Agenda

1 July 2019 (12:30-14:30pm)

Cardiff City Hall – Ferrier Hall

Item	Agenda Item	Lead		Style
1	Introduction and Context	Welsh Government	Deputy Minister for Housing and Local Government	Verbal
2	WPC Vision , Mission and Strategic Priorities 2019-20	JEC	Karen Higgins Head of WPC Joint Secretariat	Paper (WPC Item 2) Page 3
3	WPC Agreements - (Annex to WPC Strategic Framework Document)	JEC	Karen Higgins Head of WPC Joint Secretariat	Paper (WPC Item 3) Page 10
4	WPC Partnership and Managing Change	JEC	Karen Higgins Head of WPC Joint Secretariat	Paper (WPC Item 4) Page 19
5	Health and Social Care Workforce Strategy - Consultation	Social Care Wales	Joanne Oak Director of Strategy & Corporate Services	Verbal
6	WPC Communications Plan	JEC	Karen Higgins Head of WPC Joint Secretariat	Paper (WPC Item 6) Page 28
7	Paid Leave for Staff Experiencing Domestic Abuse	Welsh Government	Deputy Minister for Housing and Local Government	Verbal

8	**Papers to Note:**			
	8.1 Annual Report – Principles and Guidance on the Appropriate Use of Non-Guaranteed Hours Arrangements in Devolved Public Services in Wales	**JEC**	**To Note**	**Paper** (WPC Item 8.1) Page 36
	8.2 Annual Report - Code of Practice on Workforce Matters (Two Tier Code)	**JEC**	**To Note**	**Paper** (WPC Item 8.2) Page 49
	8.3 Progress Report – Sign-up to the TUC Dying to Work Charter	**JEC**	**To Note**	**Paper** (WPC Item 8.3) Page 60
	8.4 Progress Report - Collection of Open Public Sector Workforce Data	**Welsh Government**	**To Note**	**Paper** (WPC Item 8.4) Page 67

Workforce Partnership Council (WPC) 1 July 2019

**Workforce Partnership Council (WPC) Vision, Mission and
Strategic Priorities 2019-20**

Purpose

1. To provide an overview of key decisions taken at the last WPC, that initiated new arrangements for WPC delivery and to seek ratification of the proposed WPC vision, mission and strategic priorities for the WPC Work Programme 2019-20.

Action

2. The WPC is asked to acknowledge the new arrangements for the WPC, as a context for future delivery and ratify the proposed WPC vision, mission and strategic priorities for the WPC Work Programme 2019-20.

Background

3. WPC members, at the meeting on 15 March 2018, agreed recommendations from the WPC review group and thereby:
    a. Adopted the WPC Strategic framework Document, which includes the definition, purpose, structure and governance of the WPC, arrangements for meetings and the formation of the WPC Joint Executive Committee and WPC Joint Secretariat.
    b. Ratified the WPC Joint Executive Committee Terms of Reference, Governance arrangements for social partners, WPC membership and proposals to establish the Joint Secretariat

WPC Strategic Framework Document

4. The Strategic framework document defines the Workforce Partnership Council (WPC) as a tripartite social partnership structure of the Trade Unions, Employers and Welsh

   Government covering the devolved public services in Wales. That will, through social partnership, support our public service workforce to deliver strong, effective public services.

   Key principles include:

5. Operating in equal partnership between Welsh Government, Employers and Trade Unions – respecting the sovereignty and decision-making structure of each partner.

6. Providing the key forum for cross-public services workforce matters to:
   a. Seek to reach the agreement of all three parties on matters which are cross-public service or relevant to the whole public service.
   b. Share information and good practice.
   c. Influence, including the consideration, challenge and enhancement of policy.
   d. Support collective practice, even where formal agreements cannot be secured.
   e. Provide a source of expert guidance and agreed direction.

7. Accepting that the WPC:
   a. is not a sovereign body, therefore influence and legitimacy arises from the commitment of the three partners to working on an effective tripartite basis, being representative of their constituent groups and ensuring that WPC good-practice, guidance and agreements are put into practice.
   b. identifies the matters to be dealt with via cross-public service, all Wales guidance or agreement.
   c. works through the relevant representative bodies (Employers' Group, Trade Union Side Group and Welsh Government Public Services Workforce Partnerships Programme Board) to ensure all Wales agreements are implemented and guidance is acted upon.

d. is not a forum for collective bargaining, the resolution of local disputes or for sector specific matters.

8. The structure and governance arrangements place expectations upon social partners to each determine their own membership for the WPC. Members are responsible for representing the interests of their own sector and maintaining an effective two-way dialogue with stakeholders.

9. It is the responsibility of social partners to each have in place their own governance arrangements to ensure that WPC members have the necessary authority to take decisions and make commitments on behalf of those whom they represent. The WPC will work with and through these arrangements both in the context of decision-making and information flow.

10. The WPC Joint Executive Committee (JEC) will be accountable to the WPC and will facilitate the work of the WPC, in consultation with representative bodies, allowing for prior engagement as necessary.

11. The WPC Joint Secretariat will support the work of the WPC Joint Executive Committee on behalf of the tripartite structure and will be responsible to the JEC.

WPC Joint Executive Committee Terms of Reference

12. The WPC Joint Executive Committee (JEC) is required to develop an annual work programme, for agreement by the WPC, prioritising the most significant, strategic, cross-public sector workforce matters.

WPC Vision, Mission and Strategic Priorities 2019-20[1]

13. The WPC vision, mission and strategic priorities were co-developed through social partnership and on a tri-partite basis to establish a shared focus for the WPC and its forward work programme for 2019-20. The vision and mission statements will be used to promote a shared understand amongst stakeholders around the aspirations of the WPC and what it hopes to achieve into the longer term. Whilst strategic priorities will highlight more immediate themes that have been identified for delivery in the short to medium term, it is anticipated that these will continue to evolve in response to a changing strategic and policy context.

14. <u>WPC Vision</u> – 'For Wales to have a public sector workforce which enjoys life enhancing work and terms of employment. A workforce which, through social partnership and trade union collective voice, is empowered to deliver improvements to the economic, social, environmental and cultural well-being of Wales.'

15. <u>WPC Mission</u> – 'A social Partnership approach to current and future workforce matters that promotes fair, equal and ethical employment across our public services and shared responses to the changing nature of work; Inspiring a culture of One Public Service values and behaviours within a workforce that drives a shared purpose, collective ambition, collaborative action and quality public services for all of the people of Wales. To achieve this the WPC will (or aspires to):

   a. **Contribute to making Wales a Fair Work nation** - Our ambition is to promote a culture where fair and equal employment is central to public services in Wales
   b. **Address workforce challenges linked to the Future of work** - Our ambition is to promote a public services workforce supported and developed to meet future challenges and opportunities in response to the changing nature of work
   c. **Promote workforce equity** - Our ambition is to support the development of integrated services and to create a One Public Service ethos in which the

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[1] This remains a live working document which will evolve and change in response to future developments, such as responses to the Fair Work Commission report and the Welsh Government's commitment to a Social Partnership Act

devolved public service workforce has parity of esteem and equivalence in employment. This will be supported through the development of consistent people management policy and practice.

d. **Enable workforce mobility** - Our ambition is to influence and develop workforce mobility, to encourage cohesive and collective approaches that support the movement of the public service workforce amongst its partner organisations, with a focus on action to mitigate or offer alternatives to redundancy situations.

16. WPC Strategic priorities for 2019/20 –

   a. Fair Work
   b. The Future of Work
   c. Workforce Equity
   d. Workforce Mobility

Workforce Partnership Council (WPC) 1 July 2019 – Item 2

WPC Work Programme for 2019-20

17. Fair Work - 'Our ambition is to contribute to making Wales a 'Fair Work' nation, working with partners to develop and deliver policies and practice that support fairness and equality in employment.'

'Our objectives are:

   a. To use Fair Work as a strategic marker for promoting quality of employment when delivering the work of the WPC
   b. To work in social partnership to promote best practice and guidance, and to apply Fair Work policies across the public services in Wales
   c. To identify key issues and barriers to developing an equitable working environment and develop shared responses.

d. To develop mechanisms that capture the strategic priorities for delivering Fair Work, taking into account the findings of the Fair Work Commission and developments in modern working practices

e. To promote the transparency of public service pay and encourage equality in pay policy, such as reducing the gender pay gap in public services in Wales'

18. <u>The Future of Work</u> – 'Our ambition is to understand and prepare for the changing nature of work, to develop and support our current and future workforce to meet the challenges and opportunities in response to the changing nature of work across our public services in Wales.'

'Our objectives are:

a. To explore key drivers for change with partners and the workforce impacts of future policy, both nationally and locally

b. To identify and promote implementation of the interventions required to prepare the workforce for future challenges and opportunities created by the changing nature of work

c. To explore the impact of digitalisation on the public services workforce including the Welsh Governments review of Digital Innovation and the Future of Work

d. To promote a social partnership approach to change through professional development programmes, including Academi and other public leadership activities'

19. <u>Workforce Equity</u> – 'Our ambition is to support the development of integrated services and to create a One Public Service ethos in which the devolved public service workforce has parity of esteem and equivalence in employment. This will be supported through the development and delivery of consistent people management practice.'

'Our objectives are:

a. To gain a better understanding of the workforce issues relating to the integration of services

b. To extend best practice in workforce engagement relating to integration

c. To consider the findings of research relating to workforce aspects of service integration

d. To ensure that service integration proposals do not disadvantage employees

e. Support the delivery of *A Healthier Wales* and closer integration of services across health and social care'

20. Workforce Mobility – '- Our ambition is to influence and develop workforce mobility, to encourage cohesive and collective approaches that support the movement of the public service workforce amongst its partner organisations, with a focus on action to mitigate or offer alternatives to redundancy situations.'

