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- 4 Ratification of Chair's Actions, four policy approvals
Disciplinary Policy (in English and Welsh), plus Equality Impact Assessment (docs 1a 1b 1c) 2)
Improving Performance at Work Policy (in English and Welsh), plus Equality Impact Assessment (docs 2a 2b 2c)
Occupational Change Policy (in English and Welsh), docs 3a 3b
All Wales Employment Break Scheme (in English and Welsh), docs 4a 4b
Item 04 Annex 01a. NHS Wales Disciplinary Policy and Process
Item 04 Annex 01b. NHS Wales Disciplinary Policy and Process-en-cy-C
Item 04 Annex 01c. 2026 All Wales Disciplinary Policy EQIA
Item 04 Annex 02a. All Wales Improving Performance at Work Policy
Item 04 Annex 02b. Polisi Gwella Perfformiad yn y Gwaith Cymru Gyfan
Item 04 Annex 02c. EqlA All-Wales Improving Performance at Work Policy
Item 04 Annex 03a. Organisational Change Policy
Item 04 Annex 03b. GIG Cymru Polisi Newid Sefydliadol
Item 04 Annex 04a. All Wales Employment Break Scheme – Dec 2025
Item 04 Annex 04b. All Wales Employment Break Scheme – Dec 2025 en-cy-C
Item 04 Annex 5 Confirmation of decision sent 120526
- 18 Risk Management and Board Assurance Framework
Item 18 Annex 3 BAF



NHS Wales Disciplinary Policy and Process (2026)

Fforwm Partneriaeth Cymru
Welsh Partnership Forum

GIG Cymru yn
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NHS Wales
Working in Partnership



Approved
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NHS Wales Disciplinary Policy and Process (2026)

Table of contents

Section	Content	Page
1.	Introduction	1
2.	What is the policy for?	1
3.	Principles	2
4.	Who this policy is for	3
5.	Our commitment to a fair and equal approach	3
6.	Links with external bodies and agencies	4
7.	The fact-finding assessment process	6
8.	Roles and responsibilities	8
9.	Fast-track process	11
10.	Formal investigation	11
11.	Suspending or moving employees to other departments	12
12.	Disciplinary hearing	13
13.	Right to appeal	15
14.	Right to be accompanied	16
15.	Closing a disciplinary process and moving forward	16
Appendix 1 - Misconduct and gross misconduct definitions		18

1. Introduction

- 1.1 We are committed to building a culture that is led by our values and based on respect, fairness and accountability. In healthcare environments, safety, compassion and teamwork are important. Employee conduct (behaviour) and the day-to-day running of the workforce are not only a reflection of an organisation's values, but are also vital to providing high-quality care. Working in line with NHS standards is essential to maintaining public trust, protecting patient safety and making sure teams work together successfully. This policy sets out clear expectations for behaviour, to make sure all staff understand what is required of them and how, if they do not meet these expectations, this will be managed in a fair, balanced and transparent way.
- 1.2 Managers should address concerns with staff early, have constructive conversations and aim to settle any problems through learning and reflection whenever possible, while also upholding the standards we expect of all employees, including those who are accountable to professional regulatory bodies.
- 1.3 By promoting shared expectations, respectful communication and a commitment to improvement, this policy supports effective teamwork, positive working relationships and a safe, inclusive environment where staff feel valued, supported and responsible for their contribution to the organisation. It also sets out the expected standards of behaviour for all employees, providing clarity and consistency in line with our values.

2. What is this policy for?

- 2.1 This policy must be used to constructively address behaviours and misconduct (see the appendix at the end of this policy for an explanation of what may be considered misconduct) in a way that does the following.
 - Makes sure only situations that need formal action are dealt with through the disciplinary process. Early intervention, approaches which aim to improve behaviour and alternative policy frameworks should be considered whenever appropriate. We will take a restorative approach. This is a framework for building community and managing conflict that focuses on repairing harm and strengthening relationships.
 - Puts the principles of openness, honesty and psychological safety at the heart of the organisation, using a structured fact-finding assessment to support decision-making. Psychological safety is when employees feel able to challenge others, including authority figures, without fear of negative consequences.
 - Promotes handling disciplinary matters fairly, consistently and as soon as possible to reduce avoidable harm and distress to those involved.
 - Makes sure the roles and responsibilities of everyone involved in disciplinary matters are clear so everyone can take part respectfully and with full understanding.
 - Sets out clear expectations for behaviour in line with our values, and makes sure that everyone involved understands the disciplinary process.
- 2.2 This policy is underpinned by our commitment to equality, inclusion and the ability to interact positively with people from different cultures. It recognises the importance of understanding and respecting diversity across all protected characteristics (age,

disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation). It acknowledges evidence of unequal disciplinary outcomes and poor experiences for people from minority groups, and aims to actively remove bias and encourage equal treatment.

- 2.3 Each case will be considered individually. Managers (and everyone else involved) should take individual circumstances into account. The fact-finding assessment is the first step in all cases and helps managers decide the most appropriate course of action and the most relevant policy framework (see section 7) to use.
- 2.4 This policy has been developed in partnership with trade unions and is underpinned by the ACAS Code of Practice on Disciplinary and Grievance Procedures. It also reflects learning from emerging research and discussions with staff, stakeholders and professional bodies.
- 2.5 To make sure this policy is followed consistently across organisations, we also provide a collection of 'How-to' procedures that include timescales and templates for discussions. If an employee needs adjustments or support at any stage due to a disability or other protected characteristic, they are encouraged to speak to their line manager, the Workforce and Organisational Development Team or their trade union representative as early as possible.
- 2.6 You may need to read this policy together with other workforce policies, including our Respect and Resolution Policy and our Anti-sexual Harassment Policy.
- 2.7 The roles and responsibilities for those involved in the disciplinary process are set out in section 8.

3. Principles

- 3.1 This policy is based on the following principles, which reflect our commitment to an inclusive, accountable and fair culture that is led by our values.
 - **Person-centred approach:** The employee is at the centre of the process – their individual needs, values and circumstances must be respected and appropriately addressed.
 - **Fairness and cultural understanding:** Unconscious bias, limited cultural awareness and different cultural norms can influence how behaviour is perceived and managed. Steps must be taken to make sure that all decisions are informed by cultural understanding and are free from bias. (Unconscious bias is when we make decisions or judgments on the basis of assumptions, prior experience or personal thought patterns that get in the way of impartial judgement.)
 - **Psychological safety and well-being:** The disciplinary process can cause anxiety and stress. Staff involved in the process must be understanding, clear and consistent to reduce the negative effect on mental well-being.

- **Timeliness and communication:** Disciplinary investigations should be carried out efficiently and only when necessary to reduce harm and cost to everyone involved. Everyone involved should regularly communicate to make sure the process and timelines are clear and understood.
- **Reasonable and early action:** Managers and disciplining officers should consider and use alternative ways of settling disputes and problems before taking formal disciplinary action (see section 12). This can include mediation, addressing issues early or applying another policy.
- **Using evidence to make decisions:** Decisions must be based on objective, complete and reliable information gathered during both the fact-finding and formal investigation stages.
- **Awareness of wider circumstances:** There is usually a reason why a person behaves in a certain way. Wider organisational and personal factors must be considered before starting or continuing with a disciplinary process.

4. Who this policy is for

- 4.1 This policy applies to all employees covered by the Agenda for Change Terms and Conditions. Although the principles of this policy may guide wider organisational practice, the policy does not apply to bank workers, agency workers, self-employed contractors or volunteers.
- 4.2 If disciplinary action is being considered against a trade union representative, the relevant full-time officer or senior member-elected representative (for example, a branch secretary) must be told by the commissioning manager before any action is taken.

5. Our commitment to a fair and equal approach

- 5.2 We are committed to making sure all employees can fully take part in standard disciplinary processes within their organisation. We will make every effort to remove potential barriers, including by providing additional language support, making reasonable adjustments and using a range of appropriate methods to gather information efficiently. No employee should be disadvantaged in any part of the process.
- 5.3 All our organisations must set and maintain standards of behaviour that challenge inequality and promote a culture where staff feel confident and supported to speak out about unfair treatment. We expect organisations to identify early warning signs of discrimination and to take action whenever evidence suggests that there is a problem. Managers involved in running processes, including investigators and decision-makers, may need to be trained in unconscious bias and cultural awareness, to better support fair decision-making.

- 5.4 Sexual harassment is illegal and must not be tolerated. We are committed to taking all reasonable steps to prevent employees or service users experiencing or witnessing sexual harassment.
- 5.5 Information from documents should only be removed in the following circumstances.
- To remove personal information.
 - To protect patient or staff confidentiality.
 - When concerns have been raised under the Speaking Up Safely process and it has been decided that documents should be anonymous.

If necessary, investigators may need to ask your organisation's data protection officers for advice. Documents must not be edited during investigations as a way of withholding information or only sharing information that the organisation considers relevant to the case.

6. Links with external bodies and agencies

- 6.1 Working with other organisations to manage behaviour concerns.
Concerns relating to safeguarding (including the welfare and protection of children and adults at risk) must be managed in line with the Wales Safeguarding Procedures and the formal framework set out in the Social Services and Well-being (Wales) Act 2014. These procedures support consistent responses across organisations and make sure we meet our legal and ethical responsibilities in protecting vulnerable individuals.
- 6.2 When there is enough evidence to suggest that an employee has been involved in a criminal offence (including fraud, corruption, bribery, assault, harassment or theft), the organisation must consider whether it is appropriate to refer the incident to the police or other relevant authorities. This decision should be guided by appropriate people within the organisation (for example, the local counter fraud specialist (LCFS), the Workforce and Organisational and Development Team or safeguarding teams) and the outcome of the fact-finding assessment.
- 6.3 In cases involving suspected fraud, corruption or bribery, discussions must take place with the organisation's LCFS to decide how the matter will be managed, including who will be responsible for reviewing and making the referral. Referrals to the LCFS or our counter fraud service (CFS Wales) must be made only by the responsible person within the Workforce and Organisational Development Team, and only after a fact-finding assessment has been carried out.
- 6.4 Not all disciplinary investigations will need to involve the LCFS, CFS Wales or the police. If outside agencies are involved (particularly when criminal investigations are ongoing) the disciplinary process may be delayed. Everyone involved in the investigation must make every effort to keep the employee updated and provide support to reduce the risk of avoidable harm to any employees who may be affected by a period of uncertainty or a delay in the disciplinary process.
- 6.5 An important principle of this policy is that behaviour and misconduct concerns are managed quickly, honestly and fairly. If delays are necessary because of external

processes (such as needing to involve the police), organisations must take steps to protect staff's well-being, make sure everyone involved understands each stage of the procedure and the organisation's actions continue as soon as reasonably possible.

- 6.6 Professional accountability and referring matters to regulatory bodies.
Our organisations have a legal and professional duty to refer concerns to the appropriate regulatory body if a registered employee is no longer fit to practise. These referrals are essential to maintain public trust and protect patient safety.
- 6.7 Managers must only make referrals that are based on clear evidence following a structured assessment process. This includes carrying out a fact-finding assessment and, when it is necessary, using decision-making to support consistency, openness and fairness.
- 6.8 Before any referral is made, managers must discuss the matter with the organisation's responsible officer or designated senior officer. This is to make sure the decision is based on clinical, professional and organisational circumstances, and that the threshold for referral is appropriately and fairly considered.
- 6.9 A referral to a professional regulatory body can cause significant stress and anxiety for the employee involved. Organisations must take steps to make sure that the process is handled sensitively, with clear communication and access to support provided to the employee. The potential emotional and professional effects for the employee involved should be recognised. Employees must be referred to appropriate well-being resources and trade union support, and given the opportunity to take part meaningfully in the disciplinary process.
- 6.10 The head of profession or designated senior officer (working with the Workforce and Organisational Development Team and the responsible officer) is responsible for making referrals. They must keep a record of all referrals and justify each one in line with regulatory guidance and the organisation's own policies.
- 6.11 Issues relating to disclosure and barring.
Our organisations have a legal duty to refer relevant information to the Disclosure and Barring Service (DBS) if there is a concern that someone may pose a risk of harm to children or vulnerable adults. This duty is a critical part of safeguarding and helps protect vulnerable people across health and care settings.
- 6.12 Disciplinary referrals must be made in line with DBS guidance and the organisation's own safeguarding policy, and only after a thorough assessment that is based on evidence. This includes carrying out a fact-finding assessment and working with safeguarding officers or designated professionals to decide whether the threshold for referral is met.
- 6.13 A referral to the DBS can be deeply distressing for the employee involved, particularly if their future employment or professional reputation may be affected. Organisations must make sure that the process is handled sensitively, openly and fairly. The reason for the referral should be clearly explained to the employee, and they should be supported to understand the process and referred to appropriate well-being and support resources.

- 6.14 Safeguarding responsibilities must remain the focus, but the emotional and psychological effect on staff must also be considered. Good communication, access to support and handling cases compassionately is essential to reducing avoidable harm and maintaining trust in the process.
- 6.15 The designated safeguarding officer or senior officer within the organisation (working with the Workforce and Organisational Development Team) is responsible for making referrals to the DBS. They must keep a record of all referrals and justify each one in line with legal guidance and the organisation's own policies.

7. The fact-finding assessment process

- 7.1 When there are issues in the workplace, including repeated behaviours, managers need to consider what appropriate action to take.
- 7.2 The disciplinary process cannot start without first carrying out a fact-finding assessment. The purpose of this assessment is to gather the initial relevant facts that are needed to make an informed decision. There is more information in the **How-to procedure: Fact-finding assessment**.
- 7.3 The fact-finding assessment has the following aims.
- It helps managers and the Workforce and Organisational Development Team decide the most appropriate action to take and how to put policies in place, based on the facts of the case.
 - It helps to settle problems early and avoid unnecessary action under formal disciplinary processes.
 - When problems within the organisation itself rather than individual fault have contributed to the issue, the assessment encourages reflection and learning.
 - It reinforces the importance of taking responsibility for our own actions by making sure that all staff keep to behaviour standards, and that concerns are dealt with reasonably.
 - It promotes fairness and reduces the risk of avoidable harm and distress for the employee involved, as well as the risk of their reputation being negatively affected.
- 7.4 Once the manager has gathered the relevant information, they can review it and decide which of the following options is the most appropriate.
- No further action is needed: when the concern is not based on enough evidence or can be solved through a simple explanation.
 - Informal action is needed: such as coaching, mentoring, feedback or a conversation.
 - Formal action is needed: through the disciplinary process set out in this document or by following a different workplace policy (for example, the Respect and Resolution Policy or Improving Performance at Work Policy). The fact-finding assessment will then form part of the initial assessment of the relevant policy if necessary.

