



**GIG**  
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WALES

Iechyd Cyhoeddus  
Cymru  
Public Health  
Wales

**Name of Meeting**

Board

**Date of Meeting**

25 May 2023

**Agenda item:**

4.4

**Working in partnership with Trade Unions with the Board and Board Committees**

**Executive leads:** Neil Lewis, Director of People and Organisational Development  
Paul Veysey Board Secretary and Head of Board Business Unit

**Author:** Original Author Helen Bushell, Previous Board Secretary and Head of Board Business Unit, updated by Sam Morgan, Assistant Director, People Strategy, Insights and Service

**Approval/Scrutiny route:** Neil Lewis, Director of People and Organisational Development;  
Paul Veysey Board Secretary and Head of Board Business Unit

**Purpose**

To recommend to the Board a series of changes to the way in which the Board and its Committees work with Trade Union representatives.

This paper was originally presented to Board on the 28 July 2022.

A decision to consider and approve the original paper was paused due to a collective grievance being submitted by Unite the Union on the 27<sup>th</sup> of July 2022.

The grievance has been investigated as part of an independent review in line with the Respect and Resolution policy.

The investigation has now concluded and has confirmed that the proposals developed by PHW to improve partnership working, including the maximum tenure for trade union representatives on the Board, were appropriate and remain so.

Based on the outcome of the investigation, this paper is being resubmitted to Board for consideration and approval.

This work formed part of the annual governance review and was mapped across to the national guidance document adopted by Welsh Government - Working in Partnership at Trust Boards; A Handbook for

Trade Union Representatives at Trust Boards (September 2006), a copy of which is provided as appendix 2 (the handbook).

**Recommendation:**

APPROVE <input checked="" type="checkbox"/>	CONSIDER <input checked="" type="checkbox"/>	RECOMMEND <input type="checkbox"/>	ADOPT <input type="checkbox"/>	ASSURANCE <input type="checkbox"/>
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The Board is asked to:

- **Consider** the paper noting the alignment to the National handbook;
- **Approve** the recommendations in relation to working in partnership with Trade Unions with the Board and Board Committees; particularly recommendation 1.3 (change to tenure);
- **Delegate** the implementation of the recommendations to the Director of People and Organisational Development and the Board Secretary and Head of Board Business Unit, with an implementation date of no later than 1 September 2023.

**Link to Public Health Wales [Strategic Plan](#)**

Public Health Wales has an agreed strategic plan, which has identified seven strategic priorities and well-being objectives.

This report contributes to the following:

<b>Strategic Priority/Well-being Objective</b>	All Strategic Priorities/Well-being Objectives
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**Summary impact analysis**

<b>Equality and Health Impact Assessment</b>	An EQHiA is not required for this paper.
<b>Risk and Assurance</b>	The paper does not refer directly to a strategic or corporate risk. There is however a risk that Trade Union representation may not be maximised, the action in this paper seeks to mitigate this potential risk.
<b>Health and Care Standards</b>	This report supports and/or takes into account the <a href="#">Health and Care Standards for NHS Wales</a> Quality Themes  Governance, Leadership and Accountability Choose an item. Choose an item.
<b>Financial implications</b>	Nothing to raise, a facilities time agreement is in place with Trade Unions to support staff release where appropriate.
<b>People implications</b>	Effective partnership working with Trade Union colleagues is a key element of effective governance and will continue to maximise the support to our staff.

## **1. Purpose / situation**

Public Health Wales has a long and constructive history of working in partnership with Trade Unions in the interest of our staff. Prior to the COVID-19 pandemic a series of discussions took place with Trade Union representatives to discuss the further strengthening of Trade Union representation within the Board governance forums of Public Health Wales. These discussions included the tenure of representation at Board and Board Committees. As a result of the organisations pandemic response, these conversations were paused and in April 2022 were reopened.

## **2. Background**

Public Health Wales officially recognises seven Trade Unions (see appendix 1) and has always welcomed and encouraged active engagement from Trade Unions at Board and Board Committee activities.

