Implementation and Outcomes of Agenda for Change in NHS Wales

An Independent Review

by

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1 Foreword

1.1 Following the National Assembly elections in May 2007, Mrs Edwina Hart AM was appointed as the new Minister for Health and Social Services. In the following months the Minister made a number of visits to NHS establishments during which she took the opportunity to talk to NHS staff. During these discussions, NHS staff expressed their concerns to the Minister regarding the implementation and outcomes of Agenda for Change and in particular they raised concerns regarding the consistency of application and outcome. Similar concerns were raised with the Minister by members of the Partnership Forum.

1.2 In October 2007 the Minister announced that there would be an independent review undertaken into the implementation and outcomes of Agenda for Change in Wales. The independent review would be undertaken by David Jenkins, Chair of the National Leadership and Innovation Agency for Healthcare (NLIAH) and Workforce Development (WD) Stakeholder Boards. He would consider and report on:

- whether Agenda for Change has been implemented consistently on an equitable and fair basis for all staff within NHS Wales and
- whether the outcomes of Agenda for Change Job Evaluation and Job Matching are consistent across NHS Wales.

1.3 The report would be submitted to the Minister by the end of the year.
2 Introduction

2.1 Agenda for Change was introduced into the National Health Service throughout the United Kingdom in 2004. It was introduced as part of the Government’s pay modernisation programme for the NHS and it is intended to support changing workforce patterns and improved levels of productivity that will in turn lead to improved patient care.

2.2 Agenda for Change applies to more than one million NHS staff in all parts of the UK, and it covers all staff groups apart from doctors and dentists, who have separate new pay contracts, and very senior managers, who are mainly employed on individual contracts of employment.

2.3 The previous ‘Whitley Council’ NHS pay system had become seen as outdated and no longer fit for purpose. The ‘Whitley Council’ system involved separate national bargaining units covering each of the different NHS staff groups and resulted in different staff groups being employed on different terms and conditions, including different working hours. It was seen as inflexible, incompatible with the development of new roles and vulnerable to equal pay claims. It was also seen as undervaluing the contribution of senior and experienced clinical grades.

2.4 By comparison, Agenda for Change is intended to support the development of new roles and new ways of working. It is intended to underpin equal opportunity and equal treatment by establishing a system in which career progression is based on responsibility, competence and satisfactory performance and in which all staff are paid fairly and equitably for work done. It introduces two new pay spines: one for staff covered by the Review Body for Nursing and Other Health Professions and one for other directly employed NHS staff. These two pay spines have replaced the multiplicity of separate occupational pay grades, pay points and salary scales that characterised the previous ‘Whitley Council’ system.

2.5 Reaching agreement on a new pay system for the NHS was no easy matter. Talks between the Government and NHS staff organisations commenced in September 1997, soon after the election of the Labour Government, and a Government White Paper, setting out amongst other things the Government’s intention to reform NHS pay arrangements, was published at the end of that year.
2.6 In February 1999, the Government published its proposals for a new pay framework for NHS staff, 'Agenda for Change – Modernising the NHS Pay System', and anticipated that agreement with NHS staff organisations might be reached by September that year. This soon proved to be a totally unrealistic timetable and it was two and a half years later in October 2001, with the costs of introducing a new system clearly very much in mind, that it was agreed to defer further discussions until after the publication of the Government’s 2002 Spending Review. It was December 2002 before an outline framework document was agreed, soon to be followed in January 2003 with the publication of the proposed agreement coupled with a three year pay deal.

2.7 Implementation of the proposed new system was then piloted at twelve sites in England and four sites in Scotland. There were no pilot sites in Wales. At the same time the various NHS staff organisations began consulting their membership on the details of the proposed agreement. Within the staff organisations there were varying degrees of support for the Agenda for Change agreement and this was reflected in the debates that took place and the outcomes of the conferences and ballots that were subsequently held.

2.8 A national agreement between the Government and the NHS staff organisations was finally concluded in 2004 and Agenda for Change was introduced across the UK in December 2004, with an effective implementation date of 1 October 2004. It represented the agreed conclusion to discussions and negotiations between the Government and NHS staff organisations that had lasted seven years.

2.9 Despite the length of time taken to negotiate Agenda for Change and despite the Government’s early hopes for speedy progress having been shown to be totally unrealistic, those responsible for implementing the UK wide roll out of Agenda for Change appear to have remained wedded to eternal optimism. It was assumed that all staff would have their jobs evaluated, their new grades identified and their payroll assimilated onto Agenda for Change by 30 September 2005 and it is this central but unrealistic assumption that underpins many of the implementation, assimilation and protection arrangements that were put in place.

2.10 In replacing the previous Whitley Council arrangements, Agenda for Change has introduced a comprehensive and simplified pay structure that is firstly based on job evaluation and then linked to
ongoing career development through a new Knowledge and Skills Framework (KSF). Whilst this review necessarily focuses on the initial job evaluation exercise, the early implementation and application of KSF across the NHS in Wales will be critical if we are to gain the benefits that Agenda for Change is meant to help deliver.

2.11 Agenda for Change identifies ten positive success criteria against which the new system is to be measured.

- more patients being treated more quickly
- higher-quality care
- better recruitment and retention
- better teamwork / breaking down barriers
- greater innovation in deployment of staff
- fair pay
- improving all aspects of equal opportunity and diversity
- better pay
- better career development
- better morale

2.12 Three years into the implementation of Agenda for Change in Wales we clearly have some way to go in realising these potential benefits.
3 The Review

3.1 This review has been undertaken on the basis of detailed discussions with a cross section of interests within the NHS in Wales. These have included discussions with representatives from Trusts, LHBs, WAG DHSS, staff unions and professional bodies.

3.2 The review has also considered reports prepared by the Job Evaluation Monitoring Group, the Terms and Conditions (Assimilation) reports prepared by the DHSS on the basis of information provided by Trusts and LHBs, together with various circulars and information bulletins that have been provided.

3.3 The review included receiving a presentation from the Job Evaluation Monitoring Group, detailing how monitoring of Agenda for Change outcomes for consistency is undertaken at a Wales level.

3.4 The review included having the Job Evaluation Monitoring Group undertake monitoring reviews of seven randomly chosen job profiles across NHS Wales (as detailed in paragraph 5.16.5).

3.5 The review has specifically not considered issues of individual complaint or grievance which are either being pursued or more properly should be pursued through the Agenda for Change review process or through an established grievance procedure.