7.5 This policy promotes a compassionate and supportive approach to making sure behaviour standards are met, and also reinforces the importance of individuals taking responsibility for meeting these standards. When standards are not met, and when behaviour poses a risk to safety, well-being or teams working together, formal action may be necessary and must be taken fairly and as soon as possible.

7.6 **No further action**

If no further action is needed, the manager should keep a copy of the fact-finding assessment as evidence of the discussion and outcome. There may be some learning to be shared within the organisation despite no further action being taken.

7.7 **Informal action**

Although there may be no need for formal action, informal outcomes may be put in place to avoid future issues and to provide personal support. Options for informal action include the following.

- **Reinforcing standard management practices:** The expected standards are raised and addressed through supervision sessions, personal appraisal and development reviews (PADRs) and team learning sessions.
- **A conversation based around improvement:** Informal, structured conversations can deal with misconduct, behaviour or relationship concerns early in a supportive way, creating a safe space to look into any factors which have contributed to the problem. If an employee needs to improve their behaviour, the manager must provide a clear statement outlining the areas which need to be improved and an explanation of the standard expected. (Managers should refer to the employee's job description, PADR objectives and any specific examples of issues of concern.) Whenever there is cause for concern, these discussions should be held in private as soon as possible. If it is appropriate, managers may put a note of the informal discussion on the employee's file. The note will be ignored and will not affect any future disciplinary hearings.
- **Targeted support:** If the fact-finding assessment identifies a health, training or organisational learning need, targeted support will be put in place. This may include offering extra training, guidance or mentoring to help the employee meet the expected standards.

7.8 A copy of the fact-finding assessment may be placed on an employee's file for up to one year and a copy should be given to the employee for their records as confirmation of the discussion and outcome.

7.9 **Formal action through the disciplinary process**

The decision to take action under the formal disciplinary process should be made in line with the organisation's policies.

The manager may need to carry out immediate action to support both the employee and the team's day-to-day duties. This could include the following.

- Providing well-being support to the employee through the organisation's well-being services.

- Supporting the wider team or department, for example, by improving communication.
- Providing support to any employee or team whose day-to-day role, or ability to carry out their role, has been affected by the disciplinary process, for example, by providing any necessary resources.
- Removing the employee from their usual work environment while an investigation is being carried out (the organisation's Workforce and Organisational Development Team should be involved in deciding to do this).

7.10 The formal outcome of a fact-finding assessment in line with this disciplinary policy may be one of the following.

- Carrying out a fast-track disciplinary (see section 9) because the employee has admitted to misconduct, or when the misconduct is not serious enough to be considered gross misconduct, which would lead to dismissal. Managers should refer to Appendix 1: Definitions at the end of this policy to support them in deciding whether an issue is 'misconduct' or 'gross misconduct'. The employee must agree to the fast-track process before it starts.
- Carrying out a formal investigation and considering whether it is necessary to temporarily suspend the employee or move them to a different department (redeployment).

7.11 The aim is to deal with disciplinary matters sensitively while respecting the privacy of everyone involved. Employees must keep all information about an investigation or disciplinary matter confidential. However, if the employee is a member of a trade union, they can share information with their trade union representative as soon as possible.

7.12 Employees are not allowed to record any meetings or hearings held under this policy. The organisation is responsible for recording details of meetings and hearings to produce official reports and statements.

7.13 Managers should usually tell the employee the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless the investigating officer believes that a witness's identity should be kept confidential.

8. Roles and responsibilities

8.1 The following roles are involved the disciplinary policy.

8.2 **Employee (the person being investigated):** The employee must follow the requirements set out in this disciplinary policy, which include co-operating with the investigation process and giving their description of events. They have the right to take a companion (either a union representative or workplace colleague) to investigation meetings and any hearings.

8.3 **Manager:** The manager is responsible for dealing with issues informally when appropriate. However, if they feel that a more formal approach is necessary, they will fill in a fact-finding assessment form. This records important information related to a

particular issue, or series of issues. If the manager decides that a formal investigation is the appropriate next step, the commissioning officer (CO) will need to approve this. The manager is responsible for supporting the employee's well-being throughout the investigation process, but is not involved in any part of the process once they have submitted the fact-finding assessment to the commissioning manager.

- 8.4 **Companion:** If the employee is not a member of a trade union, the companion will usually be a workplace colleague. The companion provides support to the employee and attends meetings and hearings with them. The companion can make representations (give statements) and ask questions but cannot answer on behalf of the employee.
- 8.5 **Workforce and organisational development representative:** A workforce and organisational development representative advises managers, commissioning officers, investigating officers, deciding officers and Appeals Officer to make sure the disciplinary procedure is fair and follows this policy and the ACAS Code of Practice on Disciplinary and Grievance Procedures. They help to produce and gather necessary documents (such as letters and reports) and attend hearings as an advisor. They cannot make decisions about whether disciplinary action is needed.
- 8.6 **Commissioning officer:** This role is only needed in formal investigations. The commissioning officer receives the fact-finding assessment form once it has been submitted and is responsible for reviewing whether a formal investigation is needed. This role is more senior than the manager's. If the commissioning officer decides to go ahead with an investigation, an investigating officer and a workforce and organisational development representative are appointed. The commissioning officer should be brought in from a different department than the employee who is being investigated.
- 8.7 **Investigating officer:** The investigating officer is responsible for carrying out a fair and unbiased investigation. It is their responsibility to collect and review evidence, which may include interviewing witnesses. They must maintain confidentiality throughout the process and present their findings in an investigation report. The investigating officer does not make decisions within the process or make recommendations or judgements. They should look at the facts of each allegation and produce a factual report for the commissioning officer (with support from the Workforce and Organisational Development Team if necessary).
- 8.8 **Deciding officer:** The deciding officer should have had no previous involvement in or knowledge of the issues that are being investigated. They are responsible for chairing the disciplinary hearing, which reviews the evidence provided in the investigation report. The deciding officer's role is to make sure the disciplinary process is fair by putting in place this policy appropriately and allowing employee representation (advising employees of their right to be accompanied to the disciplinary hearing). They decide on the appropriate action to take (for example, no action, a warning or dismissal) with support from a workforce and organisational development representative. They may need to ask for more information or carry out interviews with witnesses before they make their decision.
- 8.9 **Panel member:** The panel member will act as an impartial member in the disciplinary hearing to keep the hearing fair, balanced and objective. They must have had no

previous involvement in the case and have no conflict of interest (for example, being a member of staff previously involved in raising a complaint against the individual). Their role is to review the evidence, contribute to discussions and support the panel in reaching a fair and reasoned outcome.

- 8.10 **Trade union representative:** Trade union representatives give support and advice to employees who are members of the union. They attend meetings and hearings with the employee and are included in any meetings to discuss suspending the employee or moving them to a different role within the organisation. They can make notes for the employee, question witnesses and present information on behalf of the employee. They can provide support if employees find the formal process distressing. Trade union representatives are also responsible for keeping the process fair and making sure policies and standard procedures are followed.
- 8.11 **Witnesses:** Witnesses can be individuals from within or outside the organisation who can provide an account of the facts in a formal interview if asked. After the interview the notes will be written up and included in the investigation report. Witnesses must co-operate with the investigating officer and help with the investigation.
- 8.12 **Appeal manager:** If a disciplinary decision is appealed, the appeal manager will organise an appeal hearing. This will consider whether the process was fair and reasonable. An appeal must be unbiased, and the panel at the appeal hearing will be more senior than the panel at the original disciplinary hearing. The appeal panel can decide whether to uphold, cancel or amend the original outcome. In most cases, the appeal manager will be more senior than the deciding officer and will not have been involved in or have any knowledge of the case.
- 8.12 Witness identity and support.
As part of a fair and transparent disciplinary process, employees will normally be told the names of any witnesses whose evidence is relevant to the case.
- 8.13 However, in some circumstances, if there is a genuine concern for the safety or well-being of a witness, the commissioning manager or investigating officer may decide that their identity should be kept confidential. This decision must be made carefully, recorded clearly and guided by the principles set out in the Speaking Up Safely framework for Wales.
- 8.14 While, in rare cases, it may be necessary to keep a witness's identity confidential, it is generally better to avoid this. Open testimony (where witness evidence is presented, questioned and discussed directly during the meeting, rather than relying on pre-written statements) supports trust, transparency and honesty. Witnesses should be encouraged and supported to speak up safely, with reassurance that their concerns will be handled respectfully and without any retaliation.
- 8.15 Being part of a disciplinary process can be emotionally challenging. Witnesses may experience stress, anxiety or fear of retaliation. Organisations must take practical steps to support everybody involved, for example, by doing the following.
- Providing access to well-being resources and staff support services.

- Offering representation from trade union representatives or colleagues where appropriate.
- Protecting employees' well-being and keeping details of cases confidential.
- Communicating clearly and kindly throughout the process.

8.16 Creating a culture where people feel safe to speak up and are supported when they do so is essential to learning, accountability and improvement.

9. Fast-track process

- 9.1 The fast-track process is designed to settle minor misconduct concerns that do not need a formal disciplinary investigation, for example, when the facts are clear and the employee accepts responsibility.
- 9.2 Following the fast-track process does not automatically mean that action will be taken against the employee. The process is intended to support learning and accountability so issues can be settled early. The process must still be fair and follow all standard procedures.
- 9.3 The fast-track process must not be used when there is any possibility of gross misconduct. In these cases, a full fact-finding assessment and formal disciplinary process must be followed.
- 9.4 The manager must discuss the case with the Workforce and Organisational Development Team before starting the fast-track process, to confirm that it is suitable and that the employee fully understands the process and is supported throughout it. The decision to use the fast-track service must be recorded clearly, and the employee must have the opportunity to be involved meaningfully in the decision and raise any concerns they have about using the fast-track process.
- 9.5 The fast-track process, including timelines, is set out in the **How-to procedure: Fast track**.

10. Formal investigation

- 10.1 There may be situations when the formal investigation procedure is needed. This might apply, for example, if informal action has not led to the necessary improvement, if expected behaviour standards are repeatedly not met or if the allegation is serious.
- 10.2 The purpose of an investigation is for the organisation to gather a fair and balanced view of the facts relating to any disciplinary allegations against the employee, before deciding whether to go ahead with a disciplinary hearing. The level of investigation that is needed will depend on the type of allegations and will vary from case to case. For example, the investigation may involve interviewing and taking statements from the employee and any witnesses, reviewing relevant documents and emails, or reviewing any CCTV or other footage.
- 10.3 No decision on disciplinary action will be made until after a disciplinary hearing is held.

- 10.4 Employees must co-operate fully in any investigation. This includes telling the organisation the names of witnesses when asked, sharing any relevant documents and attending interviews if necessary. If any employee deliberately tries to interfere with the investigation or influence the outcome (for example, by intimidating, harassing or bullying anyone involved), they may face further disciplinary proceedings, including disciplinary action against them. There is more information on the investigation process in the **How-to procedure: Formal investigation**.
- 10.5 If the employee is on sick leave, this does not stop the investigating officer from continuing with the investigation. However, they may need to get advice from the Occupational Health Team if there are concerns about whether the employee can continue to take part in the process.
- 10.6 To make sure that the formal investigation is carried out properly, there are specific responsibilities for those involved (see section 8).

11. Suspending or moving employees to other departments

- 11.1 Investigations into misconduct and concerns about an employee's behaviour can be complicated and emotionally challenging. It is essential that the situation is managed carefully and compassionately for the employee involved, as well as for colleagues, patients and the wider team. It may sometimes be necessary for the organisation to take steps such as temporarily removing the employee from their usual work environment while the investigation is ongoing.
- 11.2 The deciding officer should only consider suspending the employee when there is no safe or practical alternative. Suspension can have a deep emotional, psychological and professional effect on the employee, and may lead to avoidable harm if not handled with care. Whenever possible, organisations must consider other arrangements, such as moving the employee to a different department, allowing them to work from home or changing their duties, before suspending them. Suspension may sometimes be necessary due to the seriousness of the allegations and the possible risks involved. If the employee is suspended, there should be regular and compassionate contact with them from a senior manager to look after their well-being and make sure the procedure is fair.
- 11.3 When the deciding officer is considering whether to suspend the employee or take other action, they must follow the **How-to procedure for suspension and redeployment** and carry out a formal risk assessment. This is to make sure that decisions are proportionate to the allegations that have been made, based on evidence and in line with the organisation's principles of fairness, safety and well-being.
- 11.4 If more information becomes available during the investigation and this changes the level of risk, the deciding officer must reconsider whether the employee should be suspended. Suspension should never be treated as the standard action to take without considering alternatives, or as the best action to take to punish the employee. The

suspension must be reviewed regularly by an appropriate senior manager to make sure it is still necessary and appropriate.

- 11.5 The details of each case should be kept confidential whenever possible and the employee must be supported with clear communication, access to well-being resources and reassurance about their rights and the process.

12. Disciplinary hearing

- 12.1 Following an investigation, if the organisation considers that disciplinary action is necessary, the employee will need to attend a disciplinary hearing. The employee will be told in writing about the allegations against them, the reason the allegations have been made and what the likely consequences will be if the organisation decides that the allegations are justified. The organisation will also give the employee the following documents if appropriate.
- A summary of relevant information gathered during the investigation (an investigation report).
 - A copy of all relevant documents or other evidence which will be used at the disciplinary hearing (including a copy of the fact-finding assessment).
 - A copy of all relevant witness statements, except when a witness's identity is being kept confidential. In these cases, the organisation will give the employee as much information as possible without revealing who the witness is.
- 12.2 The organisation will tell the employee the date, time and place of the disciplinary hearing in writing. The hearing will be held as soon as possible, but the employee will be given a reasonable amount of time to prepare their case based on the information provided.
- 12.3 If there are reasons for carrying out any hearing remotely (for example, online), the organisation will explain this to the employee and give them details of all relevant arrangements and instructions for joining the hearing. In some cases, it may not be appropriate for the hearing to be held remotely (for example, if the employee has a hearing condition or does not have access to the necessary equipment or software). In these cases, the hearing will take place in person when possible.
- 12.4 The disciplinary hearing is an opportunity for the panel to examine the evidence and for the employee to comment on the evidence and share their views. The process is set out clearly so that every hearing is managed in the same way. The process is set out in the **How-to procedures: Managing the disciplinary hearing**.
- 12.5 If the employee being investigated is a registered professional, the panel must include a relevant head of profession or senior professional officer. This is to make sure that the panel has the necessary experience to assess matters relating to professional standards, codes of conduct and fitness to practise. It also supports informed, fair and reasonable decision-making, and reinforces the organisation's commitment to maintaining public trust and professional accountability.

12.6 Possible hearing outcomes.

The range of available outcomes for misconduct are set out below. There must be a hearing before any of the actions are taken. We aim to treat all employees fairly and consistently. Any disciplinary action taken in relation to another employee for similar misconduct will usually be considered, but this should not be treated as standard. Each case will be assessed separately.

