers List Regulatory Cases (to be referenced even if nil return)	x		x	x
Monitoring compliance - Professional registration and revalidation updates – NMC/GMC/HPC/GPhC(Pharmacy)			x	
Termination Payments incl VERS (every meeting as required)	x		x	x
Policies (as and when)	x		x	x
Closing Business (Standing Items)				
Issues of significance to inform Chair's Assurance Report	x		x	x
Summary of In Committee Business to be reported in Public	x		x	x
Any Other Business (at Chair's discretion)	x	x	x	x
Date of Next Meeting	x	x	x	x
*Additional ad hoc agenda items are listed on the Committee's forward plan.				

Cyfarfod a dyddiad: Meeting and date:	Remuneration and Terms of Service Committee 22/4/21					
Cyhoeddus neu Breifat: Public or Private:	Public					
Teitl yr Adroddiad Report Title:	National terms and conditions, policy and pay update					
Cyfarwyddwr Cyfrifol: Responsible Director:	Mrs Sue Green, Executive Director Workforce and Organisational Development					
Awdur yr Adroddiad Report Author:	Lesley Hall, Associate Director Human Resources					
Craffu blaenorol: Prior Scrutiny:	N/A					
Atodiadau Appendices:	3					
Argymhelliad / Recommendation:						
Committee to note this report and approve the short extension of the Consultant and SAS Doctor Pay arrangements.						
Please tick as appropriate						
Ar gyfer penderfyniad /cymeradwyaeth For Decision/ Approval	<input checked="" type="checkbox"/>	Ar gyfer Trafodaeth For Discussion	<input type="checkbox"/>	Ar gyfer sicrwydd For Assurance	<input type="checkbox"/>	Er gwybodaeth For Information
<i>If this report relates to a 'strategic decision', i.e. the outcome will affect how the Health Board fulfils its statutory purpose over a significant period of time and is not considered to be a 'day to day' decision, then you must include both a completed Equality Impact (EqIA) and a socio-economic (SED) impact assessment as an appendix.</i>						Y/N to indicate whether the Equality/SED duty is applicable N
Sefyllfa / Situation:						
In response to the pandemic, a number of temporary amendments were made at an all Wales level to national terms and conditions of service for Agenda for Change and Medical and Dental staff. This paper provides details of these changes.						
Cefndir / Background:						
There are 2 sets of terms of conditions for staff employed by the Health Board - the NHS Terms and Conditions of Service Handbook (for staff on Agenda for Change and VSM pay scales), and the Medical and Dental Handbook. There is limited scope for health boards to vary some aspects of these terms and conditions of service under the scheme of delegation, and the approach in Wales has been to ensure consistency across the organisations.						

A number of temporary amendments to terms and conditions were made in order to support flexibility during the pandemic, which are detailed below.

Asesiad / Assessment & Analysis

Annual Leave

For staff on Agenda for Change terms and conditions, the decision was taken in 2009 that no carry-over of leave would be permitted except in circumstances of long term sickness as detailed in the all Wales Sickness Absence Policy. Medical and Dental staff do not have a consistent leave year and a carry-over of up to 5 days was allowed.

Frequently Asked Questions (FAQs) have been issued and updated regularly from mid-March 2020 to date, which include a statement encouraging staff to take regular breaks to support Health and Wellbeing. In mid-March 2020, communications were issued that carry-over of any remaining leave for the 2020 / 21 leave year would be permitted although this was minimal at that stage of the leave year.

For Medical and Dental staff, it was agreed that the rollover limits of Annual Leave from one leave year to another would be relaxed, and (subject to the usual departmental Annual Leave booking processes) that any leave carried over is taken, in a phased way, over the next 2 leave years of 2021 / 2022 and 2022 / 23. As usual, leave will be approved when service continuity allows.

For Agenda for Change staff, the taking of leave was monitored throughout the 2020/21 leave year, and in December 2020, staff were advised that up to 5 days could be carried over. This was amended to 10 days (up to 20 with Director approval) and to 20 without approval in line with the all Wales policy in March 2021 following agreement with Welsh Partnership Forum. Of leave carried over at least 50% must be taken in 2021 /22 with the remaining annual leave carried over to be taken in 2022/23 leave. This will be monitored to ensure that annual leave is taken through the year.

This relaxation is in keeping with UK Government relaxation of rules to allow statutory leave entitlement to be carried over to 2021/22 and 2022 23.