3.6 During the course of the review there have been many criticisms made about the implementation of Agenda for Change in Wales. Where relevant to the fairness and consistency of process and outcomes these criticisms are dealt with in this review. It is not the purpose of this review however to revisit old arguments, nor to seek to apportion blame.

3.7 Neither does this review constitute a detailed evaluation of Agenda for Change and its impact in Wales. Given the level of public funding involved, the scale of the changes that are being introduced and the outcomes that are expected in terms of new ways of working and improved patient care, it would seem appropriate however for such an evaluation to be undertaken.
4 Job Evaluation – An Overview

4.1 The introduction of any job evaluation exercise is likely to be disruptive and distracting in the short term. The purpose of the exercise is to reassess the comparative value of jobs, either on an individual or work group basis, in terms of their contribution and potential benefit to the employing organisation. It is self-evident that an employer does not embark upon the cost of a job evaluation exercise without some reason to believe that the existing pay and conditions relativities are in need of change.

4.2 Employees will be aware that change is a likely outcome. They may anticipate that the process is likely to favour those in more senior or ‘favoured’ positions since however carefully the evaluation criteria are drawn up it is more than likely that subjective judgements will be made in assessing at least some of the criteria. Collective employee opposition to job evaluation is not uncommon and it is often seen as a management attempt to ‘undo’ the benefits secured over time through collective bargaining. This is more likely to be the case when, as with Agenda for Change, the job evaluation exercise is based on an individual assessment of each worker’s role.

4.3 Countering the tendency for employees to be collectively hostile to job evaluation is the individual’s anticipation of gaining through the exercise. This is particularly so when, as again with Agenda for Change, individual workers are asked to draw up their own new job description on the basis of what they actually do and what they are actually responsible for. People generally believe that they do more and have greater responsibilities than that for which they are paid. Hence the ‘work to rule’ sanction which is sometimes adopted during industrial disputes. The invitation to rewrite your job description in line with your job realities is likely to raise individual expectations and is most unlikely to lead to an expectation of lower pay or a fall in status.

4.4 Any organisation embarking on a job evaluation exercise should therefore be alert to the associated risks that:

- it will introduce a significant degree of uncertainty into the workplace,
- it will distract attention away from the carrying out of normal workplace duties,
it is likely to destabilise existing workplace relationships,

it is likely to raise individual expectations with consequent disappointments,

it is likely to be demoralising for individuals and groups whose jobs are awarded low value.

4.5 In managing these risks an organisation introducing a job evaluation exercise needs to ensure that:

- staff are fully informed of the process to be undertaken and the criteria that will be used to evaluate jobs,

- staff, managers and evaluators have the necessary competence and training to enable them to participate effectively in the process,

- arrangements are in place to monitor evaluation outcomes for consistency and to correct any errors identified,

- arrangements are in place to enable individuals to have their evaluation reconsidered and corrected where appropriate,

- arrangements are in place to protect those whose evaluation outcome is below their previous pay position,

- arrangements are in place to deal with morale issues that may arise out of the evaluation outcomes,

- the job evaluation exercise is carried out as quickly as possible, that sufficient resources are allocated and that it is given the highest management priority.

4.6 Against this general background we can now look at the implementation of Agenda for Change in Wales.
5 Implementing Agenda for Change in Wales

5.1 The implementation of Agenda for Change in Wales commenced following the publication of the national agreement in December 2004 and was undertaken as a partnership exercise within the remit of the NHS Wales Partnership Forum, with NHS staff organisations fully engaged in the process.

5.2 The implementation was overseen by a Project Board, initially chaired by the Chief Executive of NHS Wales and this operated with a number of sub groups responsible for the different elements of Agenda for Change. Representatives of staff organisations were included on the Project Board and on the sub groups, sometimes as sub group chair.

5.3 The implementation was supported by the Pay Modernisation Unit, which was set up by the Welsh Assembly Government. The Unit was based in Llanharan and operated with three regional arms covering North Wales, South East Wales and Mid and West Wales.

5.4 Responsibility for implementation however remained with the Trusts and the LHBs as the employing bodies. They were required to set up project teams, with full staff organisation involvement, to identify project leads and to draw up implementation plans. Project leads were provided with training through the Pay Modernisation Unit and were expected to liaise with the PMU in their region. Trusts and Powys LHB in following these requirements managed their own arrangements.

5.5 Other LHBs utilised the support of the NHS Wales Business Services Unit, in line with their normal practice of using the BSU in support of Human Resource functions. As a consequence LHBs, other than Powys, were less engaged in the implementation process and this was further exacerbated where membership of staff organisations was low.

5.6 With responsibility for implementation resting with the Trusts and LHBs a degree of divergence should be expected in the detail of implementation. Broadly speaking however, implementation has occurred across Wales in a consistent manner, albeit that organisations have been working to different timetables and dealing with staff in different sequence.
5.7 **General issues**

5.7.1 In the course of this review a number of issues have been raised concerning the way in which implementation has been undertaken in Wales. The first general issue is that the implementation of Agenda for Change in Wales lacked sufficient strategic direction at the all Wales level. This concern is well founded. In particular, the failure to achieve a coordinated approach to job evaluation, job matching and outcome notification across Wales has made it more difficult for NHS Wales to achieve consistency and fairness in relation to Agenda for Change outcomes. The lack of strategic direction at an all Wales level is addressed more fully later in this review and is the subject of a specific recommendation at paragraph 6.5.

5.7.2 Some other general issues raised during this review can be taken fairly shortly. Wales did not benefit from having the experience of an early implementer site. The Pay Modernisation Unit approach was seen as informal and didn’t sufficiently convey a sense of urgency and drive. The introduction of the Electronic Staff Records system seriously disrupted assimilation and the calculation of back pay and protection entitlements. The length of time that it has taken to implement Agenda for Change in Wales has caused considerable staff dissatisfaction. The length of time that it has taken to implement Agenda for Change in Wales has meant that staff have now either forgotten or ‘banked’ other improvements that were immediately implemented in 2004. Using October 2004 staffing numbers against which progress has since been regularly reported has resulted in significant underestimates of the actual numbers remaining to be evaluated or assimilated.

5.7.3 True or otherwise, it is difficult to see how these issues have resulted in inconsistency or lack of fairness in the application of Agenda for Change in Wales although ESR has added to the pressures on payroll and delayed the calculation of backpay.