Prior to the COVID-19 pandemic a series of discussions took place with Trade Union representatives to discuss the further strengthening of the Trade Union representation, these discussions included the tenure of representation at Board and Board Committees. Maximum tenure is recognised good practice in governance and helps to ensure the Board remains fit for purpose with the relevant skills, knowledge and experience required to meet the needs of the organisation.

A core part of our governance structure, and as identified within our Standing Orders, is the Local Partnership Forum (LPF); this forum provides the formal mechanism where the organisation and recognised trade unions work together. The Local Partnership Forum (LPF) is set up as part of the Board governance structure and is recognised as such. The Terms of Reference are approved by the Board in the same way all other Board Committees Terms of Reference are. The LPF is co-chaired by the Chair of Staffside Committee and the Director of People and Organisational Development.

The Joint Medical and Dental Negotiating Committee (JMDNC) exists separately to the Local Partnership Forum creating space for joint discussions between the British Dental Association, the British Medical Association and the organisation.

As outlined in the national handbook, the role of Trade Union representatives is to ensure that the views of all staff, irrespective of individual membership of a particular Trade Union, are represented fairly and equitably at the Board, to ensure the highest levels of patient care and provision of service.

### 3. Current Situation

During the latter part of 2021, Public Health Wales and the Staffside Committee have worked closely in ensuring appropriate representation at both Board and Board Committees. Since January 2022, arrangements have been in place that ensures a designated lead and deputy union representative are identified to attend the Board and each Board Committee – this has ensured TU representation at all meetings. Induction training has been delivered by the Board Business Unit and arrangements are in place to provide support and further induction in the coming months.

Trade Union representatives receive the same information as Board and Committee members, are treated as equal members of each group (acknowledging no voting rights or formal Director status exists) and are actively encouraged to play and full role in each group.

The national guidance document - Working in Partnership at Trust Boards; A Handbook for Trade Union Representatives at Trust Boards (September 2006) (the Handbook), sets out clear guidance as to how the relationship between Trade Unions and NHS Trusts should operate. As part of our 2021/22 annual governance reviews, we undertook a mapping exercise against the national handbook and identified the potential to develop a number of areas for development to bring us in line with those recommendations and to meet the needs of our organisation.

### 4. Review of Ways of Working and Moving Forwards

Public Health Wales wishes to continue the positive and constructive relationship in place with Trade Unions, extending and developing the working relationship, using the national guidance as the basis for best practice as well as compliance.

We acknowledge that the role of Trade Unions is far more comprehensive than attending Board and Board Committees and appreciate a series of arrangements are in place that support those wider aspects of Trade Union Activity. For the purposes of this paper, the focus is centred on Board and Board Committee activity.

As part of the annual governance review, which has included close review of the Handbook, the following actions are proposed to be agreed by the Board:

<b>Focus Area</b>	<b>Action</b>	<b>Lead</b>
1. Trade Union representation and participation at	1.1 Two TU representatives are appointed to the Board (preferably from 2 different unions)	Staffside Committee

Board and Board Committees is maximised	A third representative seat remains open for the JMDNC.	
	1.2 Up to two TU representatives are appointed to each Board Committee (other than Remuneration Committee)	Staffside Committee
	1.3 Tenure for TU representatives is two years for any given Board/Committee with a maximum tenure of 8* years in line with Non-Executive Director maximum terms	Board Secretary and Head of Board Business to maintain a register of tenure
	1.4 Ensure continuity of attendance and membership of the Board and its Committees	Staffside Committee
2. Support for Trade Union representatives is improved	2.1 TU Board and Board Committee role descriptions are developed, based on the national Handbook	Board Secretary and Head of Board Business
	2.2 An induction programme is in place for TU representatives and is reviewed annually together with ongoing support from the Board Business Unit	Board Secretary and Head of Board Business
	2.3 Regular meetings to be put in place with TU reps and the Board Chair	Board Chair
	2.4 Ensure appropriate mentoring support for new Union representatives	Staffside Committee
	2.5 Ensure a structure is in place to facilitate co-ordination and relevant feedback from TU representatives attending governing forums	Staffside Committee
	2.6 An annual review is held with TU representatives attending the Board with the Board Chair	Board Chair
	3. Communication is improved	3.1 Board minutes to be circulated to all LPF members
3.2 A communications plan to be put in place that clearly communicates who TU reps are for each forum, the TU rep role		Board Secretary and Head of Board Business and Staff side

	and our ways of working in partnership	Committee Chair/Secretary
4. Assurance arrangements are strengthen	4.1 A new item be added to the People and Organisational Development Committee agenda for regular LPF updates (This is now in place)	Director of People & Organisational Development / Board Secretary and Head of Board Business
	4.2 An annual report is provided to the Board, from the LPF (This is now in place)	LPF Co-Chairs

