



**PWYLLGOR DIWYLLIANT, POBL A DATBLYGU SEFYDLIADOL
PEOPLE, ORGANISATIONAL DEVELOPMENT & CULTURE COMMITTEE**

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| DYDDIAD Y CYFARFOD: DATE OF MEETING: | 13 June 2024 |
| TEITL YR ADRODDIAD: TITLE OF REPORT: | Employee Relations Activity |
| CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR: | Lisa Gostling, Director of Workforce and Operational Development, and Deputy Chief Executive |
| SWYDDOG ADRODD: REPORTING OFFICER: | Heather Hinkin, Head of Workforce |

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

Ar Gyfer Trafodaeth/For Discussion

ADRODDIAD SCAA

SBAR REPORT

Sefyllfa / Situation

This report provides the People, Organisational Development and Culture Committee (PODCC) with an overview of all internal Employee Relations (ER) cases for the period January to December 2023. It also provides a summary of the employment tribunal activity and employment policy review work for financial year April 2023 to March 2024.

Due to the sensitive nature of some of this information, elements of this report are presented in detail to a separate In-Committee PODCC meeting.

Cefndir / Background

Following a previous request from the Board for further information relating to ER activity this report outlines the Operational Workforce Team's activity in relation to the following areas:-

1. Disciplinary
2. Respect & Resolution
3. Other activity (Capability/Whistleblowing)
4. Suspensions/Restricted practice
5. Employment Tribunal cases
6. Policy Reviews (local and All-Wales)

Asesiad / Assessment

This element of the report is based on ER case data available across the three counties and four Operational Workforce Teams.

1. Disciplinary (All Wales and UPSW)

| New Cases (Jan – March 2024) | Closed Cases | Ongoing Cases (including new) | Appeals |
|------------------------------------|-----------------|----------------------------------|---------|
| | | | |

| | | | | |
|----|------------------|---------------|--------------|---|
| | (Jan – Dec 2023) | | | |
| 14 | 144 | Informal 3 | Formal 39 | 2 |

The caseload continues to be significant and has increased exponentially on the previous years' data (2022) including those requiring consideration under Upholding Professional Standards in Wales (UPSW) process. We have seen an increase in the number of formal disciplinary cases from the previous report (32 cases closed in 2022 – an increase of over 250%). An emerging theme identified in 2022 was a rise in the number of disciplinary cases in respect of breaches of patient confidentiality. Following work with the Information Governance Department (and the issue of updated guidance in January 2023) we have seen a positive decline in such cases throughout 2023.

There is a concerning trend in terms of the increasing number of complaints of bullying behaviour. The reasons for this are varied based on feedback from staff and include the increased awareness that the Health Board encourages staff to raise their concerns through a variety of mechanisms, fatigue, personal issues impacting in the workplace and a decreasing tolerance of such behaviour which also enables concerns to be addressed at an earlier stage and thereby potentially reduce the time taken to deal with them. Whilst the numbers of complaints in respect of sexual harassment/assault under investigation have decreased this year, they are still very significant in terms of the impact they have on those staff affected as well as requiring a significant investment of workforce resource to manage the complexity associated with such cases and support staff whether directly or indirectly by signposting to the wider support services available across the Health Board.

The majority of cases closed in 2023 (83) were addressed formally with 54 cases addressed informally, in 6 of the cases the employees resigned. Of the 83 formal cases 60 were considered under the fast-track process; this process has been particularly effective in dealing with issues of minor misconduct including inappropriate behaviour, persistent tardiness or minor breaches of confidentiality.

2. Respect & Resolution

| New Cases (Jan – March 2024) | Closed Cases (Jan – Dec 2023) | Ongoing Cases (including new) | | Appeals |
|------------------------------|-------------------------------|-------------------------------|--------|---------|
| | | Informal | Formal | |
| 9 | 59 | 10 | 19 | 11 |

The main themes for new and closed cases are bullying and harassment, working relationships, and terms and conditions. There has been an increase in the number of issues that the team have supported through the formal process however, we are cognisant that the Organisational Development (OD) team also support staff on an informal basis so there will be further data in this regard to be considered within their report. There has been an increasing trend where timelines have been impacted due to employees taking extended periods of sick leave, this is also a factor for informal and formal disciplinary matters. The Workforce teams provide support and advice to staff and managers throughout these processes on a case-by-case basis.

3. Other types of ER cases e.g. capability, whistleblowing

| Ongoing Cases | Closed Cases Jan – Dec 2023 | Ongoing Cases – breakdown | |
|---------------|-----------------------------|---------------------------|--------|
| 19 | 23 | Informal | Formal |
| | | 14 | 5 |

This metric includes both performance at work and other types of ER casework not described elsewhere, although most cases at present are in relation to capability (informal) and issues involving bank workers' conduct. The Health Board has been trialling the new approach to capability as outlined in the draft All Wales policy which focuses on supporting staff to improve performance at work rather than issuing warnings which the current All Wales procedure requires. This approach has enabled managers to clearly define the issues causing concern and to put in place an action plan for improvement with clear objectives to be met.