'Our objectives are:

a. To understand the mobility of the public sector workforce and how they move between organisations

b. To review and develop the mechanisms that aid staff mobility on a tripartite social partnership basis

c. To promote the use and sharing of open data within public services'

Recommendations

21. That the WPC note the new WPC arrangements and acknowledge this as a context for future delivery.

22. That the WPC ratify the proposed:
    a. WPC Vision
    b. WPC Mission
    c. WPC Strategic Priorities for 2019-20
    d. WPC Work Programme for 2019-20

23. That the WPC authorise the JEC to further develop and deliver the WPC work programme for 2019-2020.

WPC Joint Executive Committee (JEC)

April 2019

Workforce Partnership Council (WPC) - 1 July 2019

Workforce Partnership Council (WPC) Agreements, Guidance and Best Practice

Annex – to WPC Strategic Framework Document

Purpose

1. The purpose of this paper is to propose that further detail be added to support the WPC Strategic Framework Document and Governance Arrangements agreed at the Workforce Partnership Council (WPC) meeting in March 2018, following the review of the WPC.

2. A 'WPC Agreements' document has been developed by the WPC Joint Executive Committee (JEC) to provide clarity on the process by which WPC agreements are reached, the status awarded to different types of agreements, once decided by the WPC and their associated expectations with regards implementation. This is necessary as the obligations placed upon stakeholders as a result of previous decisions taken by the WPC have been interpreted differently and this has prompted a request for clarification by members.

Action

3. The WPC is asked to ratify the contents of the 'WPC Agreements' document provided at annex one.

Background

4. The WPC Review presented several recommendations in a paper to the WPC in March 2018, regarding the future operation of the WPC and the creation of new structures to support the WPC, all of which were accepted.

5. The recommendations supplied details of arrangements to support future delivery through a series of annexes, which offered a strategic framework, governance arrangements, membership and terms of reference.

6. Specific recommendations around WPC decision-making and agreements were outlined within the 'WPC Strategic Framework Document' and 'Governance Arrangements' as follows:

7. The Strategic Framework Document confirmed that:

Point 1.2: '*The WPC operates in equal partnership … - respecting the sovereignty and decision-making structure of each partner … arrangements differ between the 3 partners and within the partners.*'

Point 1.3: '*Agreement in the context of Social Partnership means the agreement of all three parties*' and '*It also supports collective practice, even where formal agreements cannot be secured.*'

Point 1.7: '*The WPC works through the relevant representative bodies to ensure all Wales agreements are implemented and guidance is acted upon.*'

Point 2.3: (Partners) '*will each have in place their own governance arrangements to ensure that WPC members have the necessary authority to take decisions and make commitments on behalf of those whom they represent*'. With '*a more structured approach to WPC business, facilitated through the Joint Executive Committee, to allow for prior engagement as necessary.*'

Point 2.4: *The WPC will…work with and through (*agreed governance arrangements*) both in the context of decision making and information flow.*

8. The 'Governance Arrangements' document confirmed that:

Point 1: (Partners) '*will each have in place their own governance arrangements to ensure that WPC members have the necessary authority to take decisions and make commitments on behalf of those whom they represent*'. Stating that '*It does not necessarily follow that the whole WPC will endorse/agree the proposals made and agreed through the JEC*'.

9. It further outlined the engagement mechanisms agreed by partners to support WPC decision-making, namely:

Point 2: Welsh Government, '*A formal mechanism … to ensure all relevant Cabinet Secretaries/Ministers are involved in WPC matters, as appropriate'* and '*at official level … the establishment of a Public Services Workforce Partnerships Programme Board*'.

Point 3: Employers, '*Formal arrangements to determine the collective views of employers through the establishment of an Employers' Group'*.

Point 4: Trade Unions, '*trade union representation is established through the auspices of the Wales TUC*' and '*every union will be collectively represented and involved through the union side structure.*'

Point 5: Sector Groups, '*… going forward, there would be no sector groups of the WPC*' and that '*Social Partners will need to ensure that their stakeholders … are kept informed of WPC business …, ensuring their voice is heard, that they buy-in to WPC decisions and implement them in their own areas.*'

Conclusion

10. Whilst the 'WPC Strategic Framework Document' and 'Governance Arrangements' provide details on governance, structures and decision-making, there is no definition of how different origins and ownership of items submitted to the WPC might affect the status of that item, how it is differentiated for decision-making purposes and the subsequent implications with regards implementation.

11. There would appear to be a distinction between achieving consensus or an *agreement to take action* with regards an item, such as encouraging take up by wider stakeholders represented by partners on the WPC and a more formal '*WPC Agreement*' status being conferred, where an item is co-owned and published by the WPC, as is the case with 'Partnership and Managing Change'. The key difference being that 'WPC Agreements' are co-developed, co-commissioned or co-adopted by all three partners, in social partnership, with associated expectations around the widespread adoption and implementation of such 'agreements' across the devolved public services in Wales.

Recommendations

12. The JEC recommends that the attached 'WPC Agreements, Guidance and Best Practice' document is ratified and accepted by WPC members as a further annex to the WPC Strategic Framework Document and in support of the already agreed governance arrangements.

WPC Joint Executive Committee (JEC)

May 2019

Annex One

WPC Agreements, Guidance and Best Practice

Introduction

The WPC Strategic Framework Document states that the WPC *'seeks to reach agreement on matters which are cross-public service or relevant to the whole public service. Agreement in the context of social partnership means the agreement of all three parties.'* Therefore, for any item presented to the WPC to be formally agreed or conferred as an 'agreement', all three social partners (Employers, Trade Unions and Welsh Government) would have to agree its content and accept it as such.

Furthermore, a distinction exists between the status of different items submitted to the WPC for decision, both in terms of ownership and agreement. Items submitted for consideration by the WPC originate from a wide variety of sources and there is a difference between members *'agreeing to take action'* with regards an item and the formal co-development of a *'WPC Agreement'* in social partnership, which is owned and published by the WPC, as is the case with 'Partnership and Managing Change'. Establishing criteria will differentiate items for decision-making purposes, by defining those items which, once developed and agreed by all three parties, will be owned by the WPC and published as a WPC document.

This paper seeks to define the terms under which any item will in future formally constitute a 'WPC Agreement', 'WPC Guidance' or 'WPC Best Practice' and the process by which it will be developed and approved before it is published and branded as a WPC document, with associated expectations for its implementation.

Social Partnership: a tri-partite approach

Social partnership within the strategic and policy context of the Workforce Partnership Council (WPC) in Wales is an overarching approach. A set of principles in which employers, trade unions and Welsh Government commit to work together, in equal partnership, to support improvements that enable our public service workforce to deliver strong, effective public services.

Status: WPC Agreements, WPC Guidance and WPC Best Practice

- A **'WPC Agreement'** is an item co-developed, accepted and approved by all three parties, in social partnership, for implementation and/or action. WPC Agreements are owned and published by the WPC and may be issued independently or in conjunction with guidance and/or best practice.

- 'WPC Guidance' is considered as information and advice, accepted and approved by all three parties, in social partnership, that offers an agreed direction on how an item might be approached, addressed or implemented. WPC Guidance is owned and published by the WPC and may be issued independently or in conjunction with best practice and/or an agreement.

- 'WPC Best Practice' is considered as examples of practice that are accepted and approved by all three parties, in social partnership, as demonstrating effective approaches, delivering positive results and/or establishing standards suitable for widespread adoption. WPC Best practice is published by the WPC and may be issued independently or in conjunction with guidance and/or an agreement.

'WPC Agreements', 'WPC Guidance' and 'WPC best practice' can exist and operate independently of one another or can be combined in any configuration. For example, WPC documents could include formal 'Agreements', implementation 'Guidance' and exemplars or examples of 'Best Practice' as determined, in social partnership, by all three partners.

Principles

For an item to be conferred as a 'WPC Agreement', 'WPC Guidance' or 'WPC Best Practice' the following principles or criteria need to be satisfied:

- For 'WPC Agreements', 'WPC Guidance' or 'WPC Best Practice' to be accepted and approved by all three parties, the item would need to be developed on a tri-partite basis, that is, it would need to be co-developed, negotiated and approved in social partnership by all three partners.

- Where items are not co-developed on a tri-partite basis, proposals will need to be submitted for consideration by the WPC requesting their formal adoption as 'WPC Agreements', 'WPC Guidance' or 'WPC Best Practice'. Proposals will be considered for adoption by the WPC, subject to there being the opportunity for content to be evolved, negotiated· and agreed on a tri-partite basis, which respects the equal status of all partners as a part of social partnership arrangements.

- All 'WPC Agreements', 'WPC Guidance' and 'WPC Best Practice' must include a section that articulates the agreements reached in social partnership regarding its implementation. The expectations and any obligations being placed on stakeholders as a result of negotiations must be clear.

Please note negotiation in the context of WPC agreements refers to the process by which a commitment is achieved through social partnership from all three parties, this recognises that the WPC is not a forum for collective bargaining, the resolution of local disputes or for sector specific matters (unless they have been agreed by the JEC as appropriate for the WPC).

Process

New WPC social partnership structures and arrangements exist, through the WPC Joint Executive Committee (JEC), to process and/or support the development of any item which is to be considered by the WPC for adoption or approval as a 'WPC Agreement', 'WPC Guidance' or 'WPC Best Practice'.

Any item identified for consideration as a potential 'WPC Agreement', 'WPC guidance' or 'WPC best-practice', whether for development or to request adoption as such, requires a proposal to be submitted to the WPC Joint Executive Committee in the first instance. If accepted the JEC will drive delivery, at pace and once developed, in social partnership, items will be submitted by JEC members through their governance structures for stakeholder consultation. Any proposed amendments will be negotiated· through the JEC, who will agree final drafts for submission to the WPC, for member's consideration and to request approval.

