Blackpool Teaching Hospitals NHS Foundation Trust

Healthcare Assistant Retrospective Re-Grading Principles Framework

Date of Agreement of this Framework: _____

Signed by

BTH Representative: Name: Katy Coope

Signature: 

UNISON Representative: Name: _____
Signature: _____

RCN Representative: Name: _____
Signature: _____

1. Context and purpose

1.1. UNISON and RCN colleagues have raised concerns that in the Blackpool Teaching Hospitals NHS Foundation Trust, Healthcare Assistants have been working beyond the scope of their job description for a prolonged period and have been trained and are undertaking a range of clinical activities which would be defined as Band 3 responsibilities.

1.2. There are two national Agenda for Change profiles for Nursing – Clinical Support Workers at band 2 and Clinical Support Workers (Higher Level) at band 3.

1.3. The purpose of this paper is to set out some standardised implementation arrangements to ensure all employees affected across BTH receive equal and fair treatment, comparable to the arrangements already implemented in other Trusts in the region. The aim is to negotiate and agree an implementation framework that can then be locally managed, working jointly with local union representatives.

2. Scope

2.1. The resulting Framework will automatically apply to those in the in the following categories, having already been assessed as carrying out one clinical duty by the trust:

a) All band 2 HCAs or Radiology Support Workers employees working in clinical areas as of 1 April 2018 and those that have joined the Trust since
b) Those working in a band 2 HCA or Radiology Support Worker capacity between April 2018 and the date of this agreement who have changed roles since 1 August 2024
c) Those working in a band 2 HCA or Radiology Support Worker capacity between 1 April 2018 and 1 July 2025 who have left employment with the Trust since 1 July 2025
d) Those working in a band 2 HCA or Radiology Support Worker capacity between 1 April 2018 and the date of this agreement who have retired and returned, covering the period following the date of their return.

2.2. In addition, the Trust will consider requests for retrospective regrading requests from:

a) Those working in a band 2 HCA or Radiology Support Worker capacity between April 2018 and the date of this agreement who have changed roles before 1 August 2024
b) Those working in a band 2 HCA or Radiology Support Worker capacity between 1 April 2018 and 1 July 2025 who left employment with the Trust prior to the date of this agreement
c) Those who have retired and returned in that period and wish to have their pre-retirement service considered.

2.3. The Trust will consider requests from individuals falling into the categories at 2.2. above considering the following criteria:

a) length of service;
b) continuity of service; and
c) evidence of the level of competence at the time of change/ date of termination of employment being at band 3, in line with the one clinical duty applied to the rest of the workforce.

However the Trust will not consider requests from individuals made on or after the period of three months from the date of this agreement.

2.4. Bank service is excluded from the scope of this agreement.

3. The agreement: basic principles

3.1. Those HCAs or Radiology Support Worker in scope in accordance with section 2 above will be eligible for retrospective re-grading and the period of back pay will apply to their whole service subject to the earliest date of re-banding being 1st April 2018.

3.2. From the date the re-banding becomes effective, individuals will be placed on the entry level point of the band 3 scale (or the relevant point on the band 3 scale which provides a basic pay increase). Pay will then progress incrementally as per national terms and conditions. Incremental dates will be re-set to the date that band 3 duties commenced.

3.3. In keeping with the spirit of Sections 1.18 and 1.19 of Agenda for Change, in cases where retrospective re-grading may result in any financial detriment when compared to previous salary (basic pay plus unsocial hours payments), the previous salary will be maintained until the combination of basic pay, including any unsocial hours payment in the new band does produce a higher salary. This principle will also apply to any back-pay received on an annual basis within the back-pay journey.

4. National profiles and clinical duties

4.1. The two national profiles for Clinical Support Workers/HCAs (band 2 and band 3) can be found in Appendix 1.

4.2. The status of duties in the context of NHS national job profiles is a question determined by the NHS Job Evaluation Scheme and subject to agreement between employers and trade unions through the established job matching and job evaluation process.

4.3. The trust has consulted with RCN and UNISON on proposed job descriptions for band 2 and band 3 Healthcare Assistants. The Trust will continue to work with RCN and UNISON colleagues to finalise the Radiology Support Worker job descriptions

4.4. Job descriptions will be kept under regular joint review in accordance with the NHS Job Evaluation Scheme to ensure they remain up-to-date and accurate.

5. Back-pay and point on scale.

5.1. Regrade will be effective from the eligible employee's start date at band 2, but with the earliest date of re-grade being 1st April 2018.

5.2. In keeping with the spirit of Sections 1.18 and 1.19 of Agenda for Change, should any financial detriment occur throughout the back-pay journey at any point (assessed on an annual basis), the monies calculated for each year will be taken to zero, so the staff member is not at any detriment at any point on the back-pay journey.

