

## East Cheshire Trust HCA Campaign Re-banding

### Frequently Asked Questions

#### Who is in scope of the proposal?

The staff group within scope of this agreement includes substantive Band 2 HCAs within the nursing structure on wards, outpatients, and theatres directly employed by East Cheshire Trust. This will apply to all eligible Band 2 Health Care Assistant (HCA) staff working in all clinical areas and departments. This may include those holding the job titles of Band 2 Theatre Support Workers, Band 2 Maternity Support Workers, and Band 2 Radiology Department Assistants, referred to collectively as HCAs. The offer applies to all Band 2 HCAs in post when the Framework Agreement is agreed, including those that have given notice of resignation or retirement. This scope also includes currently employed Band 3 HCAs who have held a Band 2 HCA role during the period from 1 April 2018 to the commencement of the prospective skill mix review consultation, or the date they commenced in a Band 3 HCA role. These HCAs may request retrospective recognition at Band 3 for periods where they held a Band 2 HCA role. The offer also applies to those holding other roles within the trust that have previously within the trust worked as Band 2 HCA's in a substantive position but were undertaking band 3 duties.

#### Why are Band 2 Health Care Assistants being re-banded?

Band 2 HCAs are being re-banded following a campaign by UNISON HCAs who have been routinely working above and beyond their pay-band for several years.

#### Why is back pay being offered up to 1 April 2018?

Following the UNISON campaign, and negotiations with the employer, the Trust is offering back-pay and retrospective re-banding to when it's identified that HCAs began undertaking Band 3 duties, up to a maximum (earliest) date of 1 April 2018. This is in line with agreements made with a number of Trusts across the North West.

#### What duties are considered Band 3?

In order to qualify for re-banding and back-pay, HCAs will need to evidence that they have been undertaking at least one duty from the following list:

- ANTT Principles
- Undertake Bladder Scanning
- Blood Glucose Point of Care Testing (POCT) monitoring.
- Undertake 12 lead ECG recording.
- Undertake Peripheral Cannulation insertion (following ANTT principles)
- Removal of Peripheral Cannula (following ANTT principles)
- Post catheterisation / Care of catheter competency
- Undertake Simple Wound observations & Dressing (following ANTT principles)
- Undertake wound Swabbing using ANTT Swabs (nasal/MRSA screening)
- Undertake and record Urinalysis Urine Sampling (for lab samples)
- Undertake Venepuncture following ANTT principles.
- Undertake physiological observations (including input into Vital Pac, and manual calculation of NEWS2 score)
- A range of duties consistent with the Band 3 'Higher clinical support worker' national AfC profile'

#### What if I'm not doing any of the duties on the list?

Where an HCA is not able to evidence a competency from the list above and undertakes additional duties that would meet the Band 3 national role profile, this can be detailed on a clinical skills sign-off form along with supporting evidence. This will then be reviewed by an Agenda for Change job matching panel. Support for this process can be provided by a trade union representative. HCAs will also have the right to appeal the outcome.

#### What evidence will I need to provide?

HCAs applying for re-banding and back-pay will need to complete a submission form and provide associated evidence. Evidence will need to be provided for each year, or evidence that covers the duration from when the framework is agreed up to a maximum of 1 April 2018. Acceptable auditable evidence would include training certificates or other evidence of

completion of relevant training, appraisal documentation confirming completion of competency or clinical skills sign-off by a Ward Manager or an alternative nominated registered practitioner (for example a member of the medical profession or Allied Health Professional). For the avoidance of doubt, it is not considered acceptable to access patient records or any patient information system for the purpose of gathering competency data.

**Whose responsibility is it to provide evidence?**

It is an individual HCA's responsibility to obtain the required evidence. Line managers will support HCAs and the individual can have trade union support in completion of this process.

**What if there is a disagreement between my manager and I about what duties I have undertaken?**

If your manager does not authorise your form and you disagree with this decision, you are entitled to appeal. You should collect as much evidence as you can to demonstrate that you have been required to undertake additional clinical duties in your Band 2 role and when this requirement began, so that this can be considered through the appeals process. You may wish to seek advice from your trade union if you are in this position.

**I've been undertaking Band 3 duties for the past 10 years, but only paid Band 2. How much back pay will I get?**

You would receive back pay to the earliest possible point under the Framework Agreement which is 1 April 2018.

**I'm a Band 2 HCA doing Band 3 duties for 3 years. How much back-pay will I get?** Your retrospective re-banding date will be based on when you started undertaking Band 3 duties, to a maximum of 1 April 2018. If you started doing Band 3 duties 3 years ago, then you would get appropriate back-pay from this date.