It does not necessarily follow that the whole WPC will endorse/agree the proposals made and agreed through the JEC. Whatever the WPC decision, this will be fed back to the JEC for implementation, or if the agreement of all three parties cannot be achieved, for further action or with a reason for refusal.
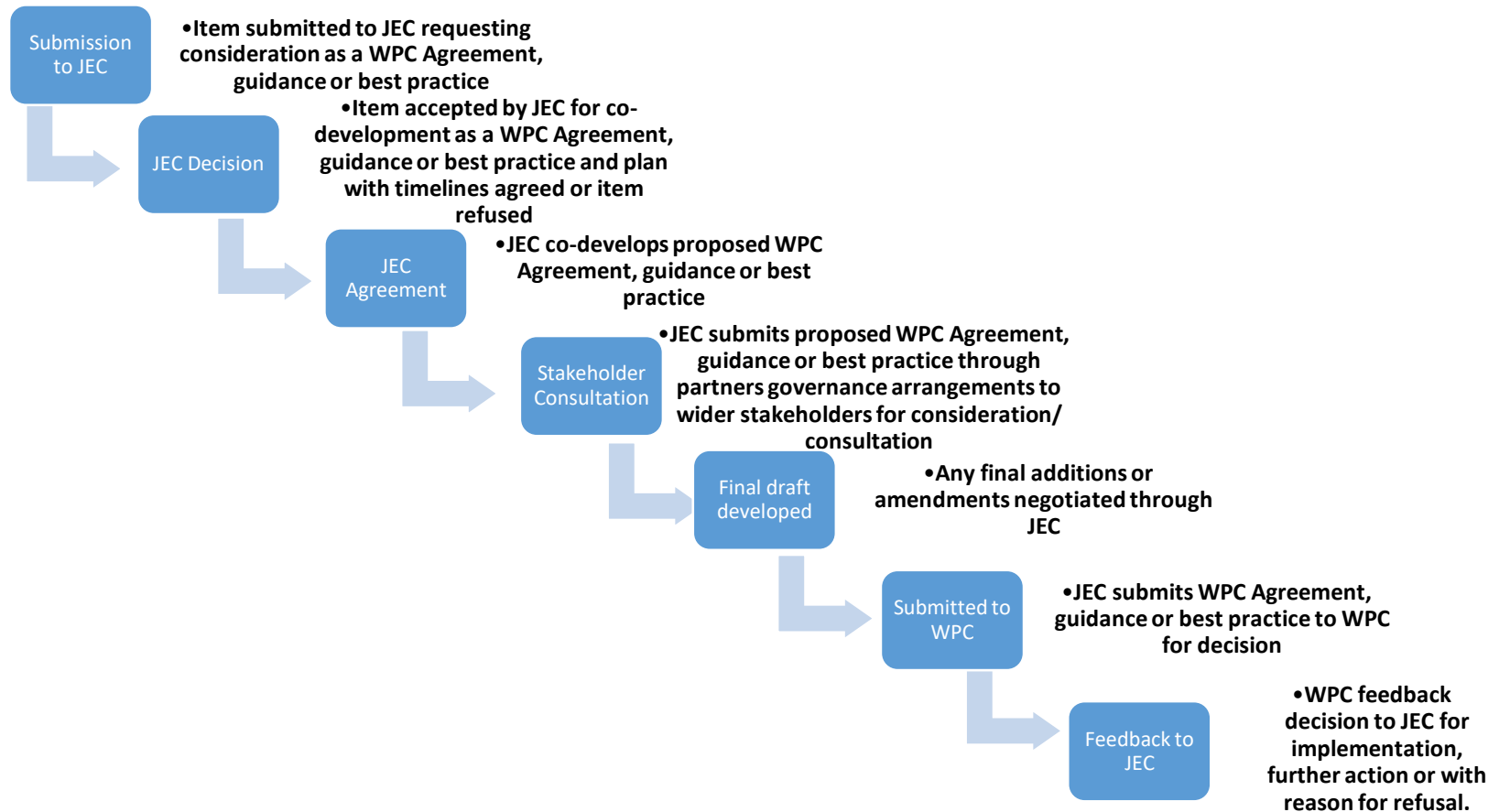
A process flowchart is attached.

Publication

'WPC Agreements', 'WPC Guidance' or 'WPC Best Practice' will, once approved by all three parties, be published and branded as WPC documents on the WPC website.

WPC Agreements, WPC Guidance and WPC Best Practice

Process Flowchart

Submission to JEC
- **Item submitted to JEC requesting consideration as a WPC Agreement, guidance or best practice**

JEC Decision
- **Item accepted by JEC for co-development as a WPC Agreement, guidance or best practice and plan with timelines agreed or item refused**

JEC Agreement
- **JEC co-develops proposed WPC Agreement, guidance or best practice**

Stakeholder Consultation
- **JEC submits proposed WPC Agreement, guidance or best practice through partners governance arrangements to wider stakeholders for consideration/ consultation**

Final draft developed
- **Any final additions or amendments negotiated through JEC**

Submitted to WPC
- **JEC submits WPC Agreement, guidance or best practice to WPC for decision**

Feedback to JEC
- **WPC feedback decision to JEC for implementation, further action or with reason for refusal.**

Workforce Partnership Council (WPC) - 1 July 2019

Workforce Partnership Council (WPC) - Partnership and Managing Change

Purpose

1. The purpose of this paper is to propose revisions to the WPC 'Partnership and Managing Change' document that do not substantively or materially change the agreement but bring it up to date and in line with new arrangements following the WPC review.

Action

2. The WPC is asked to ratify the revisions proposed by the JEC, to update the WPC 'Partnership and Managing Change' document.

Background

3. Partnership and Managing Change was co-developed by social partners, agreed through the WPC and published in 2012.

4. The document is being revised and re-issued as some of the detail within Partnership and Managing Change requires updating to ensure the document remains current and the content is in line with new arrangements following the WPC review. It is this detail which is seeking ratification.

5. Partnership and Managing Change remains a 'WPC Agreement', the proposed revisions do not substantively or materially change the agreement itself and this therefore remains valid and not subject to discussion or amendment.

6. Partnership and Managing Change is a well-established agreement and as such, it may have already been implemented locally with policies in place to support delivery. Where suitable arrangements exist between social partners, which are working well, the updated Partnership and Managing Change document should further strengthen and not undermine these.

7. The revisions include an update to the introduction and context to reflect the new WPC arrangements as detailed within the WPC Strategic Framework

Document; An update of the disputes procedure, which is restricted to and only exists in respect of 'Partnership and Managing Change', to reflect the new WPC arrangements.

Recommendations

8. That the WPC ratify the revisions proposed by the JEC to update the WPC Partnership and Managing Change document.

9. That the WPC approve that in the case of a dispute with regards the Partnership and Managing Change agreement and failure to resolve matters at first a local level and then at sector level, disputes may then be raised with the JEC.

WPC Joint Executive Committee (JEC)

April 2019

Workforce Partnership Council (WPC) – Partnership and Managing Change

Revised June 2019

The status of Workforce Partnership Council (WPC)

The Workforce Partnership Council (WPC) is recognised by each of the three partners as <u>the</u> key forum for cross-public services workforce matters in Wales.

The WPC is a tripartite social partnership covering the devolved public services in Wales.

It is an equal partnership between Welsh Government, Employers and Trade Unions – respecting the sovereignty and decision making structure of each partner.

The WPC has significant influence and legitimacy arising from the commitment of the three partners to working on an effective tripartite basis.

Employers, Trade Unions and Welsh Government each have in place their own governance arrangements to ensure that WPC members have the necessary authority to take decisions and make commitments on behalf of those whom they represent.

The status of this agreement

The WPC seeks to reach agreement on matters which are cross-public service or relevant to the whole public service. Agreement in the context of social partnership means the agreement of all three parties.

'Partnership in Managing Change' is a formal agreement of the Workforce Partnership Council. This means each partner has agreed that it will be fully and universally implemented in all the sectors covered by the WPC.

It will be delivered through the established collective bargaining arrangements and does not substitute for them.

Principles of managing change

1. All Social Partners will use best endeavours to ensure employment continuity. Change can be very unsettling for staff. Social Partners agree that employment continuity is an important element of the change process. However, change need not be seen to be a barrier to employment continuity and can generate opportunities for the achievement of potential through rewarding, renewed and refreshed careers.

2. The Social Partners will support the use of the best standards of employment practice, such as systematic workforce planning, to manage deficits and surpluses in a planned way as we shape the future delivery of services.

3. Public service organisations embarking on change, which impacts on the workforce, will consult Trade Unions at the earliest appropriate opportunity and before any irreversible decisions are made.

4. Any change should be properly planned and delivered through partnership.
   It is accepted that external factors may on occasion dictate the speed of the process but it is crucial that full consultation and negotiation amongst the social partners is followed in an open and timely manner with the aim of reaching mutual agreement.
   Equally it is crucial that this process is not constrained by either partner.

Our way of working

The WPC vision is –

For Wales to have a public sector workforce which enjoys life enhancing work and terms of employment. A workforce which, through social partnership and trade union collective voice, is empowered to deliver improvements to the economic, social, environmental and cultural well-being of Wales.

1. Workforce Engagement

The Social Partners are committed to supporting the Welsh Government's ambition that Public Services in Wales should be provided by exemplar employers.

In delivering their commitment the social partners will jointly:

- consult, negotiate and, in good faith, commit every effort to achieving agreement over proposed changes
- subsequently communicate any agreed change process to all stakeholders including the workforce.

2. Workforce Learning

Lifelong learning is central to securing the progressive improvement in public services which we seek. It is recognised that initiatives such as the "Wales Union Learning Fund" and social partnership training continue to make a significant contribution to workplace change.

It is essential that employers and trade unions at all levels fully engage in the partnership process.