Consultant and SAS Doctor Pay

Temporary changes were made at all Wales level to Consultant and SAS pay rates from 1st April – 30th June 2020 (later extended to 31st August 2020) for out of hours activity. These are detailed in Appendix 1. A revised agreement was put in place from 1st November 2020 – 31st March 2021 which is detailed in Appendix 2.

Given that there are a small number of amended rotas in place due to Covid 19, it is proposed that the temporary changes remain in place until 31.5.21.

Overtime – Staff on Agenda for Change Terms and Conditions

Senior staff at band 8a and above are not entitled to overtime payments. This condition was relaxed in March 2020 until 31st August 2020 with nursing staff paid for overtime if authorised

by the site Director of Nursing and other staff paid for overtime if authorised by the relevant Director.

Enhanced Overtime

An advisory notice providing the option of enhanced overtime rates for targeted application was issued in December 2020, with an 'enhanced rate' and 'enhanced rate plus' available to organisations. (Appendix 3). In line with agreement reached across Health Boards, agreement was reached at Executive Incident Management Team (EIMT) that this would be applied to Nursing, Health care support workers and staff involved in vaccination activity from 25th December 2020, pharmacy staff involved in vaccination from 5th January 2021 and Therapies and Estates and Facilities staff from 13th February 2021. This agreement ended for all staff on 31st March 2021.

NHS one off Bonus payment

Further to the Minister's announcement on 17th March 2021. Health Boards have been advised of the criteria and timescales for payment of this one off bonus payment for staff directly employed and the parameters for payment of certain staff not directly employed and providing NHS Commissioned Health Care Services.

This includes:

1. To make a one off non-consolidated non-pensionable £735 payment for all directly employed NHS staff with at least one-month's continuous service in the NHS in Wales between 17 March 2020 and 28 February 2021 for local Health Boards or NHS Trusts.
2. To make the payment to directly employed bank workers and locums paid through NHS Payrolls who have four shifts between 17 March 2020 and 28 February 2021 for Local Health Boards or NHS Trusts.
3. The intention is that directly employed staff will receive their bonus payment in May payroll for the NHS.
4. Local Health Board and Trusts should make staff aware of this circular and the arrangements for the payment as soon as possible.

Details are contained within Appendix 4

Strategy Implications

N/A

Options considered

These variations to Terms and Conditions were agreed at all Wales level, and then enacted by agreement of Executive Directors based on ability to sustain safe patient care.

Financial Implications

The costs of the above variations were calculated and funded through COVID 19 funding streams.

Risk Analysis

The decision on enhanced overtime was based on risk to the safety of clinical services.

Legal and Compliance

All changes were in accordance with National Terms and Conditions of Service.

Impact Assessment

Equality Impact Assessments were undertaken at national level and assessed at local level to determine any particular impact across the Health Board.

Appendix 1

Y Grwp Iechyd a Gwasanaethau Cymdeithasol
Health and Social Services Group



Llywodraeth Cymru
Welsh Government

Directors, Workforce & Organisational Development – NHS Health Boards/Trusts
Directors, Finance – NHS Health Boards/Trusts

Our Ref: M&D/Consultants and SAS (W) COVID 02/2020

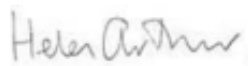
20 April 2020

Dear Colleague

This letter informs you of the temporary changes we have agreed in social partnership with NHS Wales Employers and BMA Cymru Wales during the COVID 19 Pandemic in NHS Wales to recognise the commitment of our Consultants', Specialty Doctor and Associated Specialists'.

Please see below the two statements for your noting and action, please note that the statement for SAS doctors can be back dated to 1st April 2020.

Yours sincerely



Helen Arthur
Interim Director of Workforce and Corporate Business
Cyfarwyddwr Dros Dro y Gweithlu a Busnes Corfforaethol

Specialty Doctor and Associate Specialists Pay for out of hours work during Covid-19

Welsh Government, NHS Employers and BMA Cymru Wales would like to express their support and thanks to all Specialty doctors and Associate Specialists during this Covid-19 crisis who have demonstrated such commitment to the NHS. The past few weeks have already seen SAS doctors alongside other healthcare workers across the country demonstrating extraordinary levels of commitment and willingness to go above and beyond usual expectations.