**Will I lose out because the Band 2 and Band 3 enhancements are different?**

Those staff who are not moved to the top pay point of Band 3 upon transfer to Band 3, may potentially see a reduction in their new overall earnings dependent upon the enhancement pattern worked. This is due to the Band 3 enhancement rate being lower than the Band 2 enhancement rate. To avoid the earnings of staff reducing in this scenario, the Trust will protect pay at the current level until such a time that staff move annually through the increment points to reach the top pay point of Band 3 (which for staff in this group will be a maximum of 2 years. Some staff may reach the top of Band 3 prior to the 2-year period, at which point protection would cease).

**What about my pension payments?**

Because there are differences in the Band 2 and Band 3 pension contributions, any additional contributions will be taken out of your back pay.

**Will I need to pay tax on back-pay?**

Yes. Tax and national insurance will be paid on back-pay.

**Will I receive pay protection?**

Where HCAs who are successful in their retrospective re-banding claim, elected to move into a Band 3 post prospectively, but the Trust have been unable to allocate them a Band 3 post due to lack of available posts, pay protection will apply as per the Trust's policy.

**Where will I be appointed on the Band 3 pay scale?**

As well as receiving back-pay, eligible staff will be retrospectively re-banded up to 1 April 2018 to reflect the time that staff should have been on Band 3. If you have been employed at the Trust since 1 April 2018 or before, you will be placed at the top of Band 3. If you started working at the Trust after 2018, your appointment on the Band 3 pay scale will depend on your service.

**What if I disagree with the outcome of the process?**

Individuals can appeal if they are unhappy with the outcome of the process. Appeals will be considered by a panel of senior nurses. Grounds of appeal will consider process failings or failure to consider relevant material information. Professional practice and HR input will be

provided to the appeal panel. Post-holders will have the right to be represented by recognised local trade union representatives. Appeals will be as per the Trust policy requiring submission within 10 working days of the outcome of re-banding. The appeal of re-banding is limited to the appeal arrangements for re-banding only.

**If I get a Band 3 role, will I need to do a wider range of delegated clinical duties?**

Colleagues who can evidence they undertake three or more Band 3 clinical duties will be offered the opportunity of a Band 3 Senior Clinical Support worker role within their own area or directorate where possible. There is an expectation that all Band 3 Senior Clinical Support colleagues (new and existing), work towards the full set of core competencies as set out in agreed job descriptions. Ongoing personal development will be provided to enable staff to work to their full potential.

Colleagues who can evidence they undertake less than three Band 3 clinical duties, but want to continue with Band 3 duties, will be supported, under pay protection, on a Band 3 development programme over the following 12 months. Once the required competencies have been achieved and signed-off, then colleagues will be able to apply for any future vacant Band 3 posts. In order to support this, over the next 12 months, all vacant band 3 Senior Clinical Support Worker posts will be advertised internally to the ECT family in the first instance

**Why do I need to vote in the consultation?**

UNISON HCA members have led the campaign for fair reward and recognition. The proposed Framework Agreement will have an impact on your banding and pay, so it's only appropriate that UNISON members have the final say on the terms of the agreement.

**What if HCAs reject the Framework Agreement and vote no?**

If UNISON members reject the Framework Agreement, we will not sign up to it as a trade union and would need to explore other ways of resolving the issue of HCA pay. This may mean every HCA would need to explore an individual job evaluation claim, collating evidence and going through a potentially lengthy internal process. Your union is confident that the Framework Agreement is in line with the national Job Evaluation Scheme, is a reasonable step in resolving this issue and is the best that can be achieved without a considerable escalation in strike action.

**What is the timeline for receiving back pay?**

If UNISON members vote to accept the Framework Agreement, we will confirm acceptance to the employer. Further discussions with then take place with the Trust to map out an agreed process for implementation.

**I work as a Medical Secretary / Administration etc and believe I am working above my band. Will my role be looked at as part of this process?**

This process only relates to HCAs. However, if you work in another role and are undertaking duties beyond your job description and believe this may mean you are working at a higher band than you are being paid for, you may be in a position to challenge this through a regrading process in line with the NHS Job Evaluation Scheme. Speak to your UNISON branch who can provide further advice and support.

**I work on Bank, am I entitled to the backpay or re-banding?**

HCAs who have undertaken work on Bank will not be eligible for back-pay or regrading under this agreement. This is being dealt with via separate grievance that is still ongoing.