3. Career Development

The development of careers that add value to the outcomes they achieve for Welsh communities and the Welsh economy is a key part of the public service policy agenda. The work undertaken by Welsh Government and others on secondments, management and leadership training is critical to this.

4. Equality and Well-being

The Social Partners support the implementation of equality-proofed pay and grading systems within the public service. The need for ongoing work to track and reflect legislative policy changes is recognised. There is commitment to develop good practice in partnership with the Equality community. The need to develop social justice in work, including equal pay, health and well-being issues, an ageing workforce, work life balance, and flexibility is recognised.

The Implementation Process

The following will need to be fully met in order to implement this agreement:

1. Employers and trade unions to **agree a Policy Statement at the outset** regarding managing change. The statement should include a clear vision supported by both parties which emphasises a corporate approach to managing change. It is the aim of the Social Partners that a culture of shared objectives and joint ownership of problem solving will become commonplace throughout.

2. Social Partners to **adopt early planning of change** with clear and realistic timescales. It is essential that due process is followed which allows for all parties to properly consider and shape any proposals which may be under consideration.

3. **Meaningful consultation and negotiation with Trade Unions to be mainstreamed** into the change process. Cross sector and cross organisational working may lead to complex lines of accountability and particular attention should be paid to operating in a collaborative context. Employers and Trade Unions should seek to ensure the process is integrated and seamless.

4. Communication with all stakeholders, including the workforce, to be a key component of any change process. Social Partners should **agree a communication plan in advance of any change process**. In a properly functioning partnership joint employer and union communication with the workforce will play a significant part.

5. Social Partners to **facilitate and encourage training** both in partnership working and change management to underpin the process. The training should include knowledge and application of this Agreement and any locally agreed arrangements.

6. Employers to commit to a full and lasting obligation to trades union recognition. In this setting, social partners will advocate the benefits of trade union membership, not least in assisting to help reduce labour turnover, increase staff morale and commitment, and improve productivity. This will involve **local arrangements to facilitate and encourage trades union membership** throughout the workforce.

Disputes

Any disputes relating to the terms of this agreement or its implementation should be taken through the appropriate collective disputes resolution procedure in place in each sector.

In case of failure to resolve matters at sector level, disputes may then be taken to the tripartite Joint Executive Committee of the Workforce Partnership Council.

Workforce Partnership Council (WPC) - 1 July 2019

Workforce Partnership Council (WPC) - Communications Plan

Purpose

1. The purpose of this paper is to propose a WPC Communications Plan.

Action

2. The WPC is asked to ratify the enclosed WPC Communications Plan for delivery by the JEC.

Background

3. The Workforce Partnership Council has not previously had a public presence or communications strategy and, until the recent launch of the WPC webpage, a routine search for publicly available information would have yielded little in response. The WPC communications plan therefore seeks to introduce a communications infrastructure and allied communications activity to raise the profile of the WPC, offer transparency and increase stakeholder engagement, to further its role as the key forum for cross-public services workforce matters.

4. In March 2018 the Workforce Partnership Council (WPC) agreed new operating structures to support delivery, in response to a review of the WPC and the closure of the Public Services Staff Commission (PSSC). The WPC created a Joint Executive Committee (JEC) and Joint Secretariat, accountable to and working on behalf of the WPC, to progress WPC business and activities. Communication is needed to raise awareness of these changes amongst our stakeholders and support the introduction of the new structures.

5. The WPC forward work programme for 2019/20, once agreed, will be delivered by the Joint Executive Committee (JEC) and Joint Secretariat, in conjunction with stakeholders. Communication will be used to promote the work programme and engage stakeholders in its delivery.

Recommendations

6. That the WPC ratify the proposed WPC Communications Plan for delivery by the JEC.

WPC Joint Executive Committee (JEC)

April 2019

Workforce Partnership Council (WPC) - Communications Plan

1. Introduction

The Workforce Partnership Council (WPC) is a tripartite social partnership structure of the Trade Unions, Employers and Welsh Government covering the devolved public services in Wales. The WPC is recognised by each of the three partners as the key forum for cross-public services workforce matters in Wales.

The WPC communications plan seeks to introduce a communications infrastructure and allied communications activity to raise the profile of the WPC, offer transparency and increase stakeholder engagement, to further its role as the key forum for cross-public services workforce matters.

2. Objectives

What do we want to achieve?

Communications will need to:

- Raise the profile of the WPC
- Increase awareness and understanding of the WPC, its governance, new structures and membership
- Ensure openness and transparency of WPC meetings and decision-making
- Increase stakeholder engagement with the WPC, its work programme and activities

3. Strategy

How will we achieve it?

Communications activity will include:

- WPC Branding to create a recognised identity for the WPC

- WPC Website to provide visibility and access to a range of information about the WPC, its decision-making, delivery structures and activities.
- WPC bi-annual newsletter to offer progress updates and the latest news items to maintain engagement between WPC meetings. The newsletter will be used to promote participation and engagement by stakeholders in the WPC work programme and encourage feedback.
- WPC Bulletin for urgent or time sensitive news items that require immediate distribution.
- WPC articles or press releases for inclusion within partner communications, to share key messages or items that emerge from WPC meetings
- WPC Stakeholder engagement and feedback mechanisms, developing a WPC presentation pack with key messages to share at networks and events, utilising social media, by creating a WPC Twitter account and developing online, rather than paper based, surveys, consultation and monitoring exercises.

4. Target audience

Who do we need to communicate with?

WPC communications will be publicly available and targeted at those stakeholders represented on the WPC and through the tripartite social partnership structure of the Trade Unions, Employers and Welsh Government, for the devolved public services in Wales.

The audience includes devolved public services employers, Trade Unions, Welsh Government and other relevant bodies with a remit for or interest in cross-public service workforce matters.

5. Key messages

What do we need to communicate?

Key messages or content for inclusion in communications include:

- An introduction to the WPC, its purpose and role

- WPC governance and structures, to include the establishment of the JEC and Joint Secretariat.
- WPC and JEC membership
- WPC Work Programme and activities
- WPC documents and publications
- WPC Meeting schedule and publication of the agenda and minutes
- Contact details for the WPC Joint Secretariat

6. Communications channels

How are we going to communicate?

6.1 Website

The WPC Website will provide visibility and access to a range of information about the WPC, its decision-making, delivery structures and activities. A webpage has already been launched and the website will be further developed and established as the primary source for information on the WPC and its work programme.

Initial website development has provided the WPC with a basic web presence, with an introduction to the WPC. It will continue to develop to include a schedule of WPC meetings and access to agendas and minutes.

Further development will expand website content to include the WPC Strategic Framework Document and the WPC work programme, once agreed. It will also see the introduction of additional website functionality, to include the hosting and management of the WPC newsletter and WPC Twitter feed. The website will also support stakeholder feedback mechanisms and provide links to online surveys, consultation and monitoring exercises.

The website is being introduced through a phased approach which will see all phases, from initial development through to a fully functioning site, delivered during its first year of operation as follows:

Phase 1   A basic WPC website delivered by 1 April 2019.

Phase 2   More comprehensive content and increased functionality, to include the WPC newsletter, delivered by October 2019.

Phase 3   Fully functioning and established WPC website with WPC newsletter, Twitter feed and links to online surveys delivered by March 2020.

6.2 Newsletter

A WPC online newsletter will be established to maintain engagement with stakeholders between WPC meetings.

Newsletter content will offer a comprehensive review of key news, work programme items and progress updates. It will also be used as a stakeholder engagement and feedback mechanism, promoting participation and engagement by stakeholders in the WPC work programme and inviting feedback.

The WPC newsletter will be established and managed through the website and will be issued online and bi-annually, with a Summer and Winter edition.

6.3 Bulletin

A WPC Bulletin will be issued ad hoc and as necessary for urgent or time sensitive news items that require immediate distribution.

6.4 Articles and press releases

WPC articles or press releases created for inclusion within partner communications. Developed and distributed bi-annually as a minimum, and more often if required, to share key messages, decisions or items that emerge from WPC meetings.

6.5 WPC Presentation Pack

A WPC presentation pack will be developed with key messages to support presentations at stakeholder networks and events.

6.5 WPC Twitter account

A WPC Twitter feed will be added to the website in the third phase, to further engage stakeholders and promote the work of the WPC

7. Timescales/frequency

When/how often are we going to communicate?

The objective is to establish regular, quarterly, communications, utilising articles and press releases to share outputs from WPC meetings, coupled with a bi-annual WPC newsletter to maintain engagement between meetings. The WPC newsletter will be issued in Summer and Winter and will offer a more comprehensive review of key news, work programme items and progress updates. A WPC Bulletin will be issued for urgent or time-sensitive items.

The website, which will be developed in phases throughout 2019/20, will offer a sustained online presence and a primary source of WPC information. The first phase, a basic web presence for the WPC, was launched on the 01 April 2019.

8. Resources

Resources to support the communications plan include a financial commitment to establishing the website and newsletter and securing a dedicated resource, through the previously allocated support role, for communications activity within the WPC Joint Secretariat team. Delivery of WPC communications activity will be coordinated through the WPC Joint Secretariat and WPC Joint Executive Committee (JEC).

Costs to support the introduction and maintenance of the website and online newsletter are as follows:

	2019/20	2020/21
Initial development costs	£7,000	
Annual maintenance costs	£1,440	£1,440*
Total	£8,440	£1,440k*

*future costs estimated based on 2019/20 but are subject to change

The total estimated cost therefore is £8,440 for 2019/20, with annual maintenance costs of £1,440 for each year thereafter*. Funding has been approved and is being provided by the Welsh Government.

9. Evaluation

How will we measure success?

The effectiveness of the WPC Communications Plan will be reviewed by the JEC in March 2020.