\*Following an 8-year term, there should be a break in role in attending any Board or Board Committee for a 2-year period. Please note the proposal of a maximum 8 year term and 2 year break is a PHW recommendation and is not included in the handbook (appendix 2). The handbook recommends a maximum 2-year tenure. The recommendation is considered a better fit for Public Health Wales and would support Trade Unions with a longer lead in time to identify and support future Union representatives.

The most significant element of change is 1.3 (Tenure for TU representatives is two years for any given Board/Committee with a maximum tenure of 8\* years in line with Non-Executive Director maximum terms). Previously a maximum tenure has not existed in Public Health Wales for TU representatives. The application of a maximum term complies with the national handbook guidance although is significantly more generous and supports good practice in governance.

## 5. Engagement with Trade Unions

Since April 2022, discussions have taken place within the two Trade Unions forums within Public Health Wales:

1. The Local Partnership Forum (Unite, Unison, RCN and Society of Radiographers, GMB and MiP) on the 13 May and 5 July 2022;
2. Joint Medical and Dental Negotiating Committee Council (JMDNC) meetings.

The feedback received is summarised as follows:

British Medical Association	Received proposals and declined to be involved in any Board or Board Committee activity
GMB	Not currently represented at the Local Partnership Forum
MiP	Supportive of proposals, no concerns raised

Royal College of Nursing	Not currently represented at the Local Partnership Forum
Society of Radiographers	Not currently represented at the Local Partnership Forum
Unison	Supportive of proposals, one concern raised in relation to the Chair of the Board setting objectives for Union representatives – the action has been amended to now be: <ul style="list-style-type: none"> <li>An annual review is held with TU representatives attending the Board with the Board Chair</li> </ul>
Unite	Concerns raised in relation to: <ul style="list-style-type: none"> <li>Tenure of TU reps in each forum (proposed to have no maximum term)</li> <li>Number of representatives (proposed to limit to 2 or 3 people across all forums)</li> </ul>

## 6. Summary

The review of the working partnership between the PHW Board and its Committees with Trade Union representatives has identified a number of areas that can be further developed to enhance the working relationship. Acting on the recommendations would also support the implementation of the guidelines in the national handbook (appendix 2).

It was hoped to reach agreement with all unions in relation to the recommendations made, despite a number of discussions, this was not possible and a collective grievance was submitted by Unite the Union on the 27<sup>th</sup> of July 2022.

The investigation has now concluded and has confirmed that the proposals developed by PHW to improve partnership working, including the maximum tenure for trade union representatives on the Board, were appropriate and remain so. Based on the outcome of the investigation, this paper is being resubmitted to Board for consideration and approval

The implementation of some of the recommendations requires changes to the governance arrangements that currently exist within the Staffside Committee environment. PHW staff will be available to support Staffside as required.

## 7. Recommendation

The Board is asked to:

- **Consider** the paper noting the alignment to the National handbook;
- **Approve** the recommendations in relation to working in partnership with Trade Unions with the Board and Board Committees; particularly recommendation 1.3 (change to tenure);
- **Delegate** the implementation of the recommendations to the Director of People and Organisational Development and the Board Secretary and Head of Board Business Unit, with an implementation date of no later than 01 September 2023

### Appendix 1 (List of Recognised Trade Unions)

- British Medical Association
- GMB
- MiP
- Royal College of Nursing
- Society of Radiographers
- Unison
- Unite

**Appendix 2** (separate document) - Working in Partnership at Trust Boards; A Handbook for Trade Union Representatives at Trust Boards (September 2006).