5.7.4 Another general issue raised is that Trusts and LHBs have suffered from insufficient resources being allocated by the Welsh Assembly Government to support implementation costs. This has been linked to the ongoing issue of what is seen to be the under funding by WAG of the recurrent costs of Agenda for Change. In itself the issue of funding, whilst a matter of considerable concern to Trusts and LHBs, is not a matter for this review.
5.7.5 It has also been suggested however that this funding squeeze has resulted in employers pressing within job matching panels for lower and more affordable outcomes than would otherwise be merited. This could be seen as unfairness in the implementation of Agenda for Change in Wales, particularly if it was a situation different to elsewhere in the UK. It is unreasonable to assume however that NHS employers in Wales have adopted any different approach to that adopted elsewhere in the UK. It can reasonably be expected that all NHS employers will be mindful of affordability issues and that panels in Wales will have operated within the same context and under the same pressures as elsewhere.

5.8 Local Health Boards

5.8.1 Also raised as a general issue, although one specific to LHBs, is that the criteria used in Agenda for Change do not sufficiently support proper evaluation of the roles within Welsh Local Health Boards. It is suggested that LHB posts have been inappropriately matched owing to the absence of appropriate profiles. In support of this it is pointed out that LHBs are an NHS Wales structure, they differ significantly from their nearest English equivalent, the Primary Care Trusts, in terms of both size and function and they were not considered when the Agenda for Change criteria were adopted and agreed at a UK level.

5.8.2 There is considerable disquiet amongst LHBs that the results of Agenda for Change bandings have seriously undermined the value placed upon them as commissioning bodies. Evidence seems to suggest that many LHB posts have been graded lower than expected and it is suggested that outcomes have little or no parity with those in Trusts.

5.8.3 It is said that whereas LHBs are small organisations in the context of the NHS and lack a defined clinical role, Agenda for Change rewards clinical skills, the holding of significant budgets and responsibility for large teams. In the absence of appropriate profiles against which to match, it is suggested that most LHB posts should have been the subject of local evaluation. On the advice of the BSE however panels sought to match LHB posts on a ‘best fit’ basis.

5.8.4 As stated earlier, with the exception of Powys, LHBs utilised the advice and assistance of the BSU in implementing Agenda for
Change. There is evidence to show that this advice was not always timely, nor always correct. Problems within the BSE have been identified and since dealt with, but the Agenda for Change outcomes remain.

5.8.5 The concerns of LHBs may well be misplaced of course. As small organisations operating at a distance from patient care, it may be that the previous pay levels, arising as they did out of NHS Wales reorganisation, compared more than equitably with those paid in Trusts.

5.8.6 The issue of an appeal process for dealing with issues affecting entire work groups, work sectors or professional groups is dealt with later in this review and is the subject of a specific recommendation at paragraph 9.13. If that recommendation is accepted, it will be for LHBs and staff organisations to decide how to proceed.

5.9 **Job Descriptions**

5.9.1 Concerns have been raised regarding the lack of training and information provided to members of staff and their line managers on the importance of job descriptions in the evaluation process.

5.9.2 The job description is the key, along with the employer’s job specification, in defining the outcome to the evaluation exercise. To take a quote from elsewhere, ‘rubbish in is rubbish out’.

5.9.3 It is generally accepted that responsibility for informing staff and supporting them in drawing up job descriptions was left to staff organisations. No doubt some staff organisations were better at providing this support than others and it may be reasonably assumed that smaller professional organisations will have found it easier to achieve.

5.9.4 It has also been said that staff who submitted job descriptions late in the process have benefited from the experience gained by others. Job descriptions that have proved to be successful have been replicated by similar staff elsewhere as staff and their staff organisations have ‘learned on the job’.

5.9.5 The absence of comprehensive and standard all Wales information and advice for staff on writing a job description and in particular the absence of at least some elementary training for line managers has
made it more difficult for NHS Wales to achieve consistency and fairness in relation to Agenda for Change outcomes. This is something that could and should have formed part of an all Wales implementation strategy. The lack of strategic direction at an all Wales level is addressed more fully later in this review and is the subject of a specific recommendation at paragraph 6.5.

5.10 **Job Specifications**

5.10.1 It has been pointed out during this review that there is insufficient awareness of the importance of job specifications in the evaluation and matching of posts. Panels consider not only the job description but also the job specification. The job specification is determined by the employer, it will therefore be local in its application and it can have a significant affect on the outcome of the evaluation of a post.

5.10.2 Where two employers utilise slightly differing job specifications for a similar job, it is possible and fully consistent with Agenda for Change for the job evaluations to come out with a different Band. This is particularly likely to be the case if the job specifications vary in their requirements for skills and knowledge since this factor has a significant impact on evaluation outcomes.

5.10.3 Differences in the employer job specification can often explain why two similarly titled jobs, filled by staff who consider themselves to be carrying out the same functions, can nonetheless have different Banding outcomes that are subsequently reinforced on review.

5.10.4 If this is seen to be an undesirable outcome in terms of all Wales consistency it will be necessary for the Welsh Assembly Government to fundamentally change the arrangements for the employment of NHS staff in Wales and as such is well outside the remit of this review.

5.11 **Job Matching Panels**

5.11.1 Job evaluation begins when a job matching panel attempts to match a job against a national job profile. National profiles have been prepared with the agreement of the national staff organisations and are intended to make the task of job evaluation easier by limiting the
number of jobs that need to be fully evaluated at a local level. Job matching panels were established within each Trust and LHB, each panel consisting of four members, two staff and two management representatives who have received accredited training. The panel considers the job description and the job specification and using the Agenda for Change evaluation factors, looks to see whether the job matches a national profile and banding outcome. Most jobs have been matched in this way.

5.11.2 Concerns have been raised that with insufficient resources to provide backfill for panellists this has placed significant pressures on the system and on individual panellists. Concerns have also been raised about delays in publishing national job profiles and the rewriting of national job profiles, both of which have resulted in panels having to revisit and rematch jobs in light of new information becoming available.

5.11.3 Whilst these concerns have no doubt added to the delays in implementation they are not likely to have resulted in inconsistency or unfairness in outcomes.

5.12 **Job Clustering**

5.12.1 Another concern relates to the use of ‘clustering’ by job matching panels as a means of dealing with groups of staff. ‘Clustering’ or the grouping together of staff under one generic job description and job specification for the purpose of job matching is not anticipated within Agenda for Change and can be seen as running contrary to the intention of the agreement. It can nonetheless represent an efficient way of working.

5.12.2 If the staff concerned are in agreement that they share a common job description and job specification, there would appear to be little wrong with the approach of clustering their jobs for the purpose of matching. It carries the risk however of staff subsequently claiming that they were unduly pressured or coerced into agreeing a generic job description and that the ‘cluster’ is inappropriate.