In recognition of this, the enhanced rates paid (or recognised in a sessional time reduction) under Schedule 8 of the Specialty Doctor and Associate Specialist terms and conditions of service for out of hours work will be increased as follows: -

Monday – Friday 7.00pm – 7.00am: 1.5 x individual's standard hourly rate

Friday 7.00pm – Monday 7.00am: 2 x individual's standard hourly rate

Bank Holidays – 2 x individual's standard hourly rate

All other terms and conditions and service remain the same.

We are aware that SAS doctors in the NHS are used to taking responsibility for their patients and being flexible wherever possible to ensure that patient care is as good as it can be. During the Covid-19 crisis, demand on SAS doctors will increase as a result of an increased numbers of inpatients in hospital as well as colleagues being off sick or self-isolating. This may mean that work patterns, rotas, OOH work and SPA time might all have to change, temporarily. We urge that this is done collaboratively and in a spirit of partnership.

WG, NHS Employers and BMA Cymru Wales wish to make it clear that SAS cooperating to work in this way will be doing so on a temporary basis only without any variation to nationally agreed Terms and Conditions, which will continue to apply.

Such emergency arrangements should continue for no longer than is necessary to respond to the extraordinary clinical demands posed by the current crisis. We strongly recommend that formal local workforce agreements are entered into to confirm the terms of any such arrangements, specifying the anticipated length of the engagement (limited to the extraordinary clinical demands of coronavirus pandemic) and express confirmation of a doctor's right to return to their previously agreed Job Plans, which are to be held in abeyance for the duration of the emergency arrangement.

Advisory Notice Consultants Pay during Covid-19

Welsh Government, NHS Employers and BMA Cymru Wales would like to express their support and thanks to all consultants during this Covid-19 crisis. We are all aware that consultants are being asked at short notice to take on considerable extra or new clinical duties which are not in line with their Job Plans in order to support the effort to respond to the increased clinical demands of the coronavirus pandemic.

We are aware that senior clinicians in the NHS are used to taking responsibility for their patients and being flexible wherever possible to ensure that patient care is as good as it can be. During the Covid-19 crisis, demand on consultants will increase as a result of an increased numbers of inpatients in hospital as well as colleagues being off sick or self-isolating. This may mean that work patterns, rotas, OOH work and SPA time might all have to change, temporarily. We urge that this is done collaboratively and in a spirit of partnership.

WG, NHS Employers and BMA Cymru Wales wish to make it clear that consultants cooperating to work in this way will be doing so on a temporary basis only without any variation to the Amendment to the National Consultant Contract in Wales or nationally agreed Terms and Conditions, which will continue to apply.

Such emergency arrangements should continue for no longer than is necessary to respond to the extraordinary clinical demands posed by the current crisis. We strongly recommend that formal local workforce agreements are entered into to confirm the terms of any such arrangements, specifying the anticipated length of the engagement (limited to the extraordinary clinical demands of coronavirus pandemic) and express confirmation of a doctor's right to return to their previously agreed Job Plans, which are to be held in abeyance for the duration of the emergency arrangement.

During the Covid-19 crisis the following temporary pay arrangements are recommended: -

Consultants Pay Arrangements during Covid-19

If a consultant's current job plan / normal working arrangements change as a result of covid 19 and they are required to work a different pattern of hours to their current agreed job plan then all amended hours worked outside Monday- Friday 9am-5pm will be paid at the following rates:-

Monday – Friday 5.00pm – 9.00am: 1.5 x individual's standard hourly rate (including commitment awards)

Friday 5.00pm – Monday 9.00am: 2 x individual's standard hourly rate (including commitment awards)

Bank Holidays – 2 x individual's standard hourly rate (including commitment awards)

If a Part Time Consultant is asked and agrees to increase their normal hours of work, they will be paid for the additional hours worked during period Monday – Friday 9.00am – 5.00pm at their standard normal hourly rate. At all other times hours worked will be paid as set out above.

This Advisory Notice is intended to assist employers and consultants in discussions for the period from 1st April 2020 to 30th June 2020 and will be reviewed on 1st June 2020 to determine whether an extension is required.

This temporary Advisory Notice does not represent any change to the current consultant contract in Wales and / or the medical and dental terms and conditions of service in Wales for consultants. Any agreements made prior to this Advisory notice will still stand and can only be varied by both parties through agreement.