- The website will be measured in terms of visits and feedback from users.
- The newsletter and any bulletins will be distributed and managed using functionality integrated into the website, this will enable registrations to receive the newsletter to be monitored alongside the numbers who regularly open and read it.
- Articles and press releases will be measured by monitoring their use by partners within communications and also their popularity, to understand which are considered to be hot topics.
- The WPC presentation pack will be measured in terms of use, as will the WPC Twitter account.

The WPC communications plan will be revised and updated following its review.

WPC Joint Executive Committee (JEC)

April 2019

Workforce Partnership Council (WPC) - 1 July 2019

Workforce Partnership Council (WPC) Annual Report – Principles and Guidance on the Appropriate Use of Non-Guaranteed Hours Arrangements in Devolved Public Services in Wales

Purpose

1. To provide a report to note for members of the Workforce Partnership Council (WPC) on how the devolved public bodies of Wales have implemented the Public Services Staff Commission's (PSSC) Principles and Guidance on the Appropriate use of Non-Guaranteed Hours Arrangements (NGHAs).

Action

2. For WPC members to note the following report reflects the current position on how the PSSC's Guidance on NGHAs has been implemented by public bodies represented at the WPC.

Background

3. The PSSC published its guidance on Non-Guaranteed Hours Arrangements (NGHAs) in September 2016.

4. A review of implementation was requested and it was felt that it should focus on how organisations have implemented the guidance rather than being too pre-occupied with gathering specific data sets on the use of NGHAs.

Methodology

5. The monitoring exercise was issued on the 25 October 2018 by the Joint Secretariat to devolved public bodies across Wales. The survey asks organisations to demonstrate how they have implemented the guidance against each of its five principles.

6. An aspect of the covering letter was for organisations to adopt the principles of social partnership and to ensure that recognised trade unions had confirmed the organisations response. However this was difficult to ascertain due to the survey only requiring a trade union official to be named.

7. Returns received were logged under each of the guiding principles, per organisation.

8. The categories of responses were recorded as:

   - Yes
   - Yes, but no detail provided
   - No, but alternative cited
   - No, but it is recognised that action is required
   - No, not required
   - No
   - Did not respond

9. There were instances whereby there was a lack of detail in some responses or a failure to respond to each question of the survey resulting in responses being recorded as "did not answer" (DNA's).

Current Position

10. Following issue of the NGHA survey the Joint Secretariat received 51 responses from devolved public bodies (as at 15th February 2019) representing a response rate of 96%.

Table of Response Rate per Sector

Organisation Type	Number of Responses Received	Total Number of Organisations	Percentage Return by Sector
Local Authorities	23	23	100%
National Parks	3	3	100%
Fire Service	3	3	100%
Welsh Government and Sponsored Bodies	13	14	93%
Health Boards	9	10	90%
Total	51	53	96%

This data can also be shown in a bar chart.

**Number of Responses Received**
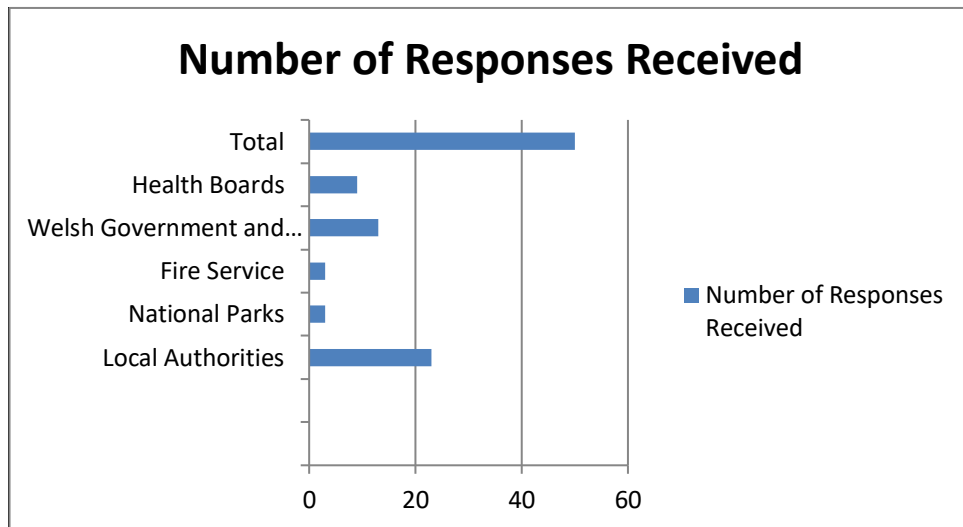
Analysis of Data

11. One aspect of the returned survey as outlined in the covering letter was for public bodies to indicate if local trade union officials had been consulted upon the responses of the surveys.

Table of Response's from Local Trade Union Officials, if they had been consulted on the survey responses by their public sector organisation.

	Number	Proportion
Yes	21	39%
No – TU official not named	17	32%
No - TU official named but not consulted	11	21%
TU official named but we couldn't confirm whether consulted	2	4%
Organisation didn't answer survey	2	4%
	53	

The pie chart illustrates the data findings as contained in the previous table.
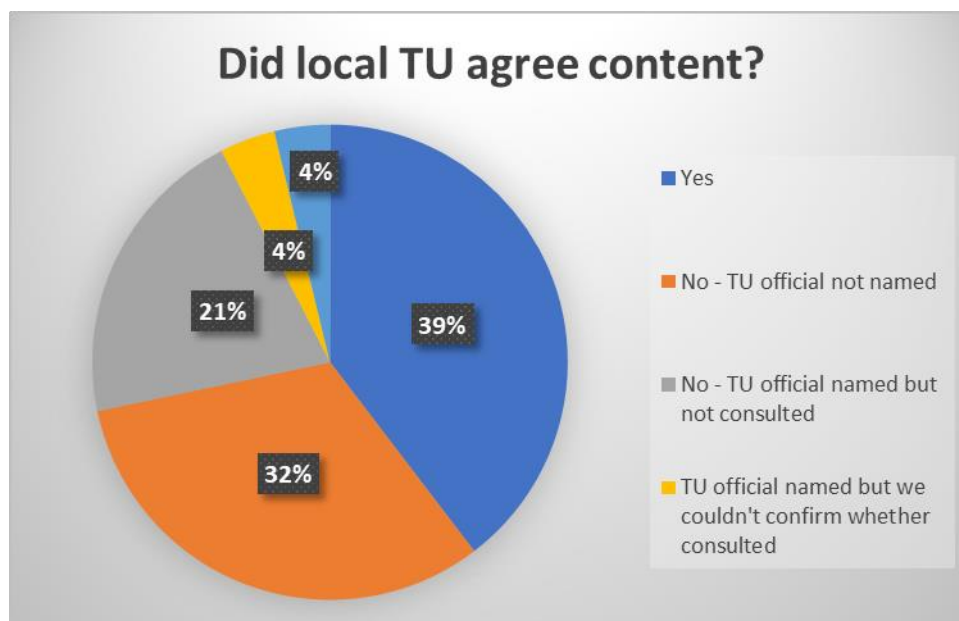
12. Having contacted trade union officials directly it was identified they had been consulted on 39% of the surveys. In 32% of cases a trade union official had not been named, so it is assumed that trade unions were not consulted on the content of the survey. In 21% of cases, a trade union official was named but on

making direct contact it was found that they had not been consulted on the survey content.

13. The general overarching picture from the returns received indicate that where NGHAs are in use, the guiding principles are broadly being met:

- Social partnership approach to workforce planning, 61% of respondents answered yes
- Induction training, 75% of respondents answered yes
- Access to further development and training, 75% of respondents answered yes
- Access to a pension scheme, 69% of respondents answered yes
- Access to further employment opportunities, 61% of respondents answered yes
- Collective bargaining,73% of respondents answered yes
- Pay parity, 73% of respondents answered yes
- Ability to take annual leave, 74% of respondents answered yes
- Payment for statutory holidays if unable to allocate leave, 62% of respondents answered yes
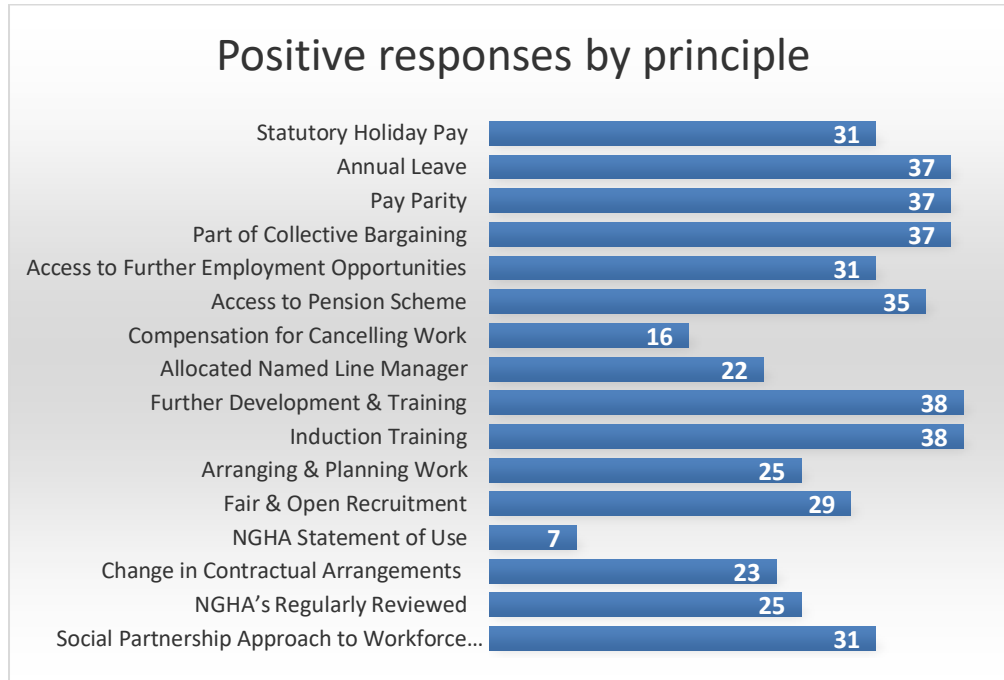
This data is displayed in the following table.