5.12.3 Where there are concerns regarding the appropriateness of outcomes that have emanated from ‘clustered’ job descriptions it may be appropriate to review the matter, including the appropriateness of the ‘cluster’ job description and specification.
5.12.4 The issue of an appeal process for dealing with issues affecting entire work groups, work sectors or professional groups is dealt with later in this review and is the subject of a specific recommendation at paragraph 9.13.

5.13 **Factor Two**

5.13.1 Concerns have been expressed about the way that different matching panels will have assessed those evaluation factors that are most open to subjective interpretation. Factor two, which covers ‘Knowledge, Training and Experience’ is seen to be particularly open to interpretation especially with regard to evaluating the level of experience. It is strongly argued that non clinical staff and those not required to hold advanced qualifications have been particularly vulnerable to inconsistent assessment of their experience under Factor two.

5.13.2 Since Factor two has a high impact on the eventual Banding outcome, as might be expected from an evaluation system designed to reward knowledge and skills competencies, this is seen as a reason for non clinical staff, and administrative and clerical staff in particular, being Banded lower than expected.

5.13.3 Although Agenda for Change was designed to limit the extent of subjective judgement in the evaluation of jobs, no job evaluation system can be removed from having judgement calls. In Wales, matching panellists all received the same accredited training and this has been a feature of implementation in Wales that has been rightly praised. As far as the approach adopted by matching panellists is concerned there is nothing to suggest unfairness or inconsistency in the making of judgement calls albeit that the outcome of judgement calls will differ.

5.13.4 The issue of how experience should be valued, particularly although not exclusively in relation to administrative and clerical staff remains a matter of general concern however across Wales. The issue of an appeal process for dealing with issues affecting entire work groups, work sectors or professional groups is dealt with later in this review and is the subject of a specific recommendation at paragraph 9.13.
5.14 **Reviews**

5.14.1 It has been suggested that since up to a half of review outcomes have resulted in an upward adjustment being made, this is evidence that matching panels are consistently making wrong decisions.

5.14.2 Given the size of the task and the fact that it has been delivered ‘in house’, utilising existing skills and resources, it is inevitable that some mistakes will have been made. The review mechanism was put in place with this in mind and the fact that a significant number of reviews have resulted in an upward adjustment for the staff member concerned is proof that the system as a whole, covering both the initial and subsequent review panels, is working well and as intended. There is no merit in suggesting that successful reviews are an indication of underlying unfairness or inconsistency.

5.15 **Assimilation**

5.15.1 A number of concerns have been raised with regard to the assimilation of staff onto Agenda for Change following their jobs being matched or locally evaluated.

5.15.2 The most consistently stated concern both from employers and staff organisations is the way that pay protection is applied throughout Wales. The delay in implementing Agenda for Change and the corresponding delay in assimilation has meant that some staff have received a reduction in their pay on assimilation. This is generally seen as inconsistent with the spirit of Agenda for Change although there is no agreement as to how the problem should be dealt with.

5.15.3 The approach to pay protection in Wales is not fair. More importantly however it is inconsistent with the pay protection arrangements set out in Agenda for Change. The issue of pay protection is dealt with more fully later in this review and is the subject of a specific recommendation at paragraph 7.20.

5.15.4 The other concern that has been raised regarding assimilation is what is referred to as ‘leapfrogging’. This is where a long serving senior member of staff is banded the same as a more junior colleague and is then overtaken in terms of pay by the junior colleague due to the application of different increment dates.
5.15.5 This is an unintentional consequence of Agenda for Change and is properly seen as being unfair to the senior staff affected. The issue of incremental dates is dealt with more fully later in this review and is the subject of a specific recommendation at paragraph 8.15.

5.16 Wales Outcome Monitoring

5.16.1 The monitoring of Agenda for Change outcomes across Wales began in September 2005. Up until July 2007 it was carried out by the Job Evaluation Sub Group of the Agenda for Change Project Board and since then by a Job Evaluation Monitoring Group. The membership of the Monitoring Group was largely drawn from the Sub Group however and the activities have remained the same.

5.16.2 The Monitoring Group monitors the matching outcomes from across Wales using the CAJE system. This is a computer system designed to support the implementation of Agenda for Change job matching and job evaluation and it records how each individual assessment has been arrived at. Monitoring has been carried out on a regular basis since September 2005 and has been carried out in response to specific concerns and requests both from the NHS in Wales and at UK level.

5.16.3 The monitoring follows two formats. Some monitoring is undertaken by looking at the spread of results across Wales for a particular job and checking for any apparent inconsistencies in the pattern of outcomes between different organisations. Other monitoring involves looking at individual match results and checking to ensure that the information on the CAJE system supports the match that has been made.

5.16.4 Where what appear to be inconsistencies are identified by the Monitoring Group this is reported to the Trust or LHB concerned for further checking. As is reported by the Monitoring Group, in a very few cases this has resulted in a job being re-matched but in the majority of cases it has been found that the original match is robust and that the error has been in the panel’s recording of information onto the CAJE system.

5.16.5 Over sixty different monitoring exercises have now been undertaken including seven requested randomly as part of this review. These seven were speech and language therapist (band 5), specialist dietician (band 6), receptionist - A&E (band 2), biomedical scientist...
(band 6), community nurse - learning disabilities (band 5), midwife - higher level (band 7) and porter - higher level (band 2). The Monitoring Group are confident in concluding on the basis of the detailed monitoring exercises undertaken since September 2005 that job matching and job evaluation is being correctly and consistently applied across Wales with very few examples of incorrect matches having been found.

5.16.6 During this review concerns have been expressed regarding the visibility of the Monitoring Group and more particularly its predecessor, the Sub Group. It has been suggested that little has been heard until recently about the monitoring exercises it undertakes and that the outcomes of monitoring exercises and the actions, if any, subsequently taken have not been given much publicity.

5.16.7 This review does not need to form a view as to whether this criticism is justified. The extent to which its work has been publicised does not affect the validity of its findings and conclusions. It is obviously of benefit for NHS Wales to be well informed of the monitoring exercises that have been undertaken to date, their outcomes and any further monitoring that is taking place.

5.16.8 Concerns have also been raised that the Monitoring Group fail to go behind the information provided on the CAJE system. If the CAJE information is consistent with the banding outcome the monitoring will conclude that there is no problem whereas it may well be that the CAJE information has failed to properly capture the essence of the job.

5.16.9 There is some merit in this criticism although it must be appreciated that the Monitoring Group has limited resource and the criticism requires a more labour intensive investigative role to be undertaken. In itself, the reliance on CAJE does not lead to unfairness or inconsistency of outcomes although it may result in a mistaken job match going unnoticed.