12.7 The deciding officer will not usually decide to dismiss an employee for their first act of misconduct, unless the organisation decides it is gross misconduct. The possible hearing outcomes are listed below.

a) No disciplinary action

When the evidence presented did not support the allegations. If this is the case, the organisation is expected to carry out a review to identify opportunities for improving fact-finding and disciplinary processes.

b) First written warning

A first written warning may be given in the following circumstances.

- In cases that are too serious for informal action, but not serious enough to need formal action.
- In cases where the employee repeats minor acts of misconduct and a fact-finding assessment has been carried out.

A first written warning will be active for one year.

c) Final written warning

A final written warning may be given in the following circumstances.

- Misconduct where there is already an active written warning on the employee's record.
- When the misconduct is considered serious enough to mean a final written warning is needed, even if there are no other active warnings on the employee's record.

A final written warning will be active for two years. Written warnings will set out the type of misconduct, the change of behaviour that is needed, the amount of time the warning will remain active and what will happen if there is any further misconduct while it is active.

d) Dismissal

Dismissal will usually be appropriate in the following circumstances.

- When there is a final written warning on the employee's record and there is further misconduct.
- In gross misconduct cases, regardless of whether there are any active warnings on the employee's record.

If the employee is dismissed for gross misconduct, they will not be given a notice period or payment instead of notice.

e) Alternatives to dismissal

In some cases, the organisation may consider alternatives to dismissal. These can be authorised by a senior manager and will usually be accompanied by a final written warning. Examples of alternatives to dismissal include the following.

- The employee may be demoted to a less senior role.
- The employee may be transferred to another department, location or role.
- The employee's job banding (job grade and role) may be reduced.
- The employee may no longer be eligible for future pay increases through the pay progression policy.
- The employee may lose their right to do overtime.

The employee can consider any alternative to dismissal that they are offered and must respond, in writing, within seven days if they want to accept the offer. If the employee accepts alternative employment, they still have the right to appeal against the original decision to dismiss them.

- 12.9 If, after a disciplinary hearing, gross misconduct is proven but the employee has not previously been referred to the relevant professional regulatory body, the deciding officer must consider whether a referral is now necessary. This decision should be based on the type of misconduct, its effects on patient safety, public trust and professional standards, and the threshold for referral set by the regulatory body for concerns about an employee's fitness to practise. The deciding officer should discuss the case with the responsible officer or designated professional officer, and they should use referral decision tools and frameworks to make sure decisions are consistent and transparent. Being referred to a regulatory body can have significant emotional and professional consequences for the employee, so the process must be handled sensitively, with clear communication and access to appropriate support provided to the employee. The deciding officer must record the reason for referring the case, or the decision not to refer the case. For professional accountability and referral to regulatory bodies, see section 6.6. If the employee has already been referred to the appropriate regulatory body, the outcome of the disciplinary hearing should be shared by the responsible officer or designated senior professional lead with that regulatory body.

13. Right to appeal

- 13.1 All employees have the right to appeal against a decision within 14 calendar days of being told in writing that disciplinary action has been taken. There is a clear appeals' process to make sure appeals are dealt with consistently. The **How-to procedure: Appeals Procedure** has more information.
- 13.2 Following the appeal hearing, the organisation may:
- confirm the original decision;
 - withdraw the original decision; or
 - decide on a different action.

- 13.3 The employee will be told the organisation's final decision, in writing, as soon as possible. If possible, the organisation should also explain this to the employee in person.
- 13.4 Employees cannot make more than one appeal.

14. Right to be accompanied

- 14.1 Employees have the right to bring a companion with them to formal investigation meetings and formal hearings. This person can be a trade union representative or a colleague.
- 14.2 The companion is allowed reasonable time off from their duties without losing pay. Colleagues do not have to act as a companion if they do not want to. A union representative will act for a union member as far as their duties allow.
- 14.3 If the colleague or trade union representative the employee would like to have as their companion is not available, the employee should ask if another suitable person can take their place as soon as possible.
- 14.4 If the companion is not available at the time a hearing is scheduled and will not be available for more than five working days afterwards, the organisation may ask the employee to choose someone else.
- 14.5 The organisation may allow an employee to bring a companion who is not a colleague or trade union representative (for example, a member of their family) if this will help to overcome any disability-related disadvantage, or if the employee has difficulty understanding English.
- 14.6 There are clear rules about what a companion can and cannot do in the **How-to Procedure: Roles and responsibilities**.

15. Closing a disciplinary process and moving forward

- 15.1 We are committed to a culture that is led by our values and prioritises fairness, compassion and improvement. Once the disciplinary process has ended, it is essential that appropriate support is provided to the employee and any witnesses involved, and that we reflect meaningfully on the experience to identify opportunities for learning and growth.
- 15.2 Reintegrating an employee who has been through a disciplinary process is not simply about returning to work. It is about rebuilding trust and well-being, and making sure that employees feel valued and supported. Managers should work with staff and the Workforce and Organisational Development Team to support employees returning to work, deal with any lasting concerns and support teams who work well together.
- 15.3 A formal debrief exercise should be carried out by the deciding officer and workforce and organisational development representative to review the process, assess whether

it had the effect the organisation was aiming for and identify any factors within the organisation that may have contributed to the issue. This includes examining systems, culture, communication and leadership practices across the organisation. If the employee was not at fault, but conditions within the organisation played a significant role in the issue, this must be recorded and acted on to prevent or reduce the chance of the same problem happening again.

- 15.4 Learning within the organisation should be shared across teams and departments, with a focus on improving practice, strengthening the type of culture we are committed to and encouraging individuals to be responsible for their behaviour. This builds a fair working environment that balances learning with taking responsibility, and prioritises the well-being of employees and the wider workforce. Staff should always be mindful of confidentiality when sharing information.

Appendix 1: Misconduct and gross misconduct definitions

Misconduct	The following are examples of what may be considered as misconduct. 1. Failing to keep to working hours. 2. Taking time off that has not been agreed in advance. 3. Refusing or failing to follow a reasonable instruction. 4. Being involved in any criminal activities (other than those classed as gross misconduct). 5. Not following safety practices, procedures and rules. 6. Entering [INSERT ORGANISATION] property without permission. 7. Using certain equipment without permission. 8. Destroying, changing, adding to or deleting official documents without permission. 9. Being abusive to another employee, patient or member of the public. 10. Deliberately not meeting work schedules. 11. Deliberately misusing the organisation's IT equipment, facilities or procedures. 12. Failing to follow the organisation's procedures and policies. 13. Other actions which are, in the opinion of management, not good conduct and which are likely to damage the organisation's reputation.
Gross misconduct	The following are examples of what may be considered as gross misconduct. 1. Repeatedly failing to respond to previous informal action. 2. Sexual harassment – any unwanted behaviour of a sexual nature that has the purpose or effect of taking away a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. 3. Racism – any behaviour, action or comment that humiliates, excludes, or discriminates against a person based on their race, skin colour, nationality or ethnic or national background. 4. Other forms of discrimination, including sexism, homophobia, ableism or any discriminatory behaviour based on other protected characteristics. You can read more about protected characteristics at

	https://www.equalityhumanrights.com/equality/equality-act-2010/protected-characteristics. 5. Harassment – any unwelcome behaviour (either verbal or physical) that creates an intimidating, hostile or offensive environment for an individual or group. 6. Assault – physical assault on a service user, a carer, another member of staff or a member of the public. This includes fighting, physical abuse and sexual assault. 7. Theft or stealing – taking property belonging to us, a service user, a carer or another member of staff without permission. 8. Bullying or threatening or menacing behaviour towards a service user, a carer, another member of staff or a member of the public. 9. Being reckless or careless in work – any action (or a deliberate failure to act) which threatens the health and safety of a service user, a carer, a member of the public or another member of staff. 10. Causing serious damage to property belonging to us, a service user, a carer or another member of staff. 11. Acts of fraud and corruption, including accepting gifts, money, goods and favours. 12. Breaking confidentiality – losing confidential information, accessing confidential information without permission, sharing confidential information or sharing personal information about a service user, a carer or another member of staff (except unless there is a legal duty to share information, for example, when there is a safeguarding concern). 13. Breaking the Professional Code of Conduct. 14. Hiding or destroying evidence. 15. Having an inappropriate or unprofessional relationship with any service user. 16. Deliberately accessing or downloading pornographic, discriminatory or offensive material. 17. Possessing or attempting to supply alcohol or other substances (these don't have to be illegal). 18. Being under the influence of alcohol or substances (these don't have to be illegal) either before reporting for duty or while on duty. 19. Sharing any material which breaks the organisation's equality and diversity policies. 20. Being involved in criminal offences (including fraud, corruption and bribery), issues relating to professional
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	regulatory bodies and issues relating to disclosure and barring. 21. Making or sending malicious or distressing allegations against the employer, managers or colleagues. 22. Unfair treatment of an employee who has raised concerns under the All Wales Raising Concerns policy. 23. Giving false or misleading information at any time, including when applying for any role within the organisation. This can include information about previous jobs or qualifications, providing a false health declaration, or not declaring a criminal offence or being involved in ongoing legal proceedings relating to a criminal offence in line with the Rehabilitation of Offenders Act 1974.
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Polisi a Phroses Ddisgyblu GIG Cymru (2026)

Fforwm Partneriaeth Cymru
Welsh Partnership Forum

GIG Cymru yn
Gweithio mewn Partneriaeth

NHS Wales
Working in Partnership



*Cymeradwywyd
Fforwm Partneriaeth Cymru, Tachwedd 2025*

Polisi a Phroses Ddisgyblu GIG Cymru (2026)

Tabl Cynnwys

Adran	Cynnwys	Tudalen
1.	Cyflwyniad	1
2.	Beth yw diben y polisi?	1
3.	Egwyddorion	2
4.	Ar gyfer pwy mae'r polisi hwn	3
5.	Ein hymrwymiad i ddull teg a chyfartal	3
6.	Cysylltiadau â chyrrff ac asiantaethau allanol	4
7.	Y broses asesu canfod ffeithiau	6
8.	Rolau a chyfrifoldebau	8
9.	Proses llwybr cyflym	11
10.	Ymchwiliad ffurfiol	11
11.	Gwahardd neu symud cyflogaion i adrannau eraill	12
12.	Gwrandawriad disgyblu	13
13.	Hawl i apelio	15
14.	Yr hawl i gael rhywun gyda chi	16
15.	Cau proses ddisgyblu a symud ymlaen	16
Atodiad 1 - Diffiniadau camymddwyn a chamymddwyn difrifol		18

1. Cyflwyniad

- 1.1 Rydym wedi ymrwymo i adeiladu diwylliant sy'n cael ei arwain gan ein gwerthoedd ac sy'n seiliedig ar barch, tegwch ac atebolrwydd. Mewn amgylcheddau gofal iechyd, mae diogelwch, tosturi a gwaith tîm yn bwysig. Mae ymddygiad cyflogeion a rheoli'r gweithlu o ddydd i ddydd yn adlewyrchiad o werthoedd sefydliad, ac maent hefyd yn hanfodol wrth ddarparu gofal o ansawdd uchel. Mae gweithio yn unol â safonau'r GIG yn hanfodol er mwyn cynnal ymddiriedaeth y cyhoedd, amddiffyn diogelwch cleifion a sicrhau bod timau'n cydweithio'n llwyddiannus. Mae'r polisi hwn yn nodi disgwyliadau clir ar gyfer ymddygiad, er mwyn sicrhau bod yr holl staff yn deall beth sy'n ofynnol ganddynt a sut, os nad ydynt yn bodloni'r disgwyliadau hyn, y bydd hyn yn cael ei reoli mewn ffordd deg, gytbwys a thryloyw.
- 1.2 Dylai rheolwyr fynd i'r afael â phryderon gyda staff yn gynnar, cael sgysiau adeiladol a cheisio datrys unrhyw broblemau drwy ddysgu a myfyrio pryd bynnag y bo modd, gan gynnal y safonau rydym yn eu disgwyl gan bob cyflogai hefyd, gan gynnwys y rhai sy'n atebol i gyrff rheoleiddio proffesiynol.
- 1.3 Drwy hyrwyddo disgwyliadau cyffredin, cyfathrebu parchus ac ymrwymiad i wella, mae'r polisi hwn yn cefnogi gwaith tîm effeithiol, perthnasoedd gwaith cadarnhaol ac amgylchedd diogel a chynhwysol lle mae staff yn teimlo eu bod yn cael eu gwerthfawrogi, eu cefnogi a'u bod yn gyfrifol am eu cyfraniad at y sefydliad. Mae hefyd yn nodi'r safonau ymddygiad disgwyliedig ar gyfer pob cyflogai, gan ddarparu eglurder a chysondeb yn unol â'n gwerthoedd.

2. Beth yw diben y polisi hwn?

- 2.1 Rhaid defnyddio'r polisi hwn i fynd i'r afael ag ymddygiadau a chamymddwyn mewn ffordd adeiladol (gweler yr atodiad ar ddiwedd y polisi hwn am esboniad o'r hyn y gellir ei ystyried yn gamymddwyn) mewn ffordd sy'n gwneud y canlynol.
 - Yn sicrhau mai dim ond sefyllfaoedd sydd angen camau gweithredu ffurfiol sy'n cael eu trin drwy'r broses ddisgyblu. Dylid ystyried ymyrraeth gynnar, dulliau sydd â'r nod o wella ymddygiad a fframweithiau polisi amgen pryd bynnag y bo'n briodol. Byddwn yn mabwysiadu dull adferol. Mae hwn yn fframwaith ar gyfer adeiladu cymuned a rheoli gwrthdaro sy'n canolbwyntio ar atgyweirio niwed a chryfhau perthnasoedd.
 - Yn rhoi egwyddorion bod yn agored, gonestrwydd a diogelwch seicolegol wrth wraidd y sefydliad, gan ddefnyddio asesiad canfod ffeithiau strwythuredig i gefnogi gwneud penderfyniadau. Diogelwch seicolegol yw pan fydd cyflogeion yn teimlo eu bod yn gallu herio eraill, gan gynnwys y rhai mewn awdurdod, heb ofni canlyniadau negyddol.
 - Yn hyrwyddo trin materion disgyblu yn deg, yn gyson a chyn gynted â phosibl er mwyn lleihau niwed a gofid y gellir eu hosgoi i'r rhai dan sylw.
 - Yn sicrhau bod rolau a chyfrifoldebau pawb sy'n ymwneud â materion disgyblu yn glir fel y gall pawb gymryd rhan yn barchus a gyda dealltwriaeth lawn.
 - Yn nodi disgwyliadau clir ar gyfer ymddygiad yn unol â'n gwerthoedd, ac yn sicrhau bod pawb sy'n gysylltiedig yn deall y broses ddisgyblu.
- 2.2 Mae'r polisi hwn wedi'i ategu gan ein hymrwymiad i gydraddoldeb, cynhwysiant a'r gallu i ryngweithio'n gadarnhaol â phobl o wahanol ddiwylliannau. Mae'n cydnabod

pwysigrwydd deall a pharchu amrywiaeth ar draws pob nodwedd warchodedig (oedran, anabledd, ailbennu rhywedd, priodas a phartneriaeth sifil, beichiogrwydd a mamolaeth, hil, crefydd neu gred, rhyw a chyfeiriadedd rhywiol). Mae'n cydnabod tystiolaeth o ganlyniadau disgyblu anghyfartal a phrofiadau gwael i bobl o grwpiau lleiafrifol, a'i nod yw dileu rhagfarn yn weithredol ac annog triniaeth gyfartal.