Table of Overall Positive Responses

Principles from NGHA Guidance document		Number of Positive Responses from 51 Respondents	Percentage of Positive Responses from 51 Respondents
Principle 1	Social Partnership Approach to Workforce Planning	31	61%
	NGHA's Regularly Reviewed	25	49%
	Change in Contractual Arrangements	23	45%
Principle 2	NGHA Statement of Use	7	14%
	Fair & Open Recruitment	29	57%
	Arranging & Planning Work	25	49%
Principle 3	Induction Training	38	75%
	Further Development & Training	38	75%
	Allocated Named Line Manager	22	43%
Principle 4	Compensation for Cancelling Work	16	31%
	Access to Pension Scheme	35	69%
	Access to Further Employment Opportunities	31	61%
	Part of Collective Bargaining	37	73%
Principle 5	Pay Parity	37	73%
	Annual Leave	37	74%
	Statutory Holiday Pay	31	62%

This data can also be summarised in the following bar chart.

Positive responses by principle

Principle	Value
Statutory Holiday Pay	31
Annual Leave	37
Pay Parity	37
Part of Collective Bargaining	37
Access to Further Employment Opportunities	31
Access to Pension Scheme	35
Compensation for Cancelling Work	16
Allocated Named Line Manager	22
Further Development & Training	38
Induction Training	38
Arranging & Planning Work	25
Fair & Open Recruitment	29
NGHA Statement of Use	7
Change in Contractual Arrangements	23
NGHA's Regularly Reviewed	25
Social Partnership Approach to Workforce…	31

14. Fifteen organisations advised that they did not use NGHAs, and this was recorded against the guiding principles as "no and not required". This was prevalent in Welsh Government Sponsored Bodies (9).

15. Further examination of the responses to the principle; NGHA statement of use, resulted in:

   - Yes , 7
   - No but an alternative is in place,16
   - No but it is recognised that action is required, 8
   - No and not required, 12
   - No, 1
   - Did not respond, 7

16. Further engagement with organisations revealed that where there is not a specific stand-alone statement regarding the use of NGHAs, 16 cited an alternative such as; management guidance documents, and recruitment guidance/polices on how to engage an employee or worker.

17. The principle of organisations making compensatory payments to staff when cancelling shifts for NGHA workers resulted in 18 not responding. However in telephone conversations with organisations further context was provided; some advised that they did not compensate as shifts would not be cancelled due to the nature in which workers were engaged e.g. relief workers called into work due to staff sickness, or planned events where an additional relief car park attendant was required. The response from Health differed whereby shifts would not be cancelled but bank staff would be deployed elsewhere.

Health Sector

18. The majority of Health Boards from responses received within the NHS is to cover temporary staff shortages with bank workers i.e. registered nurses, support workers and administrative staff etc. who may already be employees of a Health Board. Where NGHAs are being used responses indicated there is no obligation on the person to take the shifts available and that they are informed of shift patterns as soon as possible to allow them to better plan their time. When staff are recruited through NGHAs they are provided with full induction and access to training and development opportunities.

19. Responses indicated that bank workers operate under the NHS Wales Statement of Main Terms and Conditions of Engagement when recruited to a staffing bank. This sets out the terms and conditions of their engagement in compliance with employment law. A number of Health Boards indicated that pay

scales for staff working under NGHAs are in line with the wider NHS (the NHS Job Evaluation Procedure) and that they are auto-enrolled on their pension schemes.

20. Responses also indicated that NHS Wales will be developing a collective framework agreement on bank and agency staff during 2019. It is anticipated that all NHS organisations will be involved in this including the appropriate Trade Unions. Further to this, a number of responses confirmed there were strong partnership arrangements in place between the Health Boards and relevant Trade Unions.

Fire and Rescue Services

21. Two of Wales' three Fire and Rescue Services indicated they used NGHAs. One of these confirmed this practice ceased in June 2018 and that in the future if extra shifts are necessary then permanent staff will be offered over-time instead – a position that has been formally placed within their recruitment policy. When the relevant Fire Service had staff working on NGHAs their terms and conditions were agreed with Trade Unions and shift hours were established well in advance to allow staff to plan their time. Staff were under no obligation to accept the shifts offered to them and were auto enrolled on the Service's pension scheme.

22. The other Fire Service using NGHAs has 3 such contracts in place. Two of these are for existing staff who want to undertake additional employment outside of their primary work. Terms and conditions are periodically reviewed with the Trade Unions. For the remaining NGHA contract there are bi-monthly review meetings and the Trade Unions are kept informed of any changes and decisions over how this contract is used. There is not a specific policy in place for using NGHAs but for one of the above contracts a policy will be developed as it involves emergency cover for strike action. This contract offers comparable terms and conditions of service but is not included in collective bargaining.

Induction and training is in place for all staff and they also have equal access to other employment opportunities.

23. The remaining Fire Service confirmed they did not use NGHAs and that the relevant trade unions are involved in all discussions regarding staffing matters. It was confirmed that if NGHAs were to be used in the future, a policy would be developed in full consultation with the Trade Unions and this would include a review of the appropriateness of using NGHAs. Responses confirmed that the same level of training and induction are available to all members of staff regardless of the basis of their employment. They also confirmed that any NGHA worker would be provided with terms and conditions agreed nationally in relation to their role.

Local Authorities

24. A number of Local Authorities confirmed that staff employed on NGHAs have access to all training opportunities within their organisations and are provided with a formal induction process. Similarly, that employees working under NGHAs could access the complete range of vacancies available to all staff. Responses also demonstrated that staff operating under NGHAs were not obligated to accept the shifts offered to them by Local Authorities and were provided with as much notice as possible for when these would be offered.

25. Responses demonstrated that staff operating under NGHAs were part of the same pay and terms/conditions as permanent members of staff reflecting nationally agreed standards and that they are auto-enrolled on the relevant pension scheme. Finally, a number of responses confirmed they are reviewing their use of NGHAs to ensure they remain necessary. Some of these reviews are already established whilst others will take place in the future with the Trade Unions. To ensure their appropriate use a couple of Local Authorities also stated

that they either have, or are working on developing, a specific policy statement for using NGHAs across their authority area.

National Parks

26. All three National Parks use staff on NGHA arrangements e.g. to cover catering, car parking and information services. They confirmed that these staff are provided with as much notice as possible for shift times and that rotas are drawn up in advance. All three confirmed that staff under NGHAs have access to the same level of training/induction as full time members of staff and have the opportunity to apply for internal vacancies within the organisation. They also confirmed that NGHA staff are on the same pay scales as full time members of staff and are auto-enrolled on the relevant pension scheme.

Welsh Government Sponsored Bodies

27. Responses demonstrated a fairly even split between Welsh Government Sponsored Bodies (WGSBs) that use or do not use NGHAs. Of those not using NGHAs several confirmed they had no intention of using this type of contract at any point in the future. Of those using NGHAs responses confirmed that training and induction was in place for relevant staff and that they had full access to internal vacancies. Responses also confirmed that pay was aligned with permanent members of staff and that those working under NGHAs were auto–enrolled on the relevant pension schemes.

28. A number of bodies confirmed they provide as much notice as possible to staff working under NGHAs and that there is no obligation that they have to accept the shifts offered to them. Some responses confirmed the use of NGHAs are limited and that alternatives are sought first before they are utilised. Similarly, a couple of responses confirmed they are conducting an on-going review of the use NGHA use to determine whether they remain necessary. Responses

demonstrated that relevant bodies consult with Trade Unions on all workforce matters including the use of NGHAs and that established lines of communication are in place between both parties.

29. This is the first time a review on the implementation of the PSSC's Guidance on the use of NGHAs has been conducted. This report is based upon information provided by public bodies and is therefore subject to the accuracy of the information they have provided to the Joint Secretariat. A further review will take place in the next financial year.

Recommendations

30. The WPC to note the contents of the report upon the implementation of the Public Services Staff Commission's (PSSC) Principles and Guidance on the Appropriate use of Non-Guaranteed Hours Arrangements (NGHAs).

WPC - Joint Executive Committee (JEC)

April 2019

Workforce Partnership Council (WPC) - 1 July 2019

Workforce Partnership Council (WPC) Annual Report– The Revised Code of Practice on Workforce Matters (Two Tier Code)

Purpose

1.   That the members of the Workforce Partnership Council (WPC) consider the 2017-18 Annual Report on the Code of Practice on Workforce Matters (Two Tier Code).

Action

2.   That WPC members agree this will act as the final version of the Annual Report on the Code of Practice on Workforce Matters (Two Tier Code) for 2017-18.

Introduction

3.   This is the fourth Annual Report on the revised Code of Practice on Workforce Matters ("Two Tier Code"), covering contracts awarded and signed during the financial year 2017-18 but also covering on-going contracts reported on in previous years.

Background

4.   Before the revised Code was introduced in 2014 there were two Codes in place in Wales which broadly replicated the equivalent Codes issued in England: the 2003 Welsh Code which was issued under specific statutory authority for best value authorities (now improvement authorities) other than fire and rescue authorities; and the 2005 Welsh Code which was issued for the remainder of the public service (and which was reissued in 2008). There is now no extant equivalent Code in England.

5.   The revised Code of Practice on Workforce Matters updates these earlier Welsh codes. It states that public service organisations will enforce any contract conditions placed on the service provider which have been put in place under the Code. This means that compliance with the Code must form part of the contract management process.