5.16.10 Future arrangements for job evaluation within NHS Wales are dealt with later in this review and are the subject of a specific recommendation at paragraph 9.6. If that recommendation is accepted, it goes without saying that all Wales consistency monitoring will become easier to operate and will have a higher profile.
An All Wales Strategic Approach

6.1 An opportunity existed in early 2005 to plan the implementation of Agenda for Change across Wales, such that each Trust and LHB would be evaluating the same staff groups at the same time. This would have enabled experiences to be shared more effectively and would have enabled consistency checking to be undertaken at an all Wales level before the results of any evaluations and job matching were announced.

6.2 Quite why this opportunity was not taken is unclear. Some recall pressing for such a planned approach for Wales but it seems to have been concluded that such an approach would hold back those organisations keen to make progress and would slow implementation down to the pace of the slowest. Given the speed at which we have been travelling in Wales this does not look like much of an argument on hindsight.

6.3 What is clear is that the uncoordinated approach that followed, with each organisation ‘doing its own thing’, made consistency of outcomes between organisations more difficult to achieve, made inconsistencies between organisations more likely and made the remedying of any inconsistencies between organisations more difficult to implement.

6.4 The slower approach to implementation in Wales than in England has been partly explained by staff organisations as a determination within the Partnership Forum to do things properly and as far as possible and to get things ‘right first time.’ The decision not to follow a Wales wide structured plan for implementation is therefore all the more inexplicable.

6.5 It is recommended that for the future any job evaluation exercise in NHS Wales affecting more than one employer should be strategically managed at an all Wales level with priority given to achieving transparent outcome consistency. The Partnership Forum should be asked to consider and agree the processes and procedures necessary to implement this recommendation.
7 Protection Arrangements

7.1 Agenda for Change contains a detailed section (section 9) covering the protection arrangements that are to be put in place so as to ensure that those staff who would otherwise suffer a drop in earnings following their assimilation onto Agenda for Change are not subjected to a reduction in their pay. Put simply, the protection arrangements allow the staff concerned to continue to receive their ‘Whitley Council’ pay, without further increments or pay increases, until either their Agenda for Change pay entitlement overtakes their frozen ‘Whitley Council’ pay, or they move voluntarily to a new post. If neither of these two things occurs, protection expires on 31 March 2011.

7.2 This arrangement is set out in Agenda for Change between paragraphs 9.18 and 9.28. Paragraph 9.18 states the purpose of the arrangement as follows, (with emphasis added).

Paragraph 9.18

In the case of the minority of individual staff whose regular pay might otherwise be lower under the new system the following arrangements will apply to ensure that any such staff will be no worse off on assimilation.

7.3 As has been referred to earlier, the working presumption was that assimilation would be completed throughout the UK by 30 September 2005. This presumption is reinforced in paragraphs 9.6 and 9.8 of Agenda for Change where it is stated,

Paragraph 9.6

The operational date for national roll out will be 1 December 2004, with an effective date for any changes in pay and conditions of 1 October 2004, except for hours of the working week where staff will retain their existing hours until 30 November 2004 after which the new hours will apply subject to the transitional arrangements set out in paragraphs 9.29 to 9.31 below.

Paragraph 9.8

To support the smooth transfer of staff onto new contracts employers may agree locally, through their joint negotiating machinery, a series of operational dates for staff to move in practice to the new system. These operational dates may vary for different categories of staff. Where this provision is used locally, the aim should be to have matched most staff to their new pay bands by 31 March 2005 and to have completed the assimilation of staff no later than the end of September 2005. Any member of staff whose assimilation to the new system is deferred for operational reasons under this provision will have any pay increase
and any other improvement in terms and conditions back-dated to the effective date, subject to the qualification in relation to the retention of existing hours until 30 November 2004 set out in paragraph 9.6 above.

7.4 It must be noted that the issue being addressed in the above paragraph is that of balancing operational efficiencies with ensuring that no member of staff loses out as a result of implementation delay. Employers can phase in implementation but staff will gain benefits as if they had been assimilated on 1 October 2004.

7.5 As has been referred to earlier, assimilation has been considerably slower than originally envisaged. In Wales we are still struggling to reach full assimilation well over two years after the intended deadline. This has meant that many staff have continued to be paid on their ‘Whitley Council’ rates and have continued to receive ‘Whitley Council’ increments where appropriate and annual pay awards based on their ‘Whitley Council’ pay.

7.6 When these staff are eventually assimilated, and applying the logic set out in paragraph 9.8, their position is assessed as it would have been on 1 October 2004. If their Agenda for Change entitlement on that date was lower than their Whitley Council entitlement their pay is protected as explained above. (Although given the delay in assimilation the protection may in practice have already run its course due to Agenda for Change increments and annual pay awards being applied.) However, if their Agenda for Change entitlement on 1 October 2004 was equal to or greater than their ‘Whitley Council’ entitlement they are immediately transferred to their new Agenda for Change pay rate.

7.7 For most staff this is not a problem. But for some, whose post October 2004 Whitley increments and annual pay awards have together exceeded those they would have had, and are now entitled to, under Agenda for Change, the result is a reduction in pay at the point of assimilation.

7.8 This issue has been raised by staff organisations and employers and is seen to be unfair to the individuals affected, contrary to the spirit of the Agenda for Change agreement and a source of wider discontent regarding outcomes. The view expressed by the DHSS on behalf of the Welsh Assembly Government is that the approach is correct and that it follows the Agenda for Change national agreement which should be adhered to.
There are a number of other arguments that are brought into play on this issue. Those that are now facing a reduction in pay have in effect benefited from the delay in assimilation in that they have received payments that they would not otherwise have received. Those who have received such payments are not being required to repay the overpayments. Any attempt to mitigate their loss would further disadvantage any equivalent staff elsewhere, who were assimilated earlier and who never gained from the Whitley increases in the first place. Any attempt to mitigate would put further strains on payroll departments that are already struggling to cope with Agenda for Change and the Electronic Staff Records system.

Some of these arguments have a degree of merit. In particular we should be careful before placing any further burdens on payroll departments and the equity argument regarding the early assimilated has potential weight, although the number of relevant early assimilated posts in Wales is likely to be small. More persuasive however are the terms of the Agenda for Change agreement and the approach it requires to be undertaken in regard to pay protection.

Paragraphs 9.19 and 9.20 of Agenda for Change deal with the calculation of pay before and after assimilation (emphasis added).