Appendix 2

Advisory Notice Consultants and SAS doctors pay during COVID-19

Welsh Government, NHS Wales Employers and BMA Cymru Wales would like to express their support and thanks to all consultants and SAS doctors during this ongoing COVID-19 crisis.

We are aware that consultants and SAS doctors are again being asked at short notice to take on considerable extra or new clinical duties which are not in line with their agreed, pre-COVID-19 Job Plans in order to respond to the increased clinical demands of the ongoing coronavirus pandemic. We acknowledge that demand on clinicians has also increased as a result of the backlog of work which was displaced by COVID-19, rising numbers of inpatients in hospital during the winter period, and the need to cover for colleagues who may be unwell or self-isolating.

This may mean temporary changes to working hours and rota patterns, as well as out of hours working. Any changes must be agreed in advance and in collaboration with the clinician concerned, although it is acknowledged that due to operational challenges there may be instances where immediate responses are required such as a session over-running.

SPA time continues to be essential and should continue at the agreed level in the original job plan. Where temporary job plans are agreed these should include SPA time at an agreed level.

Where SPA activity can be undertaken or delivered remotely, it may be possible for this to be performed off site with prior agreement. Appropriate expected outcomes will need to be agreed for such work, as with other aspects of a consultant's commitments. This will support compliance with the physical-distancing requirements within workplaces and with Welsh Government guidance to work from home when possible. As with any SPA time delivered at home, there may be a requirement to return to the workplace should that be required and clinicians should therefore remain contactable and available to respond should this be necessary.

We wish to make it clear that clinicians who temporarily agree changes to their working patterns will be doing so without any variation to the Amendment to the National Consultant Contract in Wales or the Specialty Doctor and Associate Specialist terms and conditions of service, or any nationally agreed Terms and Conditions. These continue to apply and no clinician should suffer financial detriment for their flexibility.

Such arrangements should continue for no longer than is necessary to respond to the extraordinary clinical demands posed by the COVID-19 crisis.

This notice confirms a doctor's right to return to their previously agreed, pre-COVID-19 Job Plan, which is to be held in abeyance for the duration of the emergency arrangements.

These pay arrangements will commence on 1 November 2020 and will apply until 31 March 2021. As an alternative to receiving pay under these arrangements, with prior

agreement by their line manager, clinicians may request to take time off in lieu on the same basis i.e. time and a half/ double time.

Consultants

All amended hours worked as a result of responding to the COVID-19 pandemic together with work undertaken which has been displaced by COVID-19 outside Monday- Friday 9am-5pm (including all on call hours actually worked) will be paid at the following rates.

Monday – Friday 5pm – 9am: 1.5 x individual's standard hourly rate (including commitment awards)

Friday 5pm – Monday 9am: 2 x individual's standard hourly rate (including commitment awards)

Bank Holidays – 2 x individual's standard hourly rate (including commitment awards)

Specialty Doctor and Associate Specialists

The enhanced rates paid for all amended hours worked as a result of responding to the COVID-19 pandemic or for undertaking work which has been displaced by COVID-19 outside Monday- Friday 7am-7pm (including all on call hours actually worked) (or recognised by a sessional time reduction under Schedule 8 of the Specialty Doctor and Associate Specialist terms and conditions of service for out of hours work) will be increased to the following rates:

Monday – Friday 7.00pm – 7.00am: 1.5 x individual's standard hourly rate

Friday 7.00pm – Monday 7.00am: 2 x individual's standard hourly rate

Bank Holidays – 2 x individual's standard hourly rate

Part-time (Consultants/SAS)

If a Part-time clinician is asked and agrees to increase their normal hours of work, they will be paid for the additional hours worked during the period Monday – Friday 9am-5pm for consultants and 7am – 7pm for SAS doctors at their standard normal hourly rate. At all other times hours worked will be paid as set out above.

Stand-by/additional non-resident on call (Consultants/SAS)

It is not anticipated that "stand-by" non-resident on call patterns will need to be established to deal with Covid-19 work. However, clinicians undertaking additional on-call (e.g. increased frequency of an on-call rota, or supplemental stand-by on-calls) to support COVID-19 work (including the effects of Covid 19 such as increased absence) will be paid as follows:-

1. Direct clinical care will be paid in line with the rates above for the hours actually worked, and
2. For the non-resident element of these duties an 'on call allowance' of 50% of the clinician's normal hourly rate will be paid for the period during which the clinician is available.

Any individual agreements made prior to this Advisory Notice will still stand and can only be varied by both parties through agreement.