6.   Since 2015 the Code has been pro-actively monitored by the Welsh Government. Returns are requested from each organisation and a summary annual report is submitted to the Workforce Partnership Council (WPC) for consideration.

Methodology

7.   The fourth annual monitoring exercise was initiated by Welsh Government officials writing to all relevant public sector bodies on the 17 May requesting completion of the annual return by 7 June. Additional reminders were sent and individual organisations still to provide a return were contacted.

8.   As recommended in previous reports, letters to local authorities asked for their responses to cover governing bodies of voluntary aided and foundation schools as well as community and voluntary controlled schools where applicable.

9.   One Voice Wales agreed to co-ordinate circulation of letters to Town and Community Councils (TCCs). Due to the number and size of TCCs a pragmatic approach has been taken with a request for returns only where outsourcing and TUPE or TUPE-like conditions have been applied.

10.   Responses were collated and this report was produced by the WPC Joint Secretariat.

Summary of Responses Received

11.   Returns have been received from all 50 public sector organisations covered by the Code and represented at the WPC.

12.   A breakdown of returns are outlined in the table below:

Sector	Total Number of Organisations	Returns Received	Of which, Nil Returns
Fire and Rescue Services	3	3	3
Health	10	10	8
Local Authorities	22	22	12
WLGA	1	1	1
National Park Authorities	3	3	2
WGSBs	11	11	10
GRAND TOTAL	**50**	**50**	**36**

Analysis of Responses

13.   An analysis of the responses can be found at Annexes A and B:

- **Annex A** lists by sector those organisations reporting outsourcing contracts during the reporting period where the Two Tier Code has been applied, including details of those contracts;

- **Annex B** lists by sector those organisations reporting outsourcing contracts during the reporting period where the Two Tier Code is not considered to have been applicable;

14. Three organisations – Bridgend County Borough Council, Flintshire County Council and the Isle of Anglesey County Council provided returns indicating that whilst the Code had been applied to their outsourcing contracts monitoring arrangements were not yet in place. Since then each council has now confirmed processes are in place to ensure there is full compliance with the Code.

15. During the previous year's exercise Cardiff City Council indicated that the Code had not been applied to a contract involving the transfer of school cleaning services from one school within Cardiff to a private company. This contract has subsequently been renewed and adherence to the Code has been included in the terms and conditions.

16. Three organisations submitted details of contracts that did not involve the transfer of any staff. As such the Two Tier Code does not apply to these.

Next steps

17. This is the fourth time an analysis of outsourcing and application of the Two Tier Code has been carried out. It provides a valuable source of information on the picture across devolved public services. The annual monitoring exercise will continue in future years with reports provided to the WPC for consideration. This process provides an opportunity to reinforce the application of the Code by reminding organisations of the requirement to report on it annually.

18. The annexes within this report are based on information provided by public bodies and is therefore subject to the accuracy of the information they have

provided for this exercise to the Joint Secretariat. The WPC is invited to consider the responses from organisations as reflected in this report.

WPC Joint Executive Committee (JEC)
January 2019

Annex A

Devolved Welsh Public Sector Organisations Outsourcing Contracts where the Two Tier Code has been applied (including continuing contracts reported on in previous years)

Name of Organisation	Details of Outsourced Contracts
Blaenau Gwent County Borough Council	Aneurin Leisure Trust - provision of full range of leisure services (sports centres, libraries, community education, theatres) (previously reported in 15-16 and 16-17)
Brecon Beacon Park Authority	Visitor centre services (17-18)
Bridgend County Borough Council	Library services (previously reported in 16-17) Leisure services (previously reported in 16-17) Waste collection services (previously reported in 16-17)
Cardiff City Council	Transfer of cleaning employees from a school to A & R Cleaning (17-18) Transfer of cleaning employees from a school to Glen Cleaning (17-18) Transfer of cleaning employees from a school to APP (UK) (previously reported in 15-16 and 16-17) Transfer of cleaning employees from a school to APP (UK) (previously reported in 15-16 and 16-17) Transfer of Leisure Services to GLL (previously reported in 16-17) Transfer of Children's Contact Service to Swanstaff (previously reported in 16-17) Transfer of Sports Development Services to Cardiff Metropolitan University (previously reported in 14-15, 15-16-and 16-17) Transfer of school cleaning services for one school to Supacleen (previously reported on 16-17)

Flintshire County Council	NEWydd – the creation of a Local Authority Trading Company (LATC) with Teckal to run Flintshire's transferred out catering and cleaning services (17-18) Aura – the creation of Community Benefits Society (employee owned mutual) to run Flintshire's transferred out Leisure and Library services to a new Co-Operative (17-18) Home Farm Trust - The transfer of day care and work opportunities services for adults with learning difficulties to a national charitable organisation Home Farm Trust (17-18)
Isle of Anglesey County Council	Special Educational Needs Service (17-18)
Natural Resources Wales	Cleaning services for Natural Resources Wales office facilities (17-18)
Newport City Council	Collaborative service with other local authorities to provide IT support (previously reported 16-17) Newport Live – not for profit organisation providing sport, leisure, theatre and arts services (previously reported 16-17) Newport Norse – joint venture for property management and maintenance (previously reported 16-17)
Powys County Council	Joint Venture – Heart of Wales Property Services (17-18) Building Cleaning Services (17-18) Residential Home Services (17-18) Leisure Services (previously reported 16-17)
Powys Local Teaching Health Board	11 Mental Health Services contracts (17-18)

Vale of Glamorgan Council	3 staff members in Social Services Training to Cardiff Council (Local Authority Shared Service) (17-18) 1 Chargehand cleaner from a school (17-18) School building cleaning contract (previously reported 16-17)
Velindre NHS Trust	OCS – Building Security Services for the Trust (17-18) OCS – Cleaning Services for the Trust (17-18) VCC – Building Security Services for the Trust (17-18)
Wrexham County Borough Council	Transfer of employees to service provider (Freedom) for the operational management of WCBC's leisure centres (previously reported 15-16 and16-17)

Annex B

Devolved Welsh Public Sector Organisations outsourcing contracts where the Two Tier Code is not considered by the public body to have been applicable (including continuing contracts reported on in previous years)

Name of Organisation	Details of Outsourced Contracts	Additional Comments
Blaenau Gwent County Borough Council	IT Services - provision of full range of IT support services (previously reported in 16-17) Passenger Transport Services for the Council (previously reported in 16-17)	The two services detailed relate to arrangements where other local authorities will provide the service on behalf of Blaenau Gwent Council in a collaborative approach.
Bridgend County Borough Council	Benefits Fraud Team (previously reported in 16-17) Public Protection Staff (previously reported in 16-17) Audit Staff (previously reported in 16-17)	This was outsourced through national legislation with the Department of Work and Pensions These services will be provided by another local authority operating under the same terms and conditions as Bridgend CBC These services will be provided by another local authority operating under the same terms and conditions as Bridgend CBC

Cardiff City Council	Regionalisation of the Adoption Service with the host being the Vale of Glamorgan Council (previously reported in 15-16 and 16-17) Regionalisation of the Regulatory Service with the host being the Vale of Glamorgan Council (previously reported on 15-16 and 16-17)	These two services will be provided by another local authority operating under the same terms and conditions as Cardiff Council. Both contracts are managed through Joint Management Boards between the authorities.
Pembrokeshire County Council	Human Resource Group (HSG) – Reablement Services (14-15, 15-16 and 16-17) Danfo (UK) the Operation and Maintenance of Public Conveniences in Pembrokeshire (14-15)	These contracts were tendered prior to the launch of the revised Code. However, the Council has ensured arrangements have been put in place to ensure there is compliance with the conditions of the Code.

Wrexham County Borough Council	Wrexham Commercial Services – Cleaning and caretaking services for Gwersyllt CP (previously reported 15-16 and 16-17)	TUPE principles were applied to these contracts as part of negotiations with the new provider and affected employees.
	Wrexham Commercial Services – Cleaning and caretaking services for Cefn Mawr CP (previously reported 15-16 and 16-17)	
	Wrexham Commercial Services – Cleaning and caretaking services for Ysgol Sant Dunawd CP (previously reported 15-16 and 16-17)	
	Provider of Welsh Government funded 'Business Wales' service to support development of local new businesses (previously reported 15-16 and 16-17)	
	Community Living Service - provision of social care service to clients with complex disabilities (previously reported 15-16 and 16-17)	
	Shop Mobility Service - provision and management of mobility scooters (previously reported 15-16 and 16-17)	

Workforce Partnership Council (WPC) - 1 July 2019

Workforce Partnership Council (WPC) Progress Report– Sign-up to the TUC Dying to Work Charter

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Purpose

1.   That members of the Workforce Partnership Council (WPC) consider the attached report on progress in signing up members of the WPC to the Dying to Work Charter.

Action

2.   That WPC member's note that this report acts as the current position on the level of sign-up to the Dying to Work Charter by public bodies represented at the WPC.

Background

3.   The TUC's Dying to Work Campaign was first raised by the Trade Unions at the meeting of the WPC on the 13 July 2017. The campaign calls for terminal conditions to be made a 'protected characteristic'. This would mean that employees with terminal conditions would enter a 'protected period' where they could not be dismissed as a result of their condition.

4.   Employers are encouraged to sign up to a Voluntary Charter which sets   out an agreed way in which their employees will be supported,   protected   and guided   following   a   terminal   diagnosis. Although voluntary, the Charter encourages active discussions   between   Employers and Trade Unions and advises Trade Union negotiators to seek agreement that employers will:

- Review sick pay and sickness absence procedures and include a specific statement that they will not dismiss any person with a terminal diagnosis

- Ensure they have an Employee Assistance Programme that has the capacity and competency to provide support to any person with a terminal illness

- Provide training to line managers and all HR staff on dealing with terminal illness, including how to discuss future plans with any worker who has a diagnosis of a terminal illness

- Adopt the Dying to Work Charter and notify all employees that they have made the commitments contained in it

5. If these commitments are then met a formal signing of the Charter is carried out by the relevant organisation with the Trade Unions present and they are then formally registered as having signed up. An example of a Dying to Work Draft Voluntary Charter is attached at Annex 1.