Paragraph 9.19

The level of pay before and after assimilation should be calculated taking account of the payments set out in Table 8, subject to the qualifications set out in paragraph 9.20.

Paragraph 9.20

The level of pay before assimilation for the purpose of this calculation will be the average level of the payments in the left hand column of Table 8 over a reference period of twelve weeks or three months ending at the assimilation date except:

(i) Where this period includes the annual pay award due in April 2005, or an annual increment, the protected amount should be adjusted as if that award or increment had applied throughout the reference period;

(ii) Where the shift allowances or payments for working outside normal hours vary over a rota which is longer than three months, the average over the full rota should be used;

(iii) Where bonuses are paid less frequently than monthly an average over the last twelve months should be used.
<table>
<thead>
<tr>
<th>Payments Before Assimilation</th>
<th>Payments After Assimilation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic pay, including any contractual overtime: plus</td>
<td>Basic pay, including any contractual overtime: plus</td>
</tr>
<tr>
<td>Leads and allowances measured in the Job Evaluation Scheme, or taken into account in any recruitment and retention premia (see Annex B): plus</td>
<td>Recruitment and retention premia: plus</td>
</tr>
<tr>
<td>London weighting, fringe allowances and cost of living supplements: plus</td>
<td>High cost area supplements: plus</td>
</tr>
<tr>
<td>Shift allowances and other payments related to unsocial hours (see Annex B): plus</td>
<td>Shift allowances and other payments related to working outside normal hours (see Chapter 2 and Annex B): plus</td>
</tr>
<tr>
<td>On-call payments (unless special transitional arrangements are in force – see paragraph 2.27): plus</td>
<td>On call payments (unless special transitional arrangements are in force – see paragraph 2.27): plus</td>
</tr>
<tr>
<td>Bonus payments from schemes discontinued following implementation of the new pay system: plus</td>
<td>Any new bonus schemes authorised under the new system</td>
</tr>
<tr>
<td>Other leads and allowances paid as part of regular pay which will cease on assimilation (see paragraph 1.13)</td>
<td></td>
</tr>
</tbody>
</table>

Total                                                                                                           Total

7.12 It is clear from paragraph 9.20, that for the purpose of calculating pre assimilation pay in the context of considering the application of pay protection, it is intended that the pay (as calculated in accordance with table 8) is that received over a ‘reference period’ of twelve weeks or three months ending at the ‘assimilation date’.

7.13 The point at issue is whether the ‘assimilation date’ for the purpose of calculating entitlement to pay protection is the same as the ‘effective date’ of 1 October 2004, used elsewhere in the agreement.

7.14 Entitlement to protection is currently calculated on the basis that the ‘assimilation date’ is the same as the ‘effective date’ and therefore
there can be no protection of benefits accrued after 1 October 2004. Whilst this is understandable, in that it maintains consistency with other parts of the agreement, it is not what the agreement sets out in section 9. Neither is it consistent with the overriding purpose which is to ensure that staff will be no worse off on assimilation.

7.15 The ‘assimilation date’ for calculating protection entitlement is not the same as the ‘effective date’ applied elsewhere in the agreement. Pre assimilation pay for the purposes of pay protection is not the pay rate as operating on 1 October 2004. It is the pay received during the ‘reference period’ leading up to the actual date of assimilation. This is made clear in paragraph 9.20 where it is specifically stated in sub paragraph (i) that where a ‘reference period’ includes the April 2005 annual pay award and an annual increment these should be fully credited when calculating pre assimilation pay. This provision would be meaningless if the ‘assimilation date’ was to be equated with the ‘effective date’ of 1 October 2004.

7.16 It will be noted that at the time of the Agenda for Change agreement there was no expectation that assimilation would be continuing beyond September 2005 and therefore the agreement is silent with regard to further annual pay awards. The reference to the incremental pay increase is timeless however and a purposeful reading of paragraph 9.20 must lead to a similar timeless approach being applied to annual pay awards.

7.17 For completeness, Paragraphs 9.22 and 9.25 provide further information.

Paragraph 9.22

Where the combined value of the payments before assimilation remains greater than the combined value of the payments after assimilation, the former level of pay will be protected. These protection arrangements apply to the combined value of payments before and after assimilation, not to individual pay components, excepting the provisions relating to retention of existing on-call arrangements (see Table 8 above and paragraph 2.27).

Paragraph 9.25

The period of protection will end when the total level of payments under the new system exceeds the level of protected pay, or when the protected person changes job voluntarily, or at the latest on 30 September 2009 for staff in early implementer sites and 31 March 2011 for staff in national roll-out.

7.18 Agenda for Change sets out to ensure that staff are not disadvantaged by any delay in assimilation. The agreement
specifically ensures that those staff that stand to benefit from assimilation will not lose out through delay. The agreement also specifically ensures that those staff that would otherwise lose as a result of assimilation will be protected and that the protection shall apply to the pay received during and up to their date of assimilation.

7.19 In 2006 an annual pay award of 2.5% was applied to Whitley Council pay rates and this award was paid to staff in Wales (but not in England). The agreement to apply the increase in Wales was a Wales level agreement with the staff organisations and it was concluded with the understanding that the increase would not be taken into account at assimilation. Whether this understanding was on the basis that it shouldn’t be taken into account or on the basis that it couldn’t be taken into account, given the way that protection was understood to apply, is unclear and the Partnership Forum should give some further consideration to this.

7.20 It is recommended that within the NHS in Wales, pay protection should be calculated on the basis of a ‘reference period’ that immediately precedes the date of individual assimilation onto Agenda for Change and should take account of any agreed conditions attached to the 2006/7 annual pay award. The implementation of this recommendation should be applied retrospectively and with the purpose of ensuring that, in line with the Agenda for Change agreement, no member of staff within NHS Wales either has or has had a reduction in their total pay (as calculated in accordance with Agenda for Change Section 9 Table 8) at the date of their assimilation.


8 **Incremental Dates**

8.1 Agenda for Change requires all staff covered by the agreement to be placed within one of nine pay Bands. Band 8 is subdivided into four Ranges and each pay Band and Range covers a number of Pay Points on a fifty six point pay spine. With the exception of Band 1, which covers just four Pay Points, the Bands and Ranges each cover between six and nine Pay Points and each Band and Range overlaps with the Band or Range immediately above and below it.

8.2 When staff are assimilated they are placed into the Band or Range that their job evaluation has identified as appropriate. They are then placed onto a Pay Point within that Band or Range that is equal to or immediately above their current pay. If current pay is above the Pay Points in the Band or Range then pay protection will apply. If current pay is below the bottom Pay Point in the Band or Range they will be placed onto the bottom Pay Point (or during the period of assimilation, onto a lower transitional Pay Point).