Appendix 3

Advisory Notice **Enhanced overtime pay - additional provisions during COVID-19**

The pressure on Health Boards and NHS Trusts during the COVID-19 pandemic has been unprecedented and has required the deployment of additional workforce capacity to maintain services during the outbreak. There are now additional demands on staffing as winter pressure on services increases with rising numbers of inpatients in hospital and the need to cover for colleagues who may be unwell or self-isolating. In addition to these service pressures, NHS Wales is deploying staff to deliver the vaccination programme.

In order to respond to the increased workforce demands, additional temporary provisions are being made available for Health Boards and NHS Trusts to access at their discretion where service needs demand during the COVID-19 pandemic. These provisions are available for targeted application where there is a requirement to increase additional staffing capacity and where it is considered that the normal overtime provisions would not deliver the required increase in capacity. These arrangements enhance the Agenda for Change overtime provision beyond the multiplier of "time and a half" which is set out in the national terms and conditions of service.

There are two rates available and it will be for Health Boards and NHS Trusts to determine if they wish to target these rates and which level of rate to apply to each specific situation.

	Current National Terms and Conditions	Enhanced rate	Enhanced rate plus
Weekday rate (6am – 8pm)	x1.5	x1.5	x1.75
Night rate (8pm – 6am)	x1.5	x2.0	x2.25
Saturday rate	x1.5	x2.0	x2.25
Sunday rate	x1.5	x2.25	x2.5

These enhanced rates are available across all Agenda for Change staff groups. Health Boards and NHS Trusts will determine, depending on service need, whether and where there is a requirement to apply these enhanced rates and will additionally determine the staff eligible to receive the rate which may include part time staff.

Decisions to apply these rates must be duly authorised within each Health Board and NHS Trust through appropriate governance arrangements. Each decision to apply these rates must include a clear rationale for applying the rates with an ongoing review process to consider continued need for application. The LPF must be engaged in the process prior to decisions being made so that there is a clear understanding as to how the application and targeting of these rates will secure and facilitate additional staffing being available. Once an enhanced rate has been applied, it must be monitored on an ongoing basis to ensure that it remains appropriate.

These arrangements will be available for use from 22nd December 2020 and this notice will be reviewed in the week commencing 25th January 2021.



Chief Executives – NHS Health Boards/Trusts

Directors, Workforce & Organisational Development – NHS Health Boards/Trusts

Directors of Finance – NHS Health Boards/Trusts

Our Ref: Bonus Payment (W) 01/2021

25 March 2021

Dear Colleague

NHS one off Bonus payment

Directly Employed

This pay circular informs Local Health Boards and NHS Trusts of the pay arrangements for NHS staff in Wales further to the Minister's announcement on 17th March 2021. This circular authorises the service to make the one off bonus payment and sets out the parameters which have been agreed.

Action

1. To make a one off non-consolidated non-pensionable £735 payment for all directly employed NHS staff with at least one month's continuous service in the NHS in Wales between 17 March 2020 and 28 February 2021 for local Health Boards or NHS Trusts.
2. To make the payment to directly employed bank workers and locums paid through NHS Payrolls who have four shifts between 17 March 2020 and 28 February 2021 for Local Health Boards or NHS Trusts.
3. The intention is that directly employed staff will receive their bonus payment in May payroll for the NHS.
4. Local Health Board and Trusts should make staff aware of this circular and the arrangements for the payment as soon as possible.

Should staff directly employed by Local Health Boards or NHS Trusts who wish to receive their payment in five instalments, which are to be paid in the 2021/2022 tax year, they are to notify NWSSP.COVIDBonus@wales.nhs.uk by 30 April 2021

Eligibility criteria is set out in **Annex A** of this circular.

NHS Commissioned Health Care Services

Further to the Minister's announcement on 17th March 2021, this pay circular also informs Local Health Boards and NHS Trusts of the one off bonus payment arrangements for certain staff that provide NHS healthcare services directly commissioned by Local Health Boards or NHS Trusts in Wales and sets out the parameters which have been agreed.