- 2.3 Bydd pob achos yn cael ei ystyried yn unigol. Dylai rheolwyr (a phawb arall sy'n gysylltiedig) ystyried amgylchiadau unigol. Yr asesiad canfod ffeithiau yw'r cam cyntaf ym mhob achos ac mae'n helpu rheolwyr i benderfynu ar y camau gweithredu mwyaf priodol a'r fframwaith polisi mwyaf perthnasol (gweler adran 7) i'w defnyddio.
- 2.4 Mae'r polisi hwn wedi'i ddatblygu mewn partneriaeth ag undebau llafur ac mae wedi'i ategu gan God Ymarfer ACAS ar Weithdrefnau Disgyblu a Chwynion. Mae hefyd yn adlewyrchu dysgu o ymchwil sy'n dod i'r amlwg a thrafodaethau gyda staff, rhanddeiliaid a chyrrff proffesiynol.
- 2.5 Er mwyn sicrhau bod y polisi hwn yn cael ei ddilyn yn gyson ar draws sefydliadau, rydym hefyd yn darparu casgliad o weithdrefnau 'Sut i' sy'n cynnwys amserlenni a thempledi ar gyfer trafodaethau. Os oes angen addasiadau neu gefnogaeth ar gyflogai ar unrhyw adeg oherwydd anabledd neu nodwedd warchodedig arall, fe'u hanogir i siarad â'u rheolwr llinell, y Tîm Gweithlu a Datblygu Sefydliadol neu eu cynrychiolydd undeb llafur cyn gynted â phosibl.
- 2.6 Efallai y bydd angen i chi ddarllen y polisi hwn ynghyd â pholisïau eraill y gweithlu, gan gynnwys ein Polisi Parch a Datrys a'n Polisi Gwrth-Aflonyddu Rhywiol.
- 2.7 Mae rolau a chyfrifoldebau'r rhai sy'n ymwneud â'r broses ddisgyblu wedi'u nodi yn adran 8.

3. Egwyddorion

- 3.1 Mae'r polisi hwn yn seiliedig ar yr egwyddorion canlynol, sy'n adlewyrchu ein hymrwymiad i ddiwylliant cynhwysol, atebol a theg sy'n cael ei arwain gan ein gwerthoedd.
 - **Ymagwedd sy'n canolbwyntio ar yr unigolyn:** Mae'r cyflogai wrth wraidd y broses – rhaid parchu eu hanghenion, eu gwerthoedd a'u hamgylchiadau unigol a rhoi sylw priodol iddynt.
 - **Tegwch a dealltwriaeth ddiwylliannol:** Gall rhagfarn anymwybodol, ymwybyddiaeth ddiwylliannol gyfyngedig a normau diwylliannol gwahanol ddylanwadu ar sut mae ymddygiad yn cael ei ganfod a'i reoli. Rhaid cymryd camau i sicrhau bod pob penderfyniad yn cael ei lywio gan ddealltwriaeth ddiwylliannol ac yn rhydd rhag rhagfarn. (Rhagfarn anymwybodol yw pan fyddwn yn gwneud penderfyniadau neu'n barnu ar sail rhagdybiaethau, profiad blaenorol neu batrymau meddwl personol sy'n rhwystro barn ddiduedd.)

- **Diogelwch a lles seicolegol:** Gall y broses ddisgyblu achosi pryder a straen. Rhaid i staff sy'n rhan o'r broses fod yn deall, yn glir ac yn gyson er mwyn lleihau'r effaith negyddol ar les meddyliol.
- **Amseroldeb a chyfathrebu:** Dylid cynnal ymchwiliadau disgyblu yn effeithlon a phan fo angen yn unig er mwyn lleihau niwed a chost i bawb sy'n gysylltiedig. Dylai pawb sy'n gysylltiedig gyfathrebu'n rheolaidd i wneud yn siŵr bod y broses a'r amserlenni'n glir ac yn ddealladwy.
- **Camau rhesymol a chynnar:** Dylai rheolwyr a swyddogion disgyblu ystyried a defnyddio ffyrdd amgen o ddatrys anghydfodau a phroblemau cyn cymryd camau disgyblu ffurfiol (gweler adran 12). Gall hyn gynnwys cyfryngu, mynd i'r afael â phroblemau'n gynnar neu ddefnyddio polisi arall.
- **Defnyddio tystiolaeth i wneud penderfyniadau:** Rhaid i benderfyniadau fod yn seiliedig ar wybodaeth wrthrychol, gyflawn a dibynadwy a gasglwyd yn ystod y camau canfod ffeithiau a'r ymchwiliad ffurfiol.
- **Ymwybyddiaeth o amgylchiadau ehangach:** Fel arfer mae rheswm pam mae unigolyn yn ymddwyn mewn ffordd benodol. Rhaid ystyried ffactorau sefydliadol a phersonol ehangach cyn dechrau neu barhau â phroses ddisgyblu.

4. Ar gyfer pwy mae'r polisi hwn

- 4.1 Mae'r polisi hwn yn berthnasol i bob cyflogai sy'n dod o dan y Telerau ac Amodau Agenda ar gyfer Newid. Er y gall egwyddorion y polisi hwn arwain arfer sefydliadol ehangach, nid yw'r polisi'n berthnasol i weithwyr banc, gweithwyr asiantaeth, contractwyr hunangyflogedig na gwirfoddolwyr.
- 4.2 Os ystyrir cymryd camau disgyblu yn erbyn cynrychiolydd undeb llafur, rhaid i'r rheolwr comisiynu hysbysu'r swyddog llawn amser perthnasol neu'r cynrychiolydd uwch a etholwyd gan aelodau (er enghraifft, ysgrifennydd cangen) cyn cymryd unrhyw gamau.

5. Ein hymrwymiad i ddull teg a chyfartal

- 5.1 Rydym wedi ymrwymo i sicrhau y gall pob cyflogai gymryd rhan lawn mewn prosesau disgyblu safonol o fewn eu sefydliad. Byddwn yn gwneud pob ymdrech i gael gwared ar rwystrau posibl, gan gynnwys drwy ddarparu cefnogaeth iaith ychwanegol, gwneud addasiadau rhesymol a defnyddio amrywiaeth o ddulliau priodol i gasglu gwybodaeth yn effeithlon. Ni ddylai unrhyw gyflogai fod dan anfantais mewn unrhyw ran o'r broses.
- 5.2 Rhaid i'n holl sefydliadau osod a chynnal safonau ymddygiad sy'n herio anghydraddoldeb ac yn hyrwyddo diwylliant lle mae staff yn teimlo'n hyderus ac yn cael eu cefnogi i siarad am driniaeth annheg. Rydym yn disgwyl i sefydliadau nodi arwyddion rhybuddio cynnar o wahaniaethu a chymryd camau gweithredu pryd bynnag y bydd tystiolaeth yn awgrymu bod problem.

Efallai y bydd angen hyfforddi rheolwyr sy'n ymwneud â chynnal prosesau, gan gynnwys ymchwilwyr a gwneuthurwyr penderfyniadau, mewn rhagfarn anymwybodol ac ymwybyddiaeth ddiwylliannol, er mwyn cefnogi gwneud penderfyniadau teg yn well.

- 5.3 Mae aflonyddu rhywiol yn anghyfreithlon ac ni ddylid ei oddef. Rydym wedi ymrwymo i gymryd pob cam rhesymol i atal cyflogeion neu ddefnyddwyr gwasanaeth rhag profi neu fod yn dyst i aflonyddu rhywiol.
- 5.4 Dim ond yn yr amgylchiadau canlynol y dylid tynnu gwybodaeth o ddogfennau.
- I gael gwared ar wybodaeth bersonol.
 - I ddiogelu cyfrinachedd cleifion neu staff.
 - Pan fydd pryderon wedi'u codi o dan y broses Codi Llais Heb Ofn a phenderfynwyd y dylai dogfennau fod yn ddiennw.

Os oes angen, efallai y bydd angen i ymchwilwyr ofyn i swyddogion diogelu data eich sefydliad am gyngor. Ni ddylid golygu dogfennau yn ystod ymchwiliadau fel ffordd o guddio gwybodaeth neu rannu gwybodaeth y mae'r sefydliad yn ei hystyried yn berthnasol i'r achos yn unig.

6. Cysylltiadau â chyrrff ac asiantaethau allanol

- 6.1 Gweithio gyda sefydliadau eraill i reoli pryderon ymddygiad. Rhaid rheoli pryderon sy'n ymwneud â diogelu (gan gynnwys lles ac amddiffyn plant ac oedolion sydd mewn perygl) yn unol â Gweithdrefnau Diogelu Cymru a'r fframwaith ffurfiol a nodir yn Neddff Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014. Mae'r gweithdrefnau hyn yn cefnogi ymatebion cyson ar draws sefydliadau ac yn sicrhau ein bod yn cyflawni ein cyfrifoldebau cyfreithiol a moesegol wrth amddiffyn unigolion agored i niwed.
- 6.2 Pan fo digon o dystiolaeth i awgrymu bod cyflogai wedi bod yn rhan o drosedd (gan gynnwys twyll, llygredd, llwgrwobrwyo, ymosod, aflonyddu neu ladradd), rhaid i'r sefydliad ystyried a yw'n briodol cyfeirio'r digwyddiad at yr heddlu neu awdurdodau perthnasol eraill. Dylai'r penderfyniad hwn gael ei arwain gan bobl briodol o fewn y sefydliad (er enghraifft, yr arbenigwr gwrth-dwyll lleol (LCFS), y Tîm Gweithlu a Datblygu Sefydliadol neu dimau diogelu) a chanlyniad yr asesiad canfod ffeithiau.
- 6.3 Mewn achosion sy'n cynnwys amheuaeth o dwyll, llygredd neu lwgrwobrwyo, rhaid cynnal trafodaethau gydag Arbenigwr Atal Twyll Lleol (LCFS) y sefydliad i benderfynu sut y bydd y mater yn cael ei reoli, gan gynnwys pwy fydd yn gyfrifol am adolygu a gwneud yr atgyfeiriad. Dim ond y person cyfrifol o fewn y Tîm Gweithlu a Datblygu Sefydliadol all wneud atgyfeiriadau i'r LCFS neu ein gwasanaeth gwrth-dwyll (CFS Cymru), a dim ond ar ôl i asesiad canfod ffeithiau gael ei gynnal.
- 6.4 Ni fydd angen i bob ymchwiliad disgyblu gynnwys yr LCFS, CFS Cymru na'r heddlu. Os bydd asiantaethau allanol yn gysylltiedig (yn enwedig pan fydd ymchwiliadau troseddol yn mynd rhagddynt) gall y broses ddisgyblu gael ei gohirio. Rhaid i bawb sy'n ymwneud â'r ymchwiliad wneud pob ymdrech i roi'r wybodaeth ddiweddaraf i'r

cyflogai a darparu cefnogaeth i leihau'r risg o niwed y gellir ei osgoi i unrhyw gyflogai a allai gael eu heffeithio gan gyfnod o ansicrwydd neu oedi yn y broses ddisgyblu.

- 6.5 Egwyddor bwysig o'r polisi hwn yw bod pryderon ynghylch ymddygiad a chamymddwyn yn cael eu rheoli'n gyflym, yn onest ac yn deg. Os bydd angen oedi oherwydd prosesau allanol (megis yr angen i gynnwys yr heddlu), rhaid i sefydliadau gymryd camau i ddiogelu lles staff, sicrhau bod pawb sy'n gysylltiedig yn deall pob cam o'r weithdrefn a bod camau gweithredu'r sefydliad yn parhau cyn gynted â phosibl yn rhesymol.
- 6.6 Atebolrwydd proffesiynol a chyfeirio materion at gyrff rheoleiddio.
Mae gan ein sefydliadau ddyletswydd gyfreithiol a phroffesiynol i gyfeirio pryderon at y corff rheoleiddio priodol os nad yw cyflogai cofrestredig yn addas i ymarfer mwyach. Mae'r atgyfeiriadau hyn yn hanfodol i gynnal ymddiriedaeth y cyhoedd a diogelu diogelwch cleifion.
- 6.7 Dim ond atgyfeiriadau sy'n seiliedig ar dystiolaeth glir yn dilyn proses asesu strwythuredig y dylai rheolwyr eu gwneud. Mae hyn yn cynnwys cynnal asesiad canfod ffeithiau a, phan fo angen, defnyddio prosesau gwneud penderfyniadau i gefnogi cysondeb, bod yn agored a thegwch.
- 6.8 Cyn gwneud unrhyw atgyfeiriad, rhaid i reolwyr drafod y mater gyda swyddog cyfrifol y sefydliad neu uwch swyddog dynodedig. Mae hyn er mwyn sicrhau bod y penderfyniad yn seiliedig ar amgylchiadau clinigol, proffesiynol a sefydliadol, a bod y trothwy ar gyfer atgyfeirio yn cael ei ystyried yn briodol ac yn deg.
- 6.9 Gall atgyfeiriad at gorff rheoleiddio proffesiynol achosi straen a phryder sylweddol i'r cyflogai dan sylw. Rhaid i sefydliadau gymryd camau i sicrhau bod y broses yn cael ei thrin yn sensitif, gyda chyfathrebu clir a mynediad at gefnogaeth yn cael ei ddarparu i'r cyflogai. Dylid cydnabod yr effeithiau emosiynol a phroffesiynol posibl ar y cyflogai dan sylw. Rhaid cyfeirio cyflogeion at adnoddau lles priodol a chefnogaeth undebau llafur, a rhoi cyfle iddynt gymryd rhan ystyrlon yn y broses ddisgyblu.
- 6.10 Pennaeth y proffesiwn neu uwch swyddog dynodedig (sy'n gweithio gyda'r Tîm Gweithlu a Datblygu Sefydliadol a'r swyddog cyfrifol) sy'n gyfrifol am wneud atgyfeiriadau. Rhaid iddynt gadw cofnod o bob atgyfeiriad a chyfiawnhau pob un yn unol â chanllawiau rheoleiddio a pholisïau'r sefydliad ei hun.
- 6.11 Materion yn ymwneud â datgelu a gwahardd.
Mae gan ein sefydliadau ddyletswydd gyfreithiol i gyfeirio gwybodaeth berthnasol at y Gwasanaeth Datgelu a Gwahardd (DBS) os oes pryder y gallai rhywun beri risg o niwed i blant neu oedolion agored i niwed. Mae'r ddyletswydd hon yn rhan hanfodol o ddiogelu ac yn helpu i amddiffyn pobl agored i niwed ar draws lleoliadau iechyd a gofal.
- 6.12 Rhaid gwneud atgyfeiriadau disgyblu yn unol â chanllawiau'r DBS a pholisi diogelu'r sefydliad ei hun, ac ar ôl asesiad trylwyr yn unig sy'n seiliedig ar dystiolaeth. Mae hyn yn cynnwys cynnal asesiad canfod ffeithiau a gweithio gyda swyddogion diogelu neu weithwyr proffesiynol dynodedig i benderfynu a yw'r trothwy ar gyfer atgyfeiriad wedi'i fodloni.