8.3 Staff progress to the next Pay Point within their Band or Range on an annual basis, subject to their satisfactory performance. For new recruits, staff with less than twelve months experience on assimilation, and newly promoted staff there will be a ‘gateway’ assessment of their knowledge and skills before they can progress to the next Pay Point. For all staff there will be a similar ‘gateway’ assessment requirement before progressing to the higher or highest Pay Points in their Band or Range.

8.4 Movement through the Pay Points takes place on the ‘incremental date’ and has the effect of increasing the person’s pay from that point forward. The size of the increment varies significantly between Bands but on average, and ignoring some large percentage increments that occur towards the top of the higher Bands, each increase is equivalent to a pay rise of between 3% and 3.5%.

8.5 The timing of incremental dates can therefore have a significant effect on pay relativities within a work group.

8.6 Agenda for Change sets out how incremental dates should be dealt with as follows.
Paragraph 9.28

Subject to the special provisions set out in paragraph 6.28 relating to temporary movement into a higher pay band, paragraph 9.16 for staff on special transitional points, and paragraph 9.21 in relation to accelerated progression for staff in high cost areas, incremental dates will be determined as follows:

- For existing staff on spot salaries (i.e. in posts with a single salary rate and no increments) or staff who are on or above the maximum of their current pay scale the incremental date will be the anniversary of the effective date of assimilation.

- For newly appointed or promoted staff the incremental date will be the date they take up their post.

- All other staff will retain their current incremental date.

8.7 This seemingly simple and straightforward approach can have an unintended consequence however.

8.8 It is possible that a member of staff on a ‘last but one’ Whitley Council incremental point will assimilate to the same Agenda for Change Pay Point as a member of staff who is at the top of their Whitley Council scale, and who may have been at the top of the scale for some years. Agenda for Change can therefore result in long serving and previously ‘senior’ staff being ‘caught up’ in terms of pay by more junior staff in the same work group. This should not be seen as an unexpected consequence of moving to a new pay system.

8.9 However, building on the above example, the member of staff who is at the top of the Whitley Council scale (or who is on a fixed salary on assimilation) will be allocated an incremental date of 1 October 2005. The member of staff on a ‘last but one’ Whitley Council incremental point will however retain their previous incremental date and in the likely event that this is not 1 October, they will move to the next Agenda for Change Pay Point ahead of their more senior colleague. Depending on the actual date of the retained incremental point it is possible for the more junior member of staff to be paid at a higher Pay Point for up to a year. Whilst the situation will resolve itself over time, it may, depending upon which Pay Band or Range is involved, continue for up to eight years.

8.10 This unintended consequence of Agenda for Change is often referred to as ‘leapfrogging’. It is a cause of significant discontent amongst staff adversely affected, it is seen as unfair to some long
serving and senior members of staff and is a cause of wider discontent regarding outcomes.

8.11 The Agenda for Change agreement foresees and accommodates a potentially similar ‘unfair’ outcome of assimilation. Where staff assimilate onto transitional Pay Points and new recruitment occurs, new recruits would be appointed at a pay level higher than the staff that had transferred. In order to avoid this outcome the agreement makes provision at paragraph 9.15 as follows.

Paragraph 9.15

During any period when the special transitional points are in use in respect of any member of staff in a given unit or equivalent work area, new appointees to the same pay band in that unit or work area, who would normally join at the minimum pay for the job, should be appointed on the lowest special transitional point currently in use.

8.12 This provision is important in that it recognises that it can be appropriate for different arrangements to operate for different work units or work areas depending upon the particular circumstances affecting the work unit or work area concerned. An equitable solution to the ‘leapfrogging’ problem could be similarly introduced on a work unit / work area basis without the need for universal application.

8.13 It has been suggested however that identifying and agreeing appropriate work units / work areas for this purpose may prove difficult in practice. It has been suggested that an easier (though more costly) solution would be to alter the allocated increment date to 2 October 2005, thereby ensuring that, as in the example given above, the more senior member of staff will always move up the incremental scale before or at the same time as any work colleague.

8.14 It has also been suggested that NHS Wales could simply reapply the original increment dates of those transferring onto Agenda for Change from the top of Whitley scales (or from fixed salaries). Whilst this would not have the effect of removing leapfrogging, it would significantly reduce the impact of leapfrogging both in terms of the total numbers affected and in duration. It would also have the merit of reapplying contractual reality in place of artificial construction.

8.15 It is recommended that consideration be given to introducing within the NHS in Wales a variation to the incremental date for any member of staff whose incremental date is otherwise
deemed to be 1 October 2005 and who is engaged to work within a unit or area alongside a member of staff who has been assimilated into the same Band or Range and onto the same Pay Point, but with an inherited incremental date. In such circumstances the deemed incremental date could be changed to either the earliest inherited incremental date applying within the work unit or work area concerned, to 2 October 2005, or to the staff member’s original incremental date. The Partnership Forum should be asked to consider and agree which of these three options should be applied within NHS Wales and whichever option is agreed should be applied as from 1 April 2008. This change should not be applied retrospectively given that there has been no misinterpretation or misapplication of the Agenda for Change agreement on this matter.
9 Looking Forward

9.1 Agenda for Change has been introduced as part of the future agenda for the NHS. To date the focus of implementation has been on the evaluation and assimilation of staff into the new pay system and on ensuring that this is undertaken fairly and consistently for all staff. As we move forward the workplace focus will need to shift towards the application of the Knowledge and Skills Framework and the development of staff skills and competencies.

9.2 Job evaluation and the matching of jobs into the Agenda for Change pay system will continue however, not least with the design of new roles, changing ways of working and the reorganisation of service delivery. Major structural changes such as organisational mergers will also create a need for job evaluation and job matching.

9.3 The sheer scale of the initial assimilation exercise that is now coming to an end was such that in all probability it could only have been carried out ‘in house’, using in the main existing staff resources, knowledge and experience to undertake the evaluation and matching of all jobs within the NHS. Job evaluation and job matching are not the tasks for which NHS staff have been employed however and there must be a limit as to how long the current arrangements can continue. Staff themselves have become irritated by the time they are required to spend on panels. Recruitment to panels has become increasingly difficult. But most importantly the skills of NHS staff in Wales need to be redirected back to patient care.