In addition to the above data set, we also have a category of casework that does not result in allocation to one of the above defined categories. Whilst they may not progress, they nonetheless take considerable time to work through and close. In 2023 the teams dealt with a further 201 matters raised via managers that did not result in allocation to a policy or procedure whether formally or informally due to the initial fact-finding process undertaken. Issues resolved at this initial stage included minor acts of insubordination, managing expectations, overpayments, alleged patient concerns, alleged inappropriate behaviour and potential breaches of confidentiality. The number of issues resolved at this early consideration stage with managers was 15% higher than seen in 2022.

4. Safeguarding

We have 15 ongoing cases at present. Due to the sensitive nature of this information and ongoing investigations, details of these cases are reported via a separate In-Committee PODCC meeting.

5. Suspension/Restricted Practice (In place or closed in Dec 2023)

As at 31 December 2023, there were 3 members of staff suspended and 15 subject to restricted practice. Due to the sensitive nature of this information and ongoing investigations, details of these cases are reported via a separate In-Committee PODCC meeting.

6. Employment Tribunal Claims

As at 6 March 2023, there was 1 ongoing Employment Tribunal claim which the Health Board is dealing with. Due to the sensitive nature of these claims, these cases are presented in more detail in a separate In-Committee PODCC meeting.

7. Local Policy Review

The total number of local policies identified for review between April 2023 and March 2024 increased in year from 24 to 25.

To date:-

- a) 22 of these reviews have been completed and approved.
- b) 2 policies led by colleagues outside Workforce and Organisational Development (W&OD) remain work in progress.

c) 1 W&OD policy has not commenced its internal review due to the All-Wales policy work that remains ongoing.

7.1.1 Policy Schedule for 2023/2024

| No | Name of Policy | Review Date | Status |
|----|--|-------------|--|
| 1 | Providing Employment References | 30.4.23 | Completed – now guidance |
| 2 | Personal Relationships at Work | 30.4.23 | Completed – now guidance |
| 3 | General Data Protection | 30.4.23 | Completed and removed |
| 4 | Personnel Employee Records Management | 30.4.23 | Completed and removed |
| 5 | Supporting Transgender Staff | 31.8.23 | Completed |
| 6 | Volunteers | 31.8.23 | Completed |
| 7 | Preceptorship | 1.5.23 | Work in Progress (WIP) – at final stage of consultation – review led by nursing colleagues |
| 8 | Staff Immunisation | 30.6.23 | Completed |
| 9 | Flexi Time | 31.8.23 | Completed and removed – now forms part of Flexible Working Policy |
| 10 | Uniform and Dress Code | 31.8.23 | Completed |
| 11 | Eagle Strategy | 30.6.23 | Completed and removed – replaced with Developing New Clinical Roles Policy |
| 12 | Developing New Clinical Roles Policy | 19.6.23 | Completed – new policy |
| 13 | Registration and Re-registration of Health Professionals | 30.6.23 | Completed |
| 14 | Medication Errors | 30.6.23 | WIP – review led by nursing colleagues |
| 15 | Study Leave for Medical & Dental Staff | 31.12.23 | Completed |
| 16 | Re-Evaluation of Pay Band | 30.6.23 | Completed |
| 17 | Domestic Abuse and Sexual Violence | 31.12.23 | Completed |
| 18 | Referral of Employee to OH Service | 31.8.23 | Completed – now guidance |
| 19 | Guidance on Starting Salaries/Incremental Credit | 31.8.23 | Completed |
| 20 | Ethical Employment | 17.12.23 | Completed |
| 21 | Carers | 17.12.23 | Completed |
| 22 | Term Time Working | 31.12.23 | Completed and policy removed – now forms part of Flexible Working Policy |
| 23 | Relocation Expenses | 31.12.23 | Not started due to All Wales Policy being produced |
| 24 | Time off for Medical and Dental Appointments | 31.12.23 | Completed |
| 25 | Bilingual Skills | 31.12.23 | Completed |

7.1.2 Amendments were also made and noted in year by Committee for the following policies.

| No | Name of Policy | Review Date | Status |
|----|--|-------------|--|
| 1 | Volunteers | 11.12.23 | Completed |
| 2 | Retirement | 31.8.2023 | Completed |
| 3 | Work/Life Balance – Flexible Working | 31.3.2023 | Removed due to All Wales Policy being introduced |
| 5 | Honorary Contracts | 11.12.23 | Completed |
| 5 | Developing New Clinical Roles | 11.12.23 | Completed |
| 6 | Leave and Pay for New and Existing Parents | 15.2.2024 | Completed |

The Workforce and Occupational Health Teams were responsible for 11 of the local policy reviews outlined in Section 7.1.1 above. This increased to 15 when including Section 7.1.2.