- 6.13 Gall atgyfeiriad at y DBS fod yn ofidus iawn i'r cyflogai dan sylw, yn enwedig os gallai eu cyflogaeth yn y dyfodol neu eu henw da proffesiynol gael ei effeithio. Rhaid i sefydliadau sicrhau bod y broses yn cael ei thrin yn sensitif, yn agored ac yn deg. Dylid egluro'r rheswm dros yr atgyfeiriad yn glir i'r cyflogai, a dylid eu cefnogi i ddeall y broses a'i gyfeirio at adnoddau lles a chymorth priodol.
- 6.14 Rhaid i gyfrifoldebau diogelu barhau i fod yn ffocws, ond rhaid ystyried yr effaith emosiynol a seicolegol ar staff hefyd. Mae cyfathrebu da, mynediad at gefnogaeth a thrin achosion â thosturi yn hanfodol i leihau niwed y gellir ei osgoi a chynnal ymddiriedaeth yn y broses.
- 6.15 Y swyddog diogelu dynodedig neu'r uwch swyddog o fewn y sefydliad (yn gweithio gyda'r Tîm Gweithlu a Datblygu Sefydliadol) sy'n gyfrifol am wneud atgyfeiriadau i'r DBS. Rhaid iddynt gadw cofnod o bob atgyfeiriad a chyfiawnhau pob un yn unol â chanllawiau cyfreithiol a pholisïau'r sefydliad ei hun.

7. Y broses asesu canfod ffeithiau

- 7.1 Pan fydd problemau yn y gweithle, gan gynnwys ymddygiadau ailadroddus, mae angen i reolwyr ystyried pa gamau priodol i'w cymryd.
- 7.2 Ni all y broses ddisgyblu ddechrau heb gynnal asesiad canfod ffeithiau yn gyntaf. Diben yr asesiad hwn yw casglu'r ffeithiau perthnasol cychwynnol sydd eu hangen i wneud penderfyniad gwybodus. Mae rhagor o wybodaeth yn y **Weithdrefn Sut i: Asesiad canfod ffeithiau**.
- 7.3 Mae gan yr asesiad canfod ffeithiau'r nodau canlynol.
- Mae'n helpu rheolwyr a'r Tîm Gweithlu a Datblygu Sefydliadol i benderfynu ar y camau mwyaf priodol i'w cymryd a sut i roi polisïau ar waith, yn seiliedig ar ffeithiau'r achos.
 - Mae'n helpu i ddatrys problemau'n gynnar ac osgoi camau diangen o dan brosesau disgyblu ffurfiol.
 - Pan fo problemau o fewn y sefydliad ei hun yn hytrach na bai unigol wedi cyfrannu at y mater, mae'r asesiad yn annog myfyrio a dysgu.
 - Mae'n atgyfnerthu pwysigrwydd cymryd cyfrifoldeb am ein gweithredoedd ein hunain drwy sicrhau bod yr holl staff yn cadw at safonau ymddygiad, a bod pryderon yn cael eu trin yn rhesymol.
 - Mae'n hyrwyddo tegwch ac yn lleihau'r risg o niwed a gofid y gellir eu hosgoi i'r cyflogai dan sylw, yn ogystal â'r risg y bydd eu henw da yn cael ei effeithio'n negyddol.
- 7.4 Unwaith y bydd y rheolwr wedi casglu'r wybodaeth berthnasol, gallant ei hadolygu a phenderfynu pa un o'r opsiynau canlynol sydd fwyaf priodol.
- Nid oes angen cymryd camau pellach: pan nad yw'r pryder yn seiliedig ar ddigon o dystiolaeth neu pan y gellir ei ddatrys trwy esboniad syml.
 - Mae angen gweithredu anffurfiol: megis hyfforddi, mentora, adborth neu sgwrs.

- Mae angen cymryd camau ffurfiol: drwy'r broses ddisgyblu a nodir yn y ddogfen hon neu drwy ddilyn polisi gweithle gwahanol (er enghraifft, y Polisi Parch a Datrys neu'r Polisi Gwella Perfformiad yn y Gwaith). Yna bydd yr asesiad canfod ffeithiau yn rhan o'r asesiad cychwynnol o'r polisi perthnasol os oes angen.

7.5 Mae'r polisi hwn yn hyrwyddo dull tosturiol a chefnogol o sicrhau bod safonau ymddygiad yn cael eu bodloni, ac mae hefyd yn atgyfnerthu pwysigrwydd unigolion yn cymryd cyfrifoldeb am fodloni'r safonau hyn. Pan na fodlonir safonau, a phan fydd ymddygiad yn peri risg i ddiogelwch, lles neu dimau'n cydweithio, efallai y bydd angen camau ffurfiol a rhaid eu cymryd yn deg a chyn gynted â phosibl.

7.6 **Dim gweithredu pellach**

Os nad oes angen cymryd camau pellach, dylai'r rheolwr gadw copi o'r asesiad canfod ffeithiau fel tystiolaeth o'r drafodaeth a'r canlyniad. Efallai y bydd rhywfaint o ddysgu i'w rannu o fewn y sefydliad er nad oes unrhyw gamau pellach yn cael eu cymryd.

7.7 **Gweithredu anffurfiol**

Er efallai na fydd angen cymryd camau ffurfiol, gellir rhoi canlyniadau anffurfiol ar waith i osgoi problemau yn y dyfodol ac i ddarparu cefnogaeth bersonol. Mae'r opsiynau ar gyfer gweithredu anffurfiol yn cynnwys y canlynol.

- **Atgyfnerthu arferion rheoli safonol:** Mae'r safonau disgwylidig yn cael eu codi ac eir i'r afael â nhw drwy sesiynau goruchwyllo, adolygiadau gwerthuso a datblygu personol (PADRs) a sesiynau dysgu tîm.
- **Sgwrs yn seiliedig ar welliant:** Gall sgysiau anffurfiol, strwythuredig ddelio â phryderon ynghylch camymddwyn, ymddygiad neu berthynas yn gynnar mewn ffordd gefnogol, gan greu lle diogel i edrych ar unrhyw ffactorau sydd wedi cyfrannu at y broblem. Os oes angen i gyflogai wella ei ymddygiad, rhaid i'r rheolwr ddarparu datganiad clir yn amlinellu'r meysydd y mae angen eu gwella ac esboniad o'r safon ddisgwylidig. (Dylai rheolwyr gyfeirio at ddisgrifiad swydd y cyflogai, amcanion PADR ac unrhyw enghreifftiau penodol o faterion sy'n peri pryder.) Pryd bynnag y bydd achos pryder, dylid cynnal y trafodaethau hyn yn breifat cyn gynted â phosibl. Os yw'n briodol, gall rheolwyr roi nodyn o'r drafodaeth anffurfiol ar ffeil y cyflogai. Bydd y nodyn yn cael ei anwybyddu ac ni fydd yn effeithio ar unrhyw wrandawiaidau disgyblu yn y dyfodol.
- **Cymorth wedi'i dargedu:** Os bydd yr asesiad canfod ffeithiau yn nodi angen dysgu iechyd, hyfforddiant neu sefydliadol, bydd cymorth wedi'i dargedu yn cael ei roi ar waith. Gall hyn gynnwys cynnig hyfforddiant, arweiniad neu fentora ychwanegol i helpu'r cyflogai i gyrraedd y safonau disgwylidig.

7.8 Gellir rhoi copi o'r asesiad canfod ffeithiau ar ffeil cyflogai am hyd at flwyddyn a dylid rhoi copi i'r cyflogai ar gyfer eu cofnodion fel cadarnhad o'r drafodaeth a'r canlyniad.

7.9 **Camau ffurfiol drwy'r broses ddisgyblu**

Dylid gwneud y penderfyniad i gymryd camau o dan y broses ddisgyblu ffurfiol yn unol â pholisïau'r sefydliad.

Efallai y bydd angen i'r rheolwr gymryd camau ar unwaith i gefnogi dyletswyddau dyddiol y cyflogai a'r tîm. Gallai hyn gynnwys y canlynol.

- Darparu cefnogaeth lles i'r cyflogai drwy wasanaethau lles y sefydliad.
- Cefnogi'r tîm neu'r adran ehangach, er enghraifft, drwy wella cyfathrebu.
- Darparu cefnogaeth i unrhyw gyflogai neu dîm y mae eu rôl o ddydd i ddydd, neu eu gallu i gyflawni eu rôl, wedi'i effeithio gan y broses ddisgyblu, er enghraifft, drwy ddarparu unrhyw adnoddau angenrheidiol.
- Symud y cyflogai o'i amgylchedd gwaith arferol tra bod ymchwiliad yn cael ei gynnal (dylai Tîm Gweithlu a Datblygu Sefydliadol y sefydliad fod yn rhan o'r penderfyniad i wneud hyn).

7.10 Gall canlyniad ffurfiol asesiad canfod ffeithiau yn unol â'r polisi disgyblu hwn fod yn un o'r canlynol.

- Cynnal gweithdrefn ddisgyblu llwybr cyflym (gweler adran 9) oherwydd bod y cyflogai wedi cyfaddef ei fod wedi camymddwyn, neu pan nad yw'r camymddwyn yn ddigon dybryd i'w ystyried yn gamymddwyn difrifol, a fyddai'n arwain at ddiswyddo. Dylai rheolwyr gyfeirio at Atodiad 1: Diffiniadau ar ddiwedd y polisi hwn i'w cefnogi wrth benderfynu a yw mater yn 'gamymddwyn' neu'n 'gamymddwyn difrifol'. Rhaid i'r cyflogai gytuno i'r broses llwybr cyflym cyn i'r broses ddechrau.
- Cynnal ymchwiliad ffurfiol ac ystyried a oes angen gwahardd y cyflogai dros dro neu ei symud i adran wahanol (adleoli).

7.11 Y nod yw delio â materion disgyblu yn sensitif gan barchu preifatrwydd pawb sy'n gysylltiedig. Rhaid i gyflogeion gadw'r holl wybodaeth am ymchwiliad neu fater disgyblu yn gyfrinachol. Fodd bynnag, os yw'r cyflogai yn aelod o undeb llafur, gallant rannu gwybodaeth gyda'u cynrychiolydd undeb llafur cyn gynted â phosibl.

7.12 Ni chaniateir i gyflogeion recordio unrhyw gyfarfodydd na gwrandawiadau a gynhelir o dan y polisi hwn. Mae'r sefydliad yn gyfrifol am gofnodi manylion cyfarfodydd a gwrandawiadau er mwyn cynhyrchu adroddiadau a datganiadau swyddogol.

7.13 Fel arfer, dylai rheolwyr roi gwybod i'r cyflogai enwau unrhyw dystion y mae eu tystiolaeth yn berthnasol i achosion disgyblu yn eu herbyn, oni bai bod y swyddog ymchwilio yn credu y dylid cadw hunaniaeth tyst yn gyfrinachol.

8. Rolau a chyfrifoldebau

8.1 Mae'r rolau canlynol yn ymwneud â'r polisi disgyblu.

8.2 **Cyflogai (yr unigolyn sy'n cael ei ymchwilio):** Rhaid i'r cyflogai ddilyn y gofynion a nodir yn y polisi disgyblu hwn, sy'n cynnwys cydweithredu â'r broses ymchwilio a rhoi eu disgrifiad o ddigwyddiadau. Mae ganddynt yr hawl i fynd â chydymaith (naill ai cynrychiolydd undeb neu gydweithiwr yn y gweithle) i gyfarfodydd ymchwilio ac unrhyw wrandawiadau.