6. Appeal process

6.1. Appeals from Healthcare Assistants and Radiology Support Workers who believe they have been excluded from the process or receiving the incorrect back-pay or retrospective re-grading will be considered by a panel of Nurse Managers with overview across the organisation and a local trade union representative present.

6.2. Members of the appeal panel will include:

- Deputy Chief Nursing Officer
- Divisional Director/s of Nursing
- Deputy Chief People Officer
- One RCN Representative (Consistency checker)
- One UNISON Representative (Consistency checker)

6.3. Grounds of appeal will consider:

Process failings
Failure to consider relevant material information

6.4. 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 or accompanied by a work colleague.

6.5. Should a whole department not be approved for back-pay and retrospective re-grading they will be entitled to lodge collective appeals on behalf of their department.

6.6. In addition, the appeal panel will be responsible for considering requests for retrospective regrading requests from individuals identified in section 2.2 of this framework. Such requests will need to be submitted to the appeal panel within three months from the date of this agreement.

7. Support during implementation process

7.1. The Trust should ensure that well-being support is available to employees involved in the process and that there are adequate resources available for staff to query their payslips and other parts of the process.

8. Timescales for implementation

8.1. There is a target completion date of November 2026.

9. Engagement and communications

9.1. Chief Nursing Officer (CNO) and Chief People Officer (CPO) to work collaboratively with UNISON and RCN colleagues to agree a point of contact for the process. However, this responsibility may be delegated to the Deputy Chief Nursing Officer and Deputy Chief People Officer.

9.2. Engagement with staff and Trade Union Representatives will be maintained through the lifecycle of the project. A project implementation group consisting of management, staff, UNISON and RCN representatives from the HCA workforce will work in partnership to create and agree the process for implementation and ensure that the management of change to a new model of working is enacted in a timely, fair and consistent manner.

Appendix 1 – role profiles

Band 2:

Profile Label: **Nursing: Clinical Support Worker**

Job Statement:

1. Undertakes personal care duties for patients in the community, in hospital or other settings
2. Supports patients / clients with toileting, bathing, dressing and meals
3.. Records patient information

Factor	Relevant Job Information	JE Level	Score
1. Communication & Relationship Skills	**Provide and receive routine information requiring tact or persuasive skills; barriers to understanding** Exchanges factual information with patients using persuasion, reassurance, tact, empathy; may overcome barriers to understanding, e.g. patient/client has physical impairment, mental health condition or learning disabilities	3a	21
2. Knowledge, Training & Experience	**Range of routine work procedures, requiring job training** Knowledge of personal care and related procedures, vocational qualification at level 2 or equivalent relevant experience	2	36
3. Analytical & Judgemental Skills	**Judgements involving facts or situations, some requiring analysis** Assesses patient's health, safety and wellbeing while undertaking personal care, deciding whether to refer to other staff as appropriate	2	15
4. Planning & Organisational Skills	**Organises own day to day work tasks or activities** Prioritises own work activities	1	6
5. Physical Skills	**Physical skills obtained through practice** Hand eye co-ordination for manoeuvring wheelchairs, bathing patients/clients, using hoists; standard driving	2	15
6. Responsibility for Patient/Client	**Provides personal care to patients/clients** Undertakes personal care duties, e.g. bathing, toileting, dressing, support with meals and assisting patients with their appearance	3(a)	15
7. Responsibility for Policy/Service Development	**Follow policies in own role, may be required to comment** Follows policies, may participate in discussions on proposed changes to procedures	1	5
8. Responsibility for Financial & Physical Resources	**Personal duty of care in relation to equipment, resources/Handle cash, valuables; safe use of equipment other than equipment used personally; maintain stock control** Careful use of equipment/handles patient/client valuables; ensure equipment used by others, e.g. hoists, is safe and properly used; orders supplies	1-2abc	5-12
9. Responsibility for Human Resources	**Demonstrate own activities to new or less experienced employees** Demonstrates own duties to new starters	1	5
10. Responsibility for information Resources	**Record personally generated information** Contributes to updating patient records eg,by recording basic patient information such as fluid balance (intake and output) and nutrition, height, weight and age	1	4
11. Responsibility for Research & Development	**Undertake surveys or audits, as necessary to own work** Occasionally participates in audits, surveys, research and development activities	1	5
12. Freedom to Act	**Well-established procedures, supervision close by/Standard operating procedures, someone available for reference** Carries out routine personal care duties, supervision available/ Acts on own initiative when delivering personal care, supervision accessible	1-2	5-12
13. Physical Effort	**Frequent moderate effort for several short periods/ frequent moderate effort for several long periods; occasional intense effort for several short periods**	3c-4bc	12-18