Key Performance Indicators for Policies

7.2.1 All local policies listed

Completion Rate = 88% (a)

Progression Rate (WIP) = 8% (c)

7.2.2 Operational Workforce Policies

Completion Rate = 100%

(N.B. completion and progression rates exclude the 6 policies outlined in Section 7.1.2 above – 4 of these were Operational Workforce led reviews).

8 All Wales Policy Reviews for 2023/2024

At its meeting held on 8 June 2023, the Welsh Partnership Forum Business Committee, agreed to a new approach to the review of All Wales policies and procedures.

This approach moved away from using a review date as a prompt for review of an existing policy. Work will now be driven by key prompts for review and provide an option for a transactional review where changes/updates to an existing policy are more administrative than material.

Agreement was also reached that All Wales W&OD policies remain extant until replaced by an updated version approved by the Welsh Partnership Forum. A schedule will instead be issued on a quarterly basis as confirmation of policies remaining extant to provide clarity and support organisations from a governance and assurance perspective.

8.1 All Wales policies reviewed and adopted in year are as follows:-

| Completed | Date |
|-------------------------|----------|
| Staff to Raise Concerns | Dec 2023 |
| Flexible Working | Dec 2023 |

9. Policy Review Programme for 2024/2025

The following local policies are due for review in 2024/2025. Please note, the list below does include those previously extended from 2023/2024 and will therefore duplicate some of the earlier sections. This is to enable the operational KPIs to be set and monitored in year.

| No | Name of Policy | Review Date | Status |
|----|---------------------|-------------|---|
| 1 | Preceptorship | 30.6.24 | Extension being sought to review date |
| 2 | Medication Errors | 30.6.24 | Extension being sought to review date |
| 3 | Expenses | 30.5.24 | Potential for removal due to duplication with Share Services policy on the Expenses Portal. Extension being sought. |
| 4 | Relocation Expenses | 31.5.24 | Not Started due to All Wales position. Extension being requested. |
| 5 | Equality Impact | 13.10.24 | Not started |

9.1 Workforce & OD KPI for 2024/2025 will be based on the 5 policies listed above.

9.2 Progression Rate for 2024/2025 is currently at 60%

9.3 All Wales reviews will be progressed as we receive them.

Argymhelliad / Recommendation

The People, Organisational Development and Culture Committee is requested to:

- **DISCUSS** and **NOTE** the report.

Amcanion: (rhaid cwblhau)

Objectives: (must be completed)

| | |
|--|----------------|
| Committee ToR Reference: | 3.13 |
| Cyfeirnod Cylch Gorchwyl y Pwyllgor: | 3.8 |
| Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score: | Not applicable |
| Parthau Ansawdd: Domains of Quality Quality and Engagement Act (sharepoint.com) | Not Applicable |
| Galluogwyr Ansawdd: Enablers of Quality: Quality and Engagement Act (sharepoint.com) | Not Applicable |

| | |
|---|---|
| Amcanion Strategol y BIP: UHB Strategic Objectives: | <ol style="list-style-type: none"> 1. Putting people at the heart of everything we do 2. Working together to be the best we can be 3. Striving to deliver and develop excellent services 4. The best health and wellbeing for our individuals, families and communities |
| Amcanion Cynllunio Planning Objectives | 1 Workforce Stabilisation |
| Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022 | <ol style="list-style-type: none"> 5. Offer a diverse range of employment opportunities which support people to fulfill their potential 2. Develop a skilled and flexible workforce to meet the changing needs of the modern NHS |

| Gwybodaeth Ychwanegol: Further Information: | |
|---|--|
| Ar sail tystiolaeth: Evidence Base: | Not applicable |
| Rhestr Termau: Glossary of Terms: | Included in body of report if required |
| Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Diwylliant, Pobl a Datblygu Sefydliadol: Parties / Committees consulted prior to People, Organisational Development & Culture Committee: | Not applicable |

| Effaith: (rhaid cwblhau) Impact: (must be completed) | |
|---|---|
| Ariannol / Gwerth am Arian: Financial / Service: | Not applicable |
| Ansawdd / Gofal Claf: Quality / Patient Care: | Not applicable |
| Gweithlu: Workforce: | None arising from this report |
| Risg: Risk: | None arising from this report |
| Cyfreithiol: Legal: | Requirement to comply with employment legislation |
| Enw Da: Reputational: | None arising directly from this report. |
| Gyfrinachedd: Privacy: | N/one arising from this report – anonymised data |
| Cydraddoldeb: Equality: | None arising from this report. |