- 8.3 **Rheolwr:** Y rheolwr sy'n gyfrifol am ddelio â materion yn anffurfiol pan fo'n briodol. Fodd bynnag, os byddant yn teimlo bod angen dull mwy ffurfiol, byddant yn llenwi ffurflen asesu canfod ffeithiau. Mae'r ffurflen yn cofnodi gwybodaeth bwysig sy'n gysylltiedig â mater penodol, neu gyfres o faterion. Os bydd y rheolwr yn penderfynu mai ymchwiliad ffurfiol yw'r cam nesaf priodol, bydd angen i'r swyddog comisiynu (CO) ei gymeradwyo. Mae'r rheolwr yn gyfrifol am gefnogi lles y cyflogai drwy gydol y broses ymchwilio, ond nid yw'n ymwneud ag unrhyw ran o'r broses ar ôl iddynt gyflwyno'r asesiad canfod ffeithiau i'r rheolwr comisiynu.
- 8.4 **Cydymaith:** Os nad yw'r cyflogai yn aelod o undeb llafur, fel arfer bydd y cydymaith yn gydweithiwr yn y gweithle. Mae'r cydymaith yn darparu cefnogaeth i'r cyflogai ac yn mynychu cyfarfodydd a gwrandawiadau gyda nhw. Gall y cydymaith wneud sylwadau (rhoi datganiadau) a gofyn cwestiynau ond ni all ateb ar ran y cyflogai.
- 8.5 **Cynrychiolydd y gweithlu a datblygu sefydliadol:** Mae cynrychiolydd y gweithlu a datblygu sefydliadol yn cynghori rheolwyr, swyddogion comisiynu, swyddogion ymchwilio, swyddogion penderfynu a Swyddog Apêl i wneud yn siŵr bod y weithdrefn ddisgyblu yn deg ac yn dilyn y polisi hwn a Chod Ymarfer ACAS ar Weithdrefnau Disgyblu a Chwynion. Maent yn helpu i gynhyrchu a chasglu dogfennau angenrheidiol (megis llythyrau ac adroddiadau) ac yn mynychu gwrandawiadau fel cynghorydd. Ni allant wneud penderfyniadau ynghylch a oes angen camau disgyblu.
- 8.6 **Swyddog comisiynu:** Dim ond mewn ymchwiliadau ffurfiol y mae angen y rôl hon. Mae'r swyddog comisiynu yn derbyn y ffurflen asesu canfod ffeithiau ar ôl iddi gael ei chyflwyno ac mae'n gyfrifol am adolygu a oes angen ymchwiliad ffurfiol. Mae'r rôl hon yn uwch na rôl y rheolwr. Os bydd y swyddog comisiynu yn penderfynu bwrw ymlaen ag ymchwiliad, penodir swyddog ymchwilio a chynrychiolydd y gweithlu a datblygu sefydliadol. Dylid dod â'r swyddog comisiynu i mewn o adran wahanol i'r cyflogai sy'n cael ei ymchwilio.
- 8.7 **Swyddog ymchwilio:** Mae'r swyddog ymchwilio yn gyfrifol am gynnal ymchwiliad teg a diduedd. Eu cyfrifoldeb nhw yw casglu ac adolygu tystiolaeth, a all gynnwys cyfweld â thystion. Rhaid iddynt gynnal cyfrinachedd drwy gydol y broses a chyflwyno eu canfyddiadau mewn adroddiad ymchwiliad. Nid yw'r swyddog ymchwilio yn gwneud penderfyniadau o fewn y broses nac yn gwneud argymhellion na dyfarniadau. Dylent edrych ar ffeithiau pob honiad a chynhyrchu adroddiad ffeithiol ar gyfer y swyddog comisiynu (gyda chefnogaeth gan y Tîm Gweithlu a Datblygu Sefydliadol os oes angen).
- 8.8 **Swyddog penderfynu:** Ni ddylai'r swyddog penderfynu fod wedi ymwneud yn flaenorol â'r materion sy'n cael eu hymchwilio nac wedi cael unrhyw wybodaeth amdanynt. Nhw sy'n gyfrifol am gadeirio'r gwrandawriad disgyblu, sy'n adolygu'r dystiolaeth a ddarparwyd yn adroddiad yr ymchwiliad. Rôl y swyddog penderfynu yw sicrhau bod y broses ddisgyblu yn deg drwy roi'r polisi hwn ar waith yn briodol a chaniatáu cynrychiolaeth i gyflogeion (gan gynghori cyflogeion am eu hawl i gael rhywun i ddod gyd nhw i'r gwrandawriad disgyblu). Maent yn penderfynu ar y camau priodol i'w cymryd (er enghraifft, dim camau gweithredu, rhybudd neu ddiswyddo) gyda chefnogaeth gan gynrychiolydd y gweithlu a datblygu sefydliadol. Efallai y bydd angen iddynt ofyn am ragor o wybodaeth neu gynnal cyfweiliadau â thystion cyn iddynt wneud eu penderfyniad.

- 8.9 **Aelod o'r panel:** Bydd yr aelod o'r panel yn gweithredu fel aelod diduedd yn y gwrandawriad disgyblu er mwyn cadw'r gwrandawriad yn deg, yn gytbwys ac yn wrthrychol. Ni ddylai fod ganddynt unrhyw gysylltiad blaenorol â'r achos ac ni ddylai fod ganddynt unrhyw wrthdaro buddiannau (er enghraifft, bod yn aelod o staff a oedd yn ymwneud â chodi cwyn yn erbyn yr unigolyn o'r blaen). Eu rôl yw adolygu'r dystiolaeth, cyfrannu at drafodaethau a chefnogi'r panel i gyrraedd canlyniad teg a rhesymegol.
- 8.10 **Cynrychiolydd undeb llafur:** Mae cynrychiolwyr undebau llafur yn rhoi cefnogaeth a chynghor i gyflogeion sy'n aelodau o'r undeb. Maent yn mynychu cyfarfodydd a gwrandawriadau gyda'r cyflogai ac yn cael eu cynnwys mewn unrhyw gyfarfodydd i drafod gwahardd y cyflogai neu ei symud i rôl wahanol o fewn y sefydliad. Gallant wneud nodiadau ar gyfer y cyflogai, holi tystion a chyflwyno gwybodaeth ar ran y cyflogai. Gallant ddarparu cefnogaeth os yw cyflogeion yn teimlo bod y broses ffurfiol yn peri gofid. Mae cynrychiolwyr undebau llafur hefyd yn gyfrifol am gadw'r broses yn deg a sicrhau bod polisiau a gweithdrefnau safonol yn cael eu dilyn.
- 8.11 **Tystion:** Gall tystion fod yn unigolion o fewn neu y tu allan i'r sefydliad a all roi cyfrif o'r ffeithiau mewn cyfweiliad ffurfiol os gofynnir iddynt. Ar ôl y cyfweiliad, bydd y nodiadau'n cael eu hysgrifennu a'u cynnwys yn adroddiad yr ymchwiliad. Rhaid i dystion gydweithredu â'r swyddog ymchwilio a chynorthwyo gyda'r ymchwiliad.
- 8.12 **Rheolwr apêl:** Os apelir yn erbyn penderfyniad disgyblu, bydd y rheolwr apêl yn trefnu gwrandawriad apêl. Bydd yn ystyried a oedd y broses yn deg ac yn rhesymol. Rhaid i apêl fod yn ddiduedd, a bydd y panel yn y gwrandawriad apêl yn fwy uwch na'r panel yn y gwrandawriad disgyblu gwreiddiol. Gall y panel apêl benderfynu a ddylid cadarnhau, canslo neu ddiwygio'r canlyniad gwreiddiol. Yn y rhan fwyaf o achosion, bydd y rheolwr apêl yn fwy uwch na'r swyddog penderfynu ac ni fydd wedi bod yn rhan o'r achos nac yn gwybod dim amdano.
- 8.12 Hunaniaeth a chefnogaeth i dystion.
Fel rhan o broses ddisgyblu deg a thryloyw, bydd cyflogeion fel arfer yn cael gwybod enwau unrhyw dystion y mae eu tystiolaeth yn berthnasol i'r achos.
- 8.13 Fodd bynnag, mewn rhai amgylchiadau, os oes pryder gwirioneddol ynghylch diogelwch neu les tyst, gall y rheolwr comisiynu neu'r swyddog ymchwilio benderfynu y dylid cadw eu hunaniaeth yn gyfrinachol. Rhaid gwneud y penderfyniad hwn yn ofalus, ei gofnodi'n glir a'i dywys gan yr egwyddorion a nodir yn fframwaith Codi Llais Heb Ofn ar gyfer Cymru.
- 8.14 Er y gallai fod angen cadw hunaniaeth tyst yn gyfrinachol mewn achosion prin, mae'n well osgoi hyn yn gyffredinol. Mae tystiolaeth agored (lle cyflwynir, cwestiynir a thrafodir tystiolaeth tystion yn uniongyrchol yn ystod y cyfarfod, yn hytrach na dibynnu ar ddatganiadau wedi'u hysgrifennu ymlaen llaw) yn cefnogi ymddiriedaeth, tryloywder a gonestrwydd. Dylid annog a chefnogi tystion i godi llais heb ofn, gyda sicrwydd y bydd eu pryderon yn cael eu trin yn barchus a heb unrhyw ddial.

- 8.15 Gall bod yn rhan o broses ddisgyblu fod yn heriol yn emosiynol. Gall tystion brofi straen, pryder neu ofn dial. Rhaid i sefydliadau gymryd camau ymarferol i gefnogi pawb sy'n gysylltiedig, er enghraifft, drwy wneud y canlynol.
- Darparu mynediad at adnoddau lles a gwasanaethau cymorth staff.
 - Cynnig cynrychiolaeth gan gynrychiolwyr undebau llafur neu gydweithwyr lle bo'n briodol.
 - Diogelu lles cyflogaion a chadw manylion achosion yn gyfrinachol.
 - Cyfathrebu'n glir ac yn garedig drwy gydol y broses.
- 8.16 Mae creu diwylliant lle mae pobl yn teimlo'n ddiogel i leisio barn ac yn cael eu cefnogi pan fyddant yn gwneud hynny yn hanfodol ar gyfer dysgu, atebolrwydd a gwelliant.

9. Proses llwybr cyflym

- 9.1 Mae'r broses llwybr cyflym wedi'i chynllunio i gytuno ar bryderon camymddwyn bach nad oes angen ymchwiliad disgyblu ffurfiol ar eu cyfer, er enghraifft, pan fydd y ffeithiau'n glir a'r cyflogai'n derbyn cyfrifoldeb.
- 9.2 Nid yw dilyn y broses llwybr cyflym yn golygu'n awtomatig y bydd camau'n cael eu cymryd yn erbyn y cyflogai. Bwriad y broses yw cefnogi dysgu ac atebolrwydd fel y gellir datrys problemau'n gynnar. Rhaid i'r broses fod yn deg o hyd ac yn dilyn yr holl weithdrefnau safonol.
- 9.3 Ni ddylid defnyddio'r broses llwybr cyflym pan fo unrhyw bosibilrwydd o gamymddwyn difrifol. Yn yr achosion hyn, rhaid dilyn asesiad canfod ffeithiau llawn a phroses ddisgyblu ffurfiol.
- 9.4 Rhaid i'r rheolwr drafod yr achos gyda'r Tîm Gweithlu a Datblygu Sefydliadol cyn dechrau'r broses llwybr cyflym, er mwyn cadarnhau ei bod yn addas a bod y cyflogai'n deall y broses yn llawn ac yn cael ei gefnogi drwyddi draw. Rhaid cofnodi'r penderfyniad i ddefnyddio'r gwasanaeth llwybr cyflym yn glir, a rhaid i'r cyflogai gael y cyfle i fod yn rhan ystyrlon o'r penderfyniad a chodi unrhyw bryderon sydd ganddynt ynghylch defnyddio'r broses llwybr cyflym.
- 9.5 Mae'r broses llwybr cyflym, gan gynnwys yr amserlenni, wedi'i nodi yn y **weithdrefn Sut i: Llwybr cyflym**.

10. Ymchwiliad ffurfiol

- 10.1 Efallai y bydd sefyllfaoedd pan fydd angen y weithdrefn ymchwilio ffurfiol. Gallai hyn fod yn berthnasol, er enghraifft, os nad yw camau anffurfiol wedi arwain at y gwelliant angenrheidiol, os na chyflawnir safonau ymddygiad disgwylidig dro ar ôl tro neu os yw'r honiad yn ddifrifol.
- 10.2 Diben ymchwiliad yw i'r sefydliad gasglu barn deg a chytbwys o'r ffeithiau sy'n ymwneud ag unrhyw honiadau disgyblu yn erbyn y cyflogai, cyn penderfynu a ddylid bwrw ymlaen â gwrandawriad disgyblu. Bydd lefel yr ymchwiliad sydd ei angen yn

dibynnu ar y math o honiadau a bydd yn amrywio o achos i achos. Er enghraifft, gall yr ymchwiliad gynnwys cyfweld â'r cyflogai ac unrhyw dystion a chymryd datganiadau ganddynt, adolygu dogfennau a negeseuon e-bost perthnasol, neu adolygu unrhyw luniau teledu cylch cyfyng neu luniau eraill.

- 10.3 Ni fydd unrhyw benderfyniad ynghylch camau disgyblu yn cael ei wneud nes bod gwrandawriad disgyblu wedi'i gynnal.
- 10.4 Rhaid i gyflogeion gydweithredu'n llawn mewn unrhyw ymchwiliad. Mae hyn yn cynnwys dweud enwau tystion wrth y sefydliad pan ofynnir iddynt, rhannu unrhyw ddogfennau perthnasol a mynychu cyfweiliadau os oes angen. Os bydd unrhyw gyflogai yn ceisio ymyrryd yn fwriadol â'r ymchwiliad neu ddylanwadu ar y canlyniad (er enghraifft, drwy fygwth, aflonyddu neu fwlio unrhyw un sy'n gysylltiedig), gallant wynebu camau disgyblu pellach, gan gynnwys camau disgyblu yn eu herbyn. Mae rhagor o wybodaeth am y broses ymchwilio yn y **weithdrefn Sut i: Ymchwiliad ffurfiol**
- 10.5 Os yw'r cyflogai ar absenoldeb salwch, nid yw hyn yn atal y swyddog ymchwilio rhag parhau â'r ymchwiliad. Fodd bynnag, efallai y bydd angen iddynt gael cyngor gan y Tîm Iechyd Galwedigaethol os oes pryderon ynghylch a all y cyflogai barhau i gymryd rhan yn y broses.
- 10.6 Er mwyn sicrhau bod yr ymchwiliad ffurfiol yn cael ei gynnal yn briodol, mae cyfrifoldebau penodol ar gyfer y rhai sy'n gysylltiedig (gweler adran 8).

11. Gwahardd neu symud cyflogeion i adrannau eraill

- 11.1 Gall ymchwiliadau i gamymddwyn a phryderon ynghylch ymddygiad cyflogai fod yn gymhleth ac yn heriol yn emosiynol. Mae'n hanfodol bod y sefyllfa'n cael ei rheoli'n ofalus ac yn dosturiol i'r cyflogai dan sylw, yn ogystal ag i gydweithwyr, cleifion a'r tîm ehangach. Weithiau gall fod angen i'r sefydliad gymryd camau fel symud y cyflogai dros dro o'i amgylchedd gwaith arferol tra bod yr ymchwiliad yn mynd rhagddo.
- 11.2 Dylai'r swyddog penderfynu ystyried gwahardd y cyflogai'n unig pan nad oes dewis arall diogel nac ymarferol. Gall gwaharddiad gael effaith emosiynol, seicolegol a phroffesiynol ddofn ar y cyflogai, a gall arwain at niwed y gellir ei osgoi os na fydd yn cael ei drin yn ofalus. Pryd bynnag y bo modd, rhaid i sefydliadau ystyried trefniadau eraill, megis symud y cyflogai i adran wahanol, caniatáu iddynt weithio o gartref neu newid eu dyletswyddau, cyn eu gwahardd. Weithiau gall fod angen gwahardd dros dro oherwydd difrifoldeb yr honiadau a'r risgiau posibl sy'n gysylltiedig â hynny. Os bydd y cyflogai'n cael ei wahardd, dylai uwch reolwr gysylltu'n rheolaidd ac yn dosturiol â nhw i ofalu am eu lles a sicrhau bod y weithdrefn yn deg.
- 11.3 Pan fydd y swyddog penderfynu yn ystyried a ddylid gwahardd y cyflogai neu gymryd camau eraill, rhaid iddo ddilyn y **weithdrefn Sut i ar gyfer gwahardd ac adleoli** a chynnal asesiad risg ffurfiol. Mae hyn er mwyn sicrhau bod penderfyniadau'n gymesur â'r honiadau a wnaed, yn seiliedig ar dystiolaeth ac yn unol ag egwyddorion tegwch, diogelwch a lles:

- 11.4 Os daw rhagor o wybodaeth ar gael yn ystod yr ymchwiliad a bod hyn yn newid lefel y risg, rhaid i'r swyddog penderfynu ailystyried a ddylid gwahardd y cyflogai dros dro. Ni ddylid byth ystyried gwaharddiad dros dro fel y cam safonol i'w gymryd heb ystyried dewisiadau eraill, nac fel y cam gorau i'w gymryd i gosbi'r cyflogai. Rhaid i'r gwaharddiad dros dro gael ei adolygu'n rheolaidd gan uwch reolwr priodol i sicrhau ei fod yn dal yn angenrheidiol ac yn briodol.
- 11.5 Dylid cadw manylion pob achos yn gyfrinachol pryd bynnag y bo modd a rhaid cefnogi'r cyflogai gyda chyfathrebu clir, mynediad at adnoddau lles a sicrwydd ynghylch eu hawliau a'r broses.