	Turns, manoeuvres patients/clients for toileting, bathing using aids; toileting, bathing without mechanical aids		
14. Mental Effort	**Frequent concentration; work pattern predictable** Concentration for personal care procedures, standard driving. Follows routine	2a	7
15. Emotional Effort	**Occasional/frequent distressing or emotional circumstances** Care of patients/clients with chronic illness/conditions, terminally ill and deaths	2a-3a	11-18
16. Working Conditions	**Occasional highly unpleasant conditions/ frequent highly unpleasant conditions** Foul linen, body fluids	3b-4b	12-18
JE Score/Band		**Band 2**	179-212

Band 3

Profile Label: **Nursing: Clinical Support Worker Higher Level**

Job Statement:

1. Undertakes a range of delegated clinical care duties in hospital, community or other settings
2. Records patient observations and changes to patient clinical conditions
3. Carries out limited clinical care duties

Factor	Relevant Job Information	JE Level	Score
1. Communication & Relationship Skills	**Provide and receive routine information; barriers to understanding** Exchanges factual information with patients using persuasion, reassurance, tact, empathy; may overcome barriers to understanding, e.g. patient/client has physical impairment, mental health condition or learning disabilities	3a	21
2. Knowledge, Training & Experience	**Range of work procedures and practices; base level of theoretical knowledge** Knowledge of care and related procedures, clinical observations, relevant legislation; short courses to undertake patient and clinical care duties, completion of a competency based workbook or equivalent relevant experience to vocational qualification level 3	3	60
3. Analytical & Judgemental Skills	**Judgements involving facts or situations, some requiring analysis** Assess patient/client condition through observations/ test results, assess comfort of patient/client, instigate emergency procedures	2	15
4. Planning & Organisational Skills	**Organise own day to day work tasks or activities;** Plans own work activities:	1	6
5. Physical Skills	**Physical skills obtained through practice/ Developed physical skills; manipulation of objects, people; narrow margins for error; Highly developed physical skills, accuracy important; manipulation of fine tools, materials** Hand eye coordination required when using test equipment, e.g. blood glucose monitors, psychometric testing, manipulating wheelchairs, driving/Restraint of patients/clients; venepuncture, neonatal blood spot screening	2-3ab	15-27
6. Responsibility for Patient/Client	**Implement clinical care/ care packages** Undertakes a limited range of delegated clinical care duties relevant to the services provided/work area; record patient observations , e.g. taking blood pressure, blood glucose monitoring, pregnancy testing, routine maternal and neonatal observations, observing patients for signs of agitation or distress, wound observations and simple wound dressings, removal of peripheral cannula, urinalysis, removal of catheter	4a	22
7. Responsibility for Policy/Service Development	**Follow policies in own role, may be required to comment** Follows policies, may participate in discussions on proposed changes to procedures	1	5
8. Responsibility for Financial & Physical Resources	**Personal duty of care in relation to equipment, resources/Handle cash, valuables; safe use of equipment other than equipment used personally; maintain stock control** Careful use of equipment/handles patient/client valuables; ensure equipment used by others, e.g. hoists, is safe and properly used; orders supplies	1-2abc	5-12
9. Responsibility for Human Resources	**Demonstrate own activities to new or less experienced employees/ Day to day supervision** Demonstrates own duties to new starters/ supervises work of students and junior staff	1-2	5-12
10. Responsibility for information Resources	**Record personally generated information** Contributes to updating patient records	1	4
11. Responsibility for Research & Development	**Undertake surveys or audits, as necessary to own work** Occasionally participates in audits, surveys, research and development activities	1	5
12. Freedom to Act	**Standard operating procedures, someone available for reference** Acts on own initiative when delivering patient/client care, supervision accessible	2	12
13. Physical Effort	**Frequent moderate effort for several short periods/ Frequent moderate effort for several long periods; Occasional intense effort for several short periods**	3c-4bc	12-18

	Turns, manoeuvres patients/clients for toileting, bathing using aids, restrains patients/clients, active participation in physical activities, e.g. sports activities; toileting, bathing without mechanical aids		
14. Mental Effort	**Frequent concentration; work pattern predictable/unpredictable** Concentration required for clinical and personal care procedures, predictable/ Unpredictable when responding to emergency situations, e.g. patient/client restraint	2a-3a	7-12
15. Emotional Effort	**Occasional distressing or emotional circumstances/ Frequent distressing or emotional circumstances; Occasional highly distressing or emotional circumstances** Care of patients/clients with chronic illness/conditions, terminally ill and deaths, challenging behaviour	2a-3ab	11-18
16. Working Conditions	**Frequent unpleasant conditions; Occasional highly unpleasant conditions/ Some exposure to hazards; Frequent highly unpleasant conditions** Foul linen, body fluids; physically aggressive behaviour	3ab-4ab	12-18
JE Score/Band	**Band 3 = 216-270**		217-267