Action

5. Once the basis for payment has been confirmed, each Local Health Board is to make a payment to each contractor who as of the 25 February 2021 is party to a primary care contract or arrangement with that Local Health Board pursuant to sections 41(2)(b), 42, 57, 64, 71 and 80 of the National Health Service (Wales) Act 2006, or has an Eye Health Examination Wales arrangement¹ or Low Vision Service Wales arrangement² with a Local Health Board, such payment being the payment mentioned in paragraph (1) (where appropriate, grossed-up to include any associated employer's NI) multiplied by the number of eligible staff (as described in the **Annex B** to this Circular) employed or engaged by the contractor. This payment will be made on the condition that the contractor will pay all such sums to those relevant eligible individuals, subject to any HMRC deductions associated with the payment and, whilst the intention is that this payment is non-pensionable, where that is not possible under the contractor's terms and conditions for an eligible member of staff, the contractor may also deduct any employer and employee pensions' contributions associated with the payment.
6. To make the payment to providers for NHS health care commissioned services in Wales by the Local Health Board or NHS Trust, not outlined in paragraph 5, such as mental health services and hospice care.

General

7. These payments to the eligible individuals must not be paid as a substitute for any other payments to which those individuals would otherwise have received.
8. It has been agreed that these payments will not be pro-rated.
9. Individuals will only be eligible for a single payment and, for those who would otherwise have been eligible for a payment from more than one organisation, the payment will only be paid by the organisation for whom they do the greatest proportion of their work.

¹ An arrangement to provide eye health examinations as commissioned by Local Health Boards under Schedule 1 of the Eye Health Examination Service Committee (Wales) Directions 2016.

² An arrangement to provide low vision services assessments and rehabilitation support as commissioned by Local Health Boards under Schedule 1 of the Low Vision Service Committee (Wales) Directions 2016.

Enquiries

10. Employers should direct enquiries to: HSSWorkforceOD@gov.wales

11. Copies of this circular can be downloaded from the [HOWIS](#) website.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Helen Arthur'.

Helen Arthur

Interim Director, Workforce & Organisational Development
Cyfarwyddwr Dros Dro y Gweithlu a DS

Annex A: Eligibility criteria for directly employed NHS staff

1. The one off non-consolidated non-pensionable £735 will be payable to all directly employed NHS staff with at least one month's continuous service in the NHS in Wales between 17 March 2020 and 28 February 2021.
2. The payment will also be made to directly employed bank workers and locums paid through NHS Payroll who have worked four shifts between 17 March 2020 and 28 February 2021
3. The payment is also payable to contractor staff covered by the Two Tier Agreement with the same qualifying criteria as directly employed staff.
4. Those working on Honorary Contracts to enable frontline/patient directed clinical activities with the same qualifying criteria as directly employed staff.
5. The payment will also be made to staff that would have been eligible but for them being on sick leave with COVID-19 or other reasons, medically excluded, on maternity leave, shared parental leave or adoption leave.
6. The payment will not apply to:
 - Agency Staff
 - Board Chairs and Non-Execs/Independent Members
 - People working under IR35 arrangements or Direct Engagement models
 - Workers paid on a "fee" basis
 - Clinical students on unpaid placements
 - People on career breaks
 - Employees dismissed for gross misconduct

Annex B: Primary Care Contractors

1. In relation to those primary care contractors covered by paragraph 5 of the Actions section of the letter above, the staff that will be eligible are those that, subject to the following paragraphs of this Annex, are:
 - a. health care professionals, employed or directly engaged by the contractor, that directly provided the NHS medical, dental, pharmaceutical or ophthalmic services (as appropriate) to the contractor's NHS patients for:
 - i. in the case of those persons employed by the contractor, at least one complete calendar month required by their contract of employment during the period beginning with 17 March 2020 and ending with 28 February 2021, and
 - ii. in the case of locums engaged by the contractor, at least 8 sessions recorded during the period beginning with 17 March 2020 and ending with 28 February 2021; and
 - b. employees of the contractor whose primary role, in the opinion of the Local Health Board, is to directly support the delivery of those NHS services to the contractor's NHS patients (at the location at which those NHS services were delivered to those patients) and who provided such support for at least one complete calendar month required by their contract of employment during the period beginning with 17 March 2020 and ending with 28 February 2021.
2. The payment will also be made to staff that would have been eligible but for them being on Covid-19 Special Leave, those who are shielding, on sick leave, maternity or paternity leave, adoption leave, shared parental leave or special leave.
3. The Payment will not apply to those persons excluded pursuant to paragraph 6 of Annex A or to any of the following:
 - People paid through a personal services company
 - Employees of (or workers engaged by) a subcontractor (of any level) of the contractor