12. Gwrandawriad disgyblu

- 12.1 Yn dilyn ymchwiliad, os yw'r sefydliad yn ystyried bod angen cymryd camau disgyblu, bydd angen i'r cyflogai fynychu gwrandawriad disgyblu. Bydd y cyflogai'n cael gwybod yn ysgrifenedig am yr honiadau yn ei erbyn, y rheswm dros wneud yr honiadau a beth fydd y canlyniadau tebygol os bydd y sefydliad yn penderfynu bod yr honiadau'n gyfiawn. Bydd y sefydliad hefyd yn rhoi'r dogfennau canlynol i'r cyflogai os yw'n briodol.
- Crynodeb o wybodaeth berthnasol a gasglwyd yn ystod yr ymchwiliad (adroddiad ymchwiliad).
 - Copi o'r holl ddogfennau perthnasol neu dystiolaeth arall a fydd yn cael eu defnyddio yn y gwrandawriad disgyblu (gan gynnwys copi o'r asesiad canfod ffeithiau).
 - Copi o bob datganiad tyst perthnasol, ac eithrio pan gedwir hunaniaeth tyst yn gyfrinachol. Yn yr achosion hyn, bydd y sefydliad yn rhoi cymaint o wybodaeth â phosibl i'r cyflogai heb ddatgelu pwy yw'r tyst.
- 12.2 Bydd y sefydliad yn hysbysu'r cyflogai'n ysgrifenedig beth yw dyddiad, amser a lleoliad y gwrandawriad disgyblu. Cynhelir y gwrandawriad cyn gynted â phosibl, ond rhoddir cyfnod rhesymol o amser i'r cyflogai baratoi ei achos yn seiliedig ar y wybodaeth a ddarperir.
- 12.3 Os oes rhesymau dros gynnal unrhyw wrandawriad o bell (er enghraifft, ar-lein), bydd y sefydliad yn egluro hyn i'r cyflogai ac yn rhoi manylion iddo am yr holl drefniadau a chyfarwyddiadau perthnasol ar gyfer ymuno â'r gwrandawriad. Mewn rhai achosion, efallai na fydd yn briodol cynnal y gwrandawriad o bell (er enghraifft, os oes gan y cyflogai gyflwr clyw neu os nad oes ganddo fynediad at yr offer neu'r feddalwedd angenrheidiol). Yn yr achosion hyn, cynhelir y gwrandawriad wyneb yn wyneb pan fo hynny'n bosibl.
- 12.4 Mae'r gwrandawriad disgyblu yn gyfle i'r panel archwilio'r dystiolaeth ac i'r cyflogai wneud sylwadau ar y dystiolaeth a rhannu eu barn. Mae'r broses wedi'i nodi'n glir fel bod pob gwrandawriad yn cael ei reoli yn yr un ffordd. Mae'r broses wedi'i nodi yn y **gweithdrefnau Sut i: Rheoli'r gwrandawriad disgyblu**.
- 12.5 Os yw'r cyflogai sy'n cael ei ymchwilio yn weithiwr proffesiynol cofrestredig, rhaid i'r panel gynnwys pennaeth proffesiwn perthnasol neu uwch swyddog proffesiynol. Mae hyn er mwyn sicrhau bod gan y panel y profiad angenrheidiol i asesu materion sy'n

ymwneud â safonau proffesiynol, codau ymddygiad ac addasrwydd i ymarfer. Mae hefyd yn cefnogi gwneud penderfyniadau gwybodus, teg a rhesymol, ac yn atgyfnerthu ymrwymiad y sefydliad i gynnal ymddiriedaeth y cyhoedd ac atebolrwydd proffesiynol.

12.6 Canlyniadau posibl y gwrandawriad.

Nodir isod yr ystod o ganlyniadau sydd ar gael ar gyfer camymddwyn. Rhaid cynnal gwrandawriad cyn cymryd unrhyw un o'r camau gweithredu. Ein nod yw trin pob cyflogai'n deg ac yn gyson. Fel arfer, ystyrir unrhyw gamau disgyblu a gymerir mewn perthynas â chyflogai arall am gamymddwyn tebyg, ond ni ddylid trin hyn fel peth safonol. Bydd pob achos yn cael ei asesu ar wahân.

12.7 Ni fydd y swyddog penderfynu fel arfer yn penderfynu diswyddo cyflogai am eu gweithred gyntaf o gamymddwyn, oni bai bod y sefydliad yn penderfynu ei fod yn gamymddwyn difrifol. Rhestrir canlyniadau posibl y gwrandawriad isod.

a) Dim camau disgyblu

Pan nad oedd y dystiolaeth a gyflwynwyd yn cefnogi'r honiadau. Os mai dyma'r achos, disgwylir i'r sefydliad gynnal adolygiad i nodi cyfleoedd i wella prosesau canfod ffeithiau a disgyblu.

b) Rhybudd ysgrifenedig cyntaf

Gellir rhoi rhybudd ysgrifenedig cyntaf yn yr amgylchiadau canlynol.

- Mewn achosion sy'n rhy ddifrifol ar gyfer cymryd camau anffurfiol, ond nad ydynt yn ddigon difrifol i gymryd camau ffurfiol.
- Mewn achosion lle mae'r cyflogai'n ailadrodd gweithredoedd bach o gamymddwyn a i asesiad canfod ffeithiau gael ei gynnal.

Bydd rhybudd ysgrifenedig cyntaf yn weithredol am un flwyddyn.

c) Rhybudd ysgrifenedig terfynol

Gellir rhoi rhybudd ysgrifenedig terfynol yn yr amgylchiadau canlynol.

- Camymddwyn lle mae rhybudd ysgrifenedig gweithredol eisoes ar gofnod y cyflogai.
- Pan ystyrir bod y camymddwyn yn ddigon difrifol i olygu bod angen rhybudd ysgrifenedig terfynol, hyd yn oed os nad oes rhybuddion gweithredol eraill ar gofnod y cyflogai.

Bydd rhybudd ysgrifenedig terfynol yn weithredol am ddwy flynedd. Bydd rhybuddion ysgrifenedig yn nodi'r math o gamymddwyn, y newid ymddygiad sydd ei angen, faint o amser y bydd y rhybudd yn parhau i fod yn weithredol a beth fydd yn digwydd os bydd unrhyw gamymddwyn pellach tra ei fod yn weithredol.

d) Diswyddo

Fel arfer, bydd diswyddo yn briodol yn yr amgylchiadau canlynol.

- Pan fo rhybudd ysgrifenedig terfynol ar gofnod y cyflogai a bod camymddwyn pellach.
- Mewn achosion o gamymddwyn difrifol, waeth a oes unrhyw rhybuddion gweithredol ar gofnod y cyflogai ai peidio.

Os bydd y cyflogai yn cael ei ddiswyddo am gamymddwyn difrifol, ni fyddant yn cael cyfnod rhybudd na thaliad yn lle rhybudd.

e) Dewisiadau eraill yn lle diswyddo

Mewn rhai achosion, gall y sefydliad ystyried dewisiadau eraill yn lle diswyddo. Gall uwch reolwr awdurdodi'r rhain a byddant fel arfer yn dod gyda rhybudd ysgrifenedig terfynol. Mae enghreifftiau o ddewisiadau amgen i ddiswyddo yn cynnwys y canlynol.

- Gall y cyflogai gael ei israddio i rôl is.
- Gellir trosglwyddo'r cyflogai i adran, lleoliad neu rôl arall.
- Gall band swydd y cyflogai (gradd swydd a rôl) gael ei leihau.
- Efallai na fydd y cyflogai'n gymwys mwyach i gael codiadau cyflog yn y dyfodol drwy'r polisi cynnydd cyflog.
- Gall y cyflogai golli ei hawl i wneud goramser.

Gall y cyflogai ystyried unrhyw ddewis arall yn lle diswyddo a gynigir iddynt a rhaid iddynt ymateb, yn ysgrifenedig, o fewn saith niwrnod os ydynt am dderbyn y cynnig. Os yw'r cyflogai'n derbyn cyflogaeth amgen, mae ganddynt yr hawl o hyd i apelio yn erbyn y penderfyniad gwreiddiol i'w diswyddo.

- 12.8 Os profir camymddwyn difrifol ar ôl gwrandawriad disgyblu ond nad yw'r cyflogai wedi cael ei gyfeirio at y corff rheoleiddio proffesiynol perthnasol o'r blaen, rhaid i'r swyddog penderfynu ystyried a oes angen atgyfeiriad nawr. Dylai'r penderfyniad hwn fod yn seiliedig ar y math o gamymddwyn, ei effeithiau ar ddiogelwch cleifion, ymddiriedaeth y cyhoedd a safonau proffesiynol, a'r trothwy ar gyfer atgyfeirio a osodwyd gan y corff rheoleiddio ar gyfer pryderon ynghylch addasrwydd cyflogai i ymarfer. Dylai'r swyddog penderfynu drafod yr achos gyda'r swyddog cyfrifol neu'r swyddog proffesiynol dynodedig, a dylent ddefnyddio pecynnau a fframweithiau penderfynu atgyfeirio i sicrhau bod penderfyniadau'n gyson ac yn dryloyw. Gall atgyfeiriad at gorff rheoleiddio gael canlyniadau emosiynol a phroffesiynol sylweddol i'r cyflogai, felly rhaid trin y broses yn sensitif, gyda chyfathrebu clir a mynediad at gymorth priodol yn cael ei ddarparu i'r cyflogai. Rhaid i'r swyddog penderfynu gofnodi'r rheswm dros atgyfeirio'r achos, neu'r penderfyniad i beidio ag atgyfeirio'r achos. Ar gyfer atebolrwydd proffesiynol ac atgyfeirio at gyrff rheoleiddio, gweler adran 6.6. Os yw'r cyflogai eisoes wedi cael ei atgyfeirio at y corff rheoleiddio priodol, dylai'r swyddog cyfrifol neu'r uwch arweinydd proffesiynol dynodedig rannu canlyniad y gwrandawriad disgyblu gyda'r corff rheoleiddio hwnnw.

13. Hawl i apelio

- 13.1 Mae gan bob cyflogai'r hawl i apelio yn erbyn penderfyniad o fewn 14 diwrnod calendr ar ôl cael gwybod yn ysgrifenedig bod camau disgyblu wedi'u cymryd. Mae proses apelio glir i sicrhau bod apeliadau'n cael eu trin yn gyson. Mae gan **y Weithdrefn Apelio** ragor o wybodaeth.

- 13.2 Yn dilyn y gwrandawriad apêl, gall y sefydliad wneud y canlynol:

- cadarnhau'r penderfyniad gwreiddiol;
- tynnu'r penderfyniad gwreiddiol yn ôl; neu
- penderfynu ar gamau gweithredu gwahanol.

- 13.3 Bydd y cyflogai'n cael gwybod penderfyniad terfynol y sefydliad, yn ysgrifenedig, cyn gynted â phosibl. Os yn bosibl, dylai'r sefydliad hefyd egluro hyn i'r cyflogai'n bersonol.
- 13.4 Ni all cyflogeion wneud mwy nag un apêl.

14. Yr hawl i gael rhywun gyda chi

- 14.1 Mae gan gyflogeion yr hawl i ddod â chydymaith gyda nhw i gyfarfodydd ymchwilio ffurfiol a gwrandawiadau ffurfiol. Gall yr unigolyn hwn fod yn gynrychiolydd undeb llafur neu'n gydweithiwr.
- 14.2 Caniateir amser rhesymol i ffwrdd o'i ddyletswyddau i'r cydymaith heb golli cyflog. Nid oes rhaid i gydweithwyr weithredu fel cydymaith os nad ydynt eisiau gwneud hynny. Bydd cynrychiolydd undeb yn gweithredu ar ran aelod o undeb cyn belled ag y mae ei ddyletswyddau'n caniatáu.
- 14.3 Os nad yw'r cydweithiwr neu'r cynrychiolydd undeb llafur yr hoffai'r cyflogai ei gael fel ei gydymaith ar gael, dylai'r cyflogai ofyn a all unigolyn addas arall gymryd ei le cyn gynted â phosibl.
- 14.4 Os nad yw'r cydymaith ar gael ar yr adeg y trefnir gwrandawriad ac na fydd ar gael am fwy na phum niwrnod gwaith wedi hynny, gall y sefydliad ofyn i'r cyflogai ddewis rhywun arall.
- 14.5 Gall y sefydliad ganiatáu i gyflogai ddod â chydymaith nad yw'n gydweithiwr nac yn gynrychiolydd undeb llafur (er enghraifft, aelod o'i deulu) os bydd hyn yn helpu i oresgyn unrhyw anfantais sy'n gysylltiedig ag anabledd, neu os oes gan y cyflogai anhawster deall Saesneg.
- 14.6 Mae rheolau clir ynghylch yr hyn y gall ac na all cydymaith ei wneud yn y **Weithdrefn Sut i : Rolau a chyfrifoldebau**

15. Cau proses ddisgyblu a symud ymlaen

- 15.1 Rydym wedi ymrwymo i ddiwylliant sy'n cael ei arwain gan ein gwerthoedd ac sy'n blaenoriaethu tegwch, tosturi a gwelliant. Unwaith y bydd y broses ddisgyblu wedi dod i ben, mae'n hanfodol bod cefnogaeth briodol yn cael ei darparu i'r cyflogai ac unrhyw dystion dan sylw, a'n bod yn myfyrio'n ystyrllon ar y profiad i nodi cyfleoedd ar gyfer dysgu a thyfu.
- 15.2 Nid yw ailintegreiddio cyflogai sydd wedi bod trwy broses ddisgyblu yn ymwneud â dychwelyd i'r gwaith yn unig. Mae'n ymwneud ag ailadeiladu ymddiriedaeth a lles, a sicrhau bod cyflogeion yn teimlo eu bod yn cael eu gwerthfawrogi a'u cefnogi. Dylai rheolwyr weithio gyda staff a'r Tîm Gweithlu a Datblygu Sefydliadol i gefnogi cyflogeion sy'n dychwelyd i'r gwaith, delio ag unrhyw bryderon parhaol a chefnogi timau sy'n gweithio'n dda gyda'i gilydd.