6. At the meeting of the WPC in July 2017 the Employers indicated they were content to support the Charter and the Cabinet Secretary for Finance and Local Government agreed it should be promoted wherever possible. During the 15 March 2018 WPC meeting it was agreed the Dying to Work Charter be placed on the next agenda for the Council to consider further. However, following discussions at the Shadow Joint Executive Committee (JEC) on the 12 June 2018, it was agreed the Joint Secretariat would produce a report providing an update on sign-up by pubic bodies represented at the WPC.

Methodology

7. The Joint Secretariat has been in contact with Wales TUC to determine the level of sign-up by devolved bodies and this is reflected in the current report.

Current Position

7. During the meeting of the JEC on the 12 June 2018 both Steve Thomas (WLGA) and Richard Tompkins (NHS) confirmed the Campaign had been promoted within Local Government and the Health Service respectively. Consulting with colleagues in Wales TUC, the Joint Secretariat can confirm that the following have signed up to the Charter so far (a full list of these organisations is provided at Annex 2).

Organisation Type	Numbers Received	Total number of Organisations	Percentage Return by Sector
Local Authorities	6	22	27%
Health Boards	10	10	100%
Fire Service	2	3	67%
Welsh Government	1	1	100%
Welsh Government Sponsored Bodies	3	13	23%
National Parks	0	3	0%
Total	**22**	**52**	**42%**

9. From the above table there are a total of 52 organisations covered by the Charter of which 22 have signed up - this represents 42% of all relevant organisations. It has also been confirmed that a number of Assembly Members have signed up to the Charter.

Next Steps

10. The JEC has written to employers to encourage sign-up to the Charter and this will be monitored in conjunction with colleagues from Wales TUC.

Recommendation

11.　　That WPC members note the content of this report and the current　level　　of sign-up to the Dying to Work Charter.

WPC - Joint Executive Committee (JEC)

January 2019

ANNEX 1

Example of Dying to Work Draft Voluntary Charter

This charter sets out an agreed way in which our employees will be supported, protected and guided throughout their employment, following a terminal diagnosis.

- We recognise that terminal illness requires support and understanding and not additional and avoidable stress and worry.

- Terminally ill workers will be secure in the knowledge that we will support them following their diagnosis and we recognise that, safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself.

- We will provide our employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families which helps them through this challenging period with dignity and without undue financial loss.

- We support the TUC's Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and have their death in service benefits protected for the loved ones they leave behind.

Chief Executive of Company   **TUC Regional Secretary**

ANNEX 2

List of Organisations Currently Signed up to the TUC's Dying to Work Charter

Organisation
Local Authorities
Caerphilly County Borough Council
City of Cardiff Council
Neath Port Talbot County Borough Council
City and County of Swansea Council
Vale of Glamorgan County Council
Newport County Borough Council
Health Boards
Abertawe Bro Morgannwg University Health Board
Aneurin Bevan Health Board
Betsi Cadwaladr University Health Board
Cardiff and Vale University Health Board
Cwm Taf Health Board
Hywel Dda Health Board
Powys Teaching Health Board
Public Health Wales
Velindre NHS Trust
Welsh Ambulance Services NHS Trust
Fire and Rescue Services
North Wales Fire and Rescue Service
South Wales Fire and Rescue Service

Welsh Government Sponsored Bodies
National Library of Wales
Royal Commission on the Ancient and Historical Monuments of Wales
Wales Audit Office
Miscellaneous
Welsh Government

Workforce Partnership Council (WPC) - 1 July 2019

Workforce Partnership Council (WPC) Progress Report – Collection of Open Public Sector Workforce Data

Purpose

1. To note the recommendations of the Welsh Government Chief Statistician's paper on Open Public Sector Workforce Data.

Action

2. That the Workforce Partnership Council (WPC) notes the content of the paper and agrees the recommendation that the Partnership assists the Welsh Government in promoting the importance of using PSED data as a source of open data with public bodies.

Background

3. Under the previous arrangements of the WPC the Workforce Planning and Mobility (WPM) Subgroup considered how best to improve public sector workforce data collection. The WPM agreed that instead of introducing further data collections on public authorities the focus should be on working with them to publish open data.

4. In September 2018 the Equalities, Local Government and Communities Committee report on Parenting and Employment in Wales recommended the Welsh Government publish employment data, required by the Public Sector Equality Duties (PSED), at a single location. Because public bodies already have to comply with the PSED duty Welsh Government has decided to work with them to publish this data as open data. The Welsh Government aims to work with public authorities to deliver a first version of their open data by August

2019. The paper supports the involvement of the WPC in promoting the importance of using PSED data as a source of open data with public bodies.

Recommendations

5. The WPC is asked to note the contents of the Open Public Sector Workforce Data paper and agree with the recommendation that the Partnership assists the Welsh Government in promoting the importance of using PSED data as a source of open data with public bodies.

Glyn Jones - Chief Statistician

Welsh Government

February 2019

Welsh Government – Chief Statistician's - Update Paper on Open Public Sector Workforce Data

Background

As part of the work of the Workforce Planning and Mobility subgroup under the previous arrangements for the Workforce Partnership Council, we undertook work to consider how best to improve data on the public sector workforce in Wales.

The group considered that there were requirements for data to support two objectives:

1. The need for consistent and very detailed data on public sector workforce to inform local and regional (and potentially national for some aspects) workforce planning

2. The need for a better understanding of robust, broad trends in public sector employment which are more detailed than what the ONS Public Sector Employment survey and Annual Population Surveys are able to provide.

It had been identified that current national sources of data did not meet these requirements. In particular data collected under official statistics surveys did not provide the granularity of detail provided and ONS were not in a position to expand their data collections. Efforts had been made in the past to collect more detailed data centrally from public sector organisations, but it proved to be difficult to obtain good quality data as data were held to different standards locally. It was also burdensome for public authorities and for Welsh Government.

The group concluded that, rather than introduce further burdensome data collection exercises, the focus of the work should be on working with public authorities to publish their own data as open data.

This would be in line with the Welsh Government's ambitions on open data. In a debate on the Welsh Government's open data plan the National Assembly for Wales highlighted the need to reduce centralised data collection burden on public authorities. Open data is data made available, under an open license, that anyone can access, use or share.

The benefits of this approach would be to ensure that it promoted the transparency and openness of public sector workforce data, and ensured the responsibility for providing open and transparent good quality data rested with the employers. The data would be available for re-use by anyone who wanted to use it (for example for regional workforce planning) and potentially would provide a source of data that could be collated together to analyse sectoral trends.

Outcome

<u>Local government</u>

Local Government provided a natural starting point as Data Cymru had worked extensively on behalf of the WLGA over a number of years to develop the workforce benchmarking data collection to consistent standards across Wales. We worked with WLGA and Data Cymru to secure agreement from LAs that for the first time this data would be published openly.

It was agreed that the following data items could be published:

- Staff structure
- Exit information
- Total number employed
- Age profile by grouped age bands
- Salary profile by grouped salary bands
- Redundancies by type
- Retirement by type

There were several data gaps that could be expanded upon in future years such as contract basis, qualifications and professions and workforce by nationality (EU/non-EU) although some of these would need significant work. We also had initial discussions on equality and Welsh language data, although these have now been overtaken by events (see later).

This information was published via the Data Cymru [Infobase Cymru](#) website on July 31st 2018 and has since been updated.

<u>Welsh Government</u>

Welsh Government also published, for the first time, open data on our workforce using the same categories included within the LA benchmarking data on July 31st. These data were published on [StatsWales](#).

A [blog](#) launching the LA and WG data was published on the same day.

<u>NHS</u>

NHS colleagues were positive about publishing similar information on the NHS workforce in open format given that most of this information is already collated nationally. However work to take this forward has not happened solely due to the renewed focus on PSED data (see below) by the Welsh Government team (rather than any issues from the NHS side).

<u>Other Devolved Services</u>

Two presentations were given at the Welsh Government devolved services group and there was broad agreement to following a similar approach, although with a desire expressed for the requirement to be proportionate given the size of some bodies. Again, this work has not moved forward due to the renewed focus on PSED data.

Current work

In September 2018 the Equalities, Local Government and Communities Committee report on parenting and employment in Wales included the recommendation "The Committee recommends that the Welsh Government publishes employment data required by the Welsh public sector equality duties to a single location on the Welsh Government's website, in a format that allows the data to be analysed easily."

Consistent with the approach taken above, the Welsh Government response accepted the recommendation but noted that given public sector employers have the responsibility for complying with the duty the preferred approach would be to work with

the public sector to ensure public sector equality duty (PSED) data were published as open data. WG would then provide a single location to access this information.

Therefore our current work is focusing on the open data publication of PSED data. There is a large overlap between PSED requirements and the need for open workforce data.

Since the publication of the report we have been scoping the PSED requirements and current approaches to publishing PSED data, and considering the best approach for engagement with public authorities. Public authorities are generally publishing the information but in inaccessible pdf formats that are often not easily found.

We aim to publish an open data set of Welsh Government PSED data by April 2019, and work with public authorities to deliver a first version of open PSED data for their organisations by August 2019.

We will also be considering how this work could also encompass the provision of senior pay information and data on Welsh Language skills. We have also been working with the Welsh Language Commissioner to consider how we can encourage public bodies to capture Welsh Language skills in a consistent manner.

We would welcome the support of the Workforce Partnership Council for this work and in promoting the importance of this work on PSED data with partners and their organisations.

Glyn Jones

Chief Statistician - Welsh Government - February 2019