9.4 The Welsh Assembly Government could meet the ongoing need for job evaluation and job matching within the NHS in Wales by one of three routes;

- require Trusts and LHBs to employ their own job evaluation staff,
- contract the requirement out on an as and when needed basis,
- establish an NHS Wales Job Evaluation Unit.

9.5 Despite the fact that the initial assimilation process is now coming towards an end, it is inevitable that those posts that remain to be evaluated will be the most difficult to evaluate and will in the main be jobs that have been deferred for detailed job analysis. The numbers involved on a per Trust/LHB basis will be relatively small and it may
be more efficient to have these jobs evaluated, by trained analysts, at an all Wales level.

9.6 It is recommended that consideration be given to establishing an NHS Wales Job Evaluation Unit with responsibility for supporting Trusts and LHBs in the completion of their Agenda for Change assimilations and providing thereafter a central job evaluation service to the NHS in Wales. The Unit should be located within NHS Wales and appointments and secondments to the Unit should reflect the partnership approach that underpins Agenda for Change. The Partnership Forum should be asked to consider and agree the processes and procedures necessary to implement this recommendation.

9.7 Agenda for Change does not include the right of appeal following a review unless it is alleged that the correct procedures have not been followed either at the job matching/job evaluation panel or at the review panel stage. In such cases it is expected that an appeal will be heard locally, most probably under the employer's grievance procedures.

9.8 There has been an understandable reluctance to stretch the process of assimilation by giving individual members of staff what would in effect be a ‘third chance’ appeal. It is natural for a person who feels wrongly done by to appeal the decision for as long as is allowed. In the case of Agenda for Change the issues at stake, presuming there is no allegation of improper procedure, will be whether the job description has been correctly interpreted and either correctly matched against the appropriate national job profile or correctly evaluated locally and banded. Where a review is requested a differently constituted panel will re-examine these issues and will reassess the original decision, taking account of the further information provided by the member of staff concerned. A review can properly be described as a rehearing and there would be no merit in introducing a further appeal for individual members of staff to pursue.

9.9 A review however is undertaken within the relevant Trust or LHB and whilst it can be expected to ensure that an outcome is fair and consistent within the Trust or LHB concerned, it does not take account of what may or may not be happening elsewhere in Wales. Nor will a review panel always be appropriate for dealing with general issues of factor scoring and profile matching that are seen as common across an entire work group.
9.10 If consistency across Wales is seen to be a desired outcome and if transparency is recognised as an important element of fairness, then there is merit in establishing a special Wales appeal mechanism to hear appeals that are brought forward either by a recognised staff organisation or by the employing Trust / LHB, that relate to whole work groups, work sectors or professional groups and which may be seen to have wider implications.

9.11 This would be consistent with paragraphs 10.5 and 10.6 of Agenda for Change where, in dealing with the issue of reviews and appeals, it says;

Paragraph 10.5
Where common problems arise for a group of staff in an organisation, the employer and staff representatives, working in partnership, should review the problem in order to try to identify a common solution which can be applied to as many of the cases as possible.

Paragraph 10.6
Where the issue appears to have implications beyond the organisation concerned, and in particular where the issue is the interpretation of this agreement, the matter should be referred to the NHS Staff Council and may be referred at the request of either party.

9.12 If such a mechanism were to be introduced it would be important for it to be seen as both representative of the interested parties and independent. It should therefore be constituted with an independent chair and with either two or four additional members, drawn equally from staff and employer representatives identified through the Partnership Forum, but not connected with the staff organisation/s employer/s concerned.

9.13 It is recommended that consideration be given to constituting a Wales appeal mechanism to hear appeals resulting from Agenda for Change job evaluations and job matches that are initiated by either a recognised staff organisation at the all Wales level or by the relevant employer and which relate to whole work groups, work sectors or professional groups. It will be essential that the decisions of such an appeal mechanism are recognised as being the final determination of the issue and that employers and staff organisations agree at the outset to accept and where necessary implement its decisions. The Partnership Forum should be asked to consider and agree the processes and procedures necessary to implement this
recommendation with the aim of having such a mechanism in place no later than 30 June 2008.
Summary of Recommendations

It is recommended that for the future any job evaluation exercise in NHS Wales affecting more than one employer should be strategically managed at an all Wales level with priority given to achieving transparent outcome consistency. The Partnership Forum should be asked to consider and agree the processes and procedures necessary to implement this recommendation.

It is recommended that within the NHS in Wales, pay protection should be calculated on the basis of a ‘reference period’ that immediately precedes the date of individual assimilation onto Agenda for Change and should take account of any agreed conditions attached to the 2006/7 annual pay award. The implementation of this recommendation should be applied retrospectively and with the purpose of ensuring that, in line with the Agenda for Change agreement, no member of staff within NHS Wales either has or has had a reduction in their total pay (as calculated in accordance with Agenda for Change Section 9 Table 8) at the date of their assimilation.

It is recommended that consideration be given to introducing within the NHS in Wales a variation to the incremental date for any member of staff whose incremental date is otherwise deemed to be 1 October 2005 and who is engaged to work within a unit or area alongside a member of staff who has been assimilated into the same Band or Range and onto the same Pay Point, but with an inherited incremental date. In such circumstances the deemed incremental date could be changed to either the earliest inherited incremental date applying within the work unit or work area concerned, to 2 October 2005, or to the staff member’s original incremental date. The Partnership Forum should be asked to consider and agree which of these three options should be applied within NHS Wales and whichever option is agreed should be applied as from 1 April 2008. This change should not be applied retrospectively given that there has been no misinterpretation or misapplication of the Agenda for Change agreement on this matter.

It is recommended that consideration be given to establishing an NHS Wales Job Evaluation Unit with responsibility for supporting Trusts and LHBs in the completion of their Agenda for Change assimilations and providing thereafter a central job evaluation service to the NHS in Wales. The Unit should be located within NHS Wales and appointments and secondments to the Unit should reflect the partnership approach that underpins Agenda for Change. The Partnership Forum should be asked to consider and agree the processes and procedures necessary to implement this recommendation.
It is recommended that consideration be given to constituting a Wales appeal mechanism to hear appeals resulting from Agenda for Change job evaluations and job matches that are initiated by either a recognised staff organisation at the all Wales level or by the relevant employer and which relate to whole work groups, work sectors or professional groups. It will be essential that the decisions of such an appeal mechanism are recognised as being the final determination of the issue and that employers and staff organisations agree at the outset to accept and where necessary implement its decisions. The Partnership Forum should be asked to consider and agree the processes and procedures necessary to implement this recommendation with the aim of having such a mechanism in place no later than 30 June 2008.