- 15.3 Dylai'r swyddog penderfynu a chynrychiolydd y gweithlu a datblygu sefydliadol gynnal ymarfer ôl-drafodaeth ffurfiol i adolygu'r broses, asesu a gafodd yr effaith yr oedd y sefydliad yn anelu ati a nodi unrhyw ffactorau o fewn y sefydliad a allai fod wedi cyfrannu at y mater. Mae hyn yn cynnwys archwilio systemau, diwylliant, cyfathrebu ac arferion arweinyddiaeth ar draws y sefydliad. Os nad oedd y cyflogai ar fai, ond bod gan amodau o fewn y sefydliad ran sylweddol yn y mater, rhaid cofnodi hyn a gweithredu arno i atal neu leihau'r siawns y bydd yr un broblem yn digwydd eto.
- 15.4 Dylid rhannu dysgu o fewn y sefydliad ar draws timau ac adrannau, gyda ffocws ar wella arfer, cryfhau'r math o ddiwylliant rydym wedi ymrwymo iddo ac annog unigolion i fod yn gyfrifol am eu hymddygiad. Mae hyn yn creu amgylchedd gwaith teg sy'n cydbwysu dysgu â chymryd cyfrifoldeb, ac yn blaenoriaethu lles cyflogaion a'r gweithlu ehangach. Dylai staff bob amser fod yn ymwybodol o gyfrinachedd wrth rannu gwybodaeth.

Atodiad 1: Diffiniadau camymddwyn a chamymddwyn difrifol

Camymddwyn	Dyma enghreifftiau o'r hyn y gellir ei ystyried yn gamymddwyn. 1. Methu â chadw at oriau gwaith. 2. Cymryd amser i ffwrdd nad yw wedi'i gytuno ymlaen llaw. 3. Gwrthod neu fethu â dilyn cyfarwyddyd rhesymol. 4. Bod yn rhan o unrhyw weithgareddau troseddol (ac eithrio'r rhai a ddosbarthir fel camymddwyn difrifol). 5. Peidio â dilyn arferion, gweithdrefnau a rheolau diogelwch. 6. Mynd i mewn i eiddo [MEWNOSODWCH Y SEFYDLIAD] heb ganiatâd. 7. Defnyddio offer penodol heb ganiatâd. 8. Dinistrio, newid, ychwanegu at neu ddileu dogfennau swyddogol heb ganiatâd. 9. Bod yn sarhaus tuag at gyflogai, claf neu aelod o'r cyhoedd arall. 10. Peidio â chwrdd ag amserlenni gwaith yn fwriadol. 11. Camddefnyddio offer TG, cyfleusterau neu weithdrefnau'r sefydliad yn fwriadol. 12. Methu â dilyn gweithdrefnau a pholisïau'r sefydliad. 13. Gweithredoedd eraill nad ydynt, ym marn y rheolwyr, yn ymddygiad da ac sy'n debygol o niweidio enw da'r sefydliad.
Camymddwyn difrifol iawn	Dyma enghreifftiau o'r hyn y gellir ei ystyried yn gamymddwyn difrifol. 1. Methu dro ar ôl tro ag ymateb i gamau anffurfiol blaenorol. 2. Aflonyddu rhywiol – unrhyw ymddygiad annymunol o natur rywiol sydd â'r pwrpas neu'r effaith o gymryd urddas unigolyn neu greu amgylchedd bygythiol, gelyniaethus, israddol, gwaradwyddus neu sarhaus. 3. Hiliaeth – unrhyw ymddygiad, gweithred neu sylw sy'n gwaradwyddo, yn eithrio, neu'n gwahaniaethu yn erbyn unigolyn ar sail ei hil, lliw croen, cenedligrwydd neu gefndir ethnig neu genedlaethol. 4. Mathau eraill o wahaniaethu, gan gynnwys rhywiaeth, homoffobia, gwahaniaethu ar sail gallu neu unrhyw ymddygiad gwahaniaethol yn seiliedig ar nodweddion gwarchodedig eraill. Gallwch ddarllen mwy am nodweddion gwarchodedig yn

	https://www.equalityhumanrights.com/equality/equality-act-2010/protected-characteristics. 5. Aflonyddu – unrhyw ymddygiad annymunol (boed ar lafar neu'n gorfforol) sy'n creu amgylchedd bygythiol, gelyniaethus neu sarhaus i unigolyn neu grŵp. 6. Ymosodiad – ymosodiad corfforol ar ddefnyddiwr gwasanaeth, gofalwr, aelod arall o staff neu aelod o'r cyhoedd. Mae hyn yn cynnwys ymladd, cam-drin corfforol ac ymosodiad rhywiol. 7. Lladrad neu ddwyn – cymryd eiddo sy'n eiddo i ni, defnyddiwr gwasanaeth, gofalwr neu aelod arall o staff heb ganiatâd. 8. Bwlio neu ymddygiad bygythiol neu aflonyddgar tuag at ddefnyddiwr gwasanaeth, gofalwr, aelod arall o staff neu aelod o'r cyhoedd. 9. Bod yn ddi-hid neu'n ddiofal yn y gwaith – unrhyw weithred (neu fethiant bwriadol i weithredu) sy'n bygwth iechyd a diogelwch defnyddiwr gwasanaeth, gofalwr, aelod o'r cyhoedd neu aelod arall o staff. 10. Achosi difrod difrifol i eiddo sy'n eiddo i ni, defnyddiwr gwasanaeth, gofalwr neu aelod arall o staff. 11. Gweithredoedd o dwyll a llygredd, gan gynnwys derbyn rhoddion, arian, nwyddau a ffafrau. 12. Torri cyfrinachedd – colli gwybodaeth gyfrinachol, cael mynediad at wybodaeth gyfrinachol heb ganiatâd, rhannu gwybodaeth gyfrinachol neu rannu gwybodaeth bersonol am ddefnyddiwr gwasanaeth, gofalwr neu aelod arall o staff (ac eithrio oni bai bod dyletswydd gyfreithiol i rannu gwybodaeth, er enghraifft, pan fo pryder ynghylch diogelu). 13. Torri'r Cod Ymddygiad Proffesiynol. 14. Cuddio neu ddinistrio tystiolaeth. 15. Cael perthynas amhriodol neu amhroffesiynol gydag unrhyw ddefnyddiwr gwasanaeth. 16. Mynediad bwriadol at neu lawrlwytho deunydd pornograffig, gwahaniaethol neu sarhaus. 17. Meddu ar neu geisio cyflenwi alcohol neu sylweddau eraill (nid oes rhaid i'r rhain fod yn anghyfreithlon). 18. Bod dan ddylanwad alcohol neu sylweddau (nid oes rhaid i'r rhain fod yn anghyfreithlon) naill ai cyn mynd ar ddyletswydd neu tra ar ddyletswydd. 19. Rhannu unrhyw ddeunydd sy'n torri polisïau cydraddoldeb ac amrywiaeth y sefydliad.
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	20. Bod yn rhan o droseddau troseddol (gan gynnwys twyll, llygredd a llwgrwobrwyo), materion yn ymwneud â chyrff rheoleiddio proffesiynol a materion yn ymwneud â datgelu a gwahardd. 21. Gwneud neu anfon honiadau maleisus neu ofidus yn erbyn y cyflogwr, rheolwyr neu gydweithwyr. 22. Triniaeth annheg o weithiwr sydd wedi codi pryderon o dan bolisi Codi Pryderon Cymru Gyfan. 23. Rhoi gwybodaeth ffug neu gamarweiniol ar unrhyw adeg, gan gynnwys wrth wneud cais am unrhyw rôl o fewn y sefydliad. Gall hyn gynnwys gwybodaeth am swyddi neu gymwysterau blaenorol, darparu datganiad iechyd ffug, neu beidio â datgan trosedd neu fod yn rhan o achos cyfreithiol parhaus sy'n ymwneud â throsedd yn unol â Deddf Adsefydlu Troseddwyr 1974.
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EQIA – NHS Wales Disciplinary Policy and Process

1.	What are you equality impact assessing?	NHS Wales Disciplinary Policy and Process
2.	Policy Aims and Brief Description	This policy is a framework for managing workplace behaviour and conduct in a way that is consistent, values-driven and aligned with the principles of a just culture. It directs managers to address concerns early, engage in constructive dialogue, and seek resolution through learning and reflection wherever possible, while also upholding the standards required of all employees, including those accountable to professional regulatory bodies. It recognises the potential to cause to those involved in the disciplinary process and to only use when other avenues have been exhausted. This policy is underpinned by a commitment to equity, inclusion, and cultural competence. It recognises the importance of understanding and respecting diversity across all protected characteristics. It acknowledges emerging evidence of disproportionate disciplinary outcomes and poor experiences among members of the global majority and seeks to actively mitigate bias and promote equitable treatment through reflective practice and inclusive decision-making.
3.	Who is responsible for the Policy/work?	NHS Wales organisations and the sub-committee of the Welsh Partnership Forum Business Committee
4.	Who is Involved in undertaking this EqlA?	Welsh Partnership Forum Business Committee (Sub Group)

5.	Is the Policy related to other Policies/areas of work?	Managing Attendance at Work, Respect and Resolution Policies, Improving Performance at Work Policy. Codes of Conduct of Professional/Regulatory Bodies, Staff Charters
6.	Stakeholders	All employees, trade unions, patients, carers
7.	What might help/hinder the success of the Policy?	Factors that may hinder: • A lack of leadership and commitment at Board level • A lack of training and development to support the implementation of the policy framework. • An insufficient understanding of the potential for psychosocial harm to individuals when applied poorly • Resource constraints. Factors that may help: This policy review has taken place alongside an all-Wales programme of improvement that has included: • Training 1000+ staff within the NHS, which has provided an opportunity to gain insights from those who commission and lead disciplinary processes; • Research, which has highlighted the limitations of existing processes and recommendations for improvement; • Engagement with professional bodies including Acas, CIPD and the HPMA, in order to ensure it aligns with emerging practice. Alongside the insights from the training, an evidence review was undertaken, which included a screening assessment of the existing policy to improve its accessibility. There were several recommendations relating to the policy language itself and implementation factors that we considered during the policy redesign work.

		A set of guiding principles were developed to inform the policy redesign that had been shaped from the research and evidence review carried out. During the design of the policy, four engagement events were held, which were attended by 300 stakeholders including a dedicated session seeking feedback through an anti-discriminatory lens. Feedback from these sessions, as well as individual and formal collective feedback from organisations informed reshaping the policy into the current version. The policy includes a set of principles: Person-centred approach: The organisation will place the employee at the centre of the process, ensuring that their individual needs, values and circumstances are respected and appropriately addressed. Fairness and cultural competence: The organisation recognises that unconscious bias, limited cultural awareness and differing cultural norms can influence how behaviour is perceived and managed. Steps will be taken to ensure that all decisions are informed by cultural competence and are free from bias. Psychological Safety and Wellbeing: The organisation acknowledges the potential anxiety and stress experienced by individuals during disciplinary processes and will act with empathy, clarity and consistency to minimise psychological harm. Timeliness and communication: The organisation is committed to conducting investigations efficiently and proportionately, minimising harm and cost to all parties. Regular communication will be maintained with those involved to provide clarity regarding process and timelines. Proportionality and early resolution: The organisation will encourage managers and disciplining officers to consider and pursue alternative means of resolution before proceeding to formal disciplinary action.
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		Evidence-based decision-making: The organisation will ensure that decisions are based on objective, comprehensive and reliable information gathered during both the fact-finding and formal investigation stages. Systemic awareness: The organisation recognises that individual behaviour often occurs within complex systems. Broader organisational and contextual factors will therefore be considered before initiating or progressing a disciplinary process.
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Information Gathering

Welsh Language	Marriage and Civil Pship	Religion Belief	Maternity and pregnancy	Age	Sexual Orientation	Gender Reassign	Gender	Disability	Race	
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Is the policy relevant to the public specific duties relating to each equality strand? Tick as appropriate
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	In other words, should the Policy: eliminate discrimination and eliminate harassment in relation to:
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	promote equality of opportunity in relation to:

promote good relationships and positive attitudes in relation to:	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
encourage participation in public life in relation to:	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
In relation to disability only, should the Policy take account of difference, even if it involves treating some individuals more favourably?		✓								
The Human Rights Act contains 15 rights, all of which NHS Wales organisations have a duty to act compatibly with and to respect, protect and fulfil. The 6 rights that are particularly relevant to healthcare are listed below. For a fuller explanation of these rights and other rights in the Human Rights Act please refer to Appendix A: The Legislative Framework. Depending on the Policy you are considering, you may find the examples below helpful in relation to the Articles										
						Yes		No		
Consider, is the Policy relevant to:										
Article 2: The right to life Examples: The protection and promotion of the safety and welfare of patients and staff; issues of patient restraint and control						Yes, this policy's aim is to ensure staff and patient safety issues are addressed appropriately and proportionally.				
Article 3: The right not be tortured or treated in an inhuman or degrading way						Yes, this policy has fairness and respect at the centre of its design. Adjustments				

Examples: Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; Issues of patient restraint and control	have been highlighted and bias has been mitigated within the fact-finding process.	
Article 5: The right to liberty Examples: Issues of patient choice, control, empowerment and independence; issues of patient restraint and control		No
Article 6: The right to a fair trial Example: issues of patient choice, control, empowerment and independence	Yes, the policy requires fair decision making processes and independence in decision making.	
Article 8: The right to respect for private and family life, home and correspondence; Issues of patient restraint and control Examples: Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; the right of a patient or employee to enjoy their family and/or private life	Yes, issues of dignity and privacy, for example, impact on family life of suspension and potential loss of employment. Confidentiality issues of not wanting family members to know that an employee is going through a process.	
Article 11 : The right to freedom of thought, conscience and religion Examples: The protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers	Yes, issues of respect for different religious beliefs and cultural values and the balance of this in dealing appropriately	

	with harassment and discrimination.	
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Characteristic	Information Gathered
Race	• WRES Report NHS Wales 2024 - National report 2024 - NHS Wales • New RCN data shows surge in reports of racist abuse at work for ethnic minority staff - IER • UNISON wins long-running race discrimination case against Leicester City Council News, Press release News UNISON National • 2 in 5 BME workers experience racism at work – new TUC report - IER • NHS England » Sharing replicable good practice on workforce race equality and inclusion: case studies • Race inclusion report: Equality of career progression CIPD • Race in the workplace: The McGregor-Smith review • The Race at Work Charter - Business in the Community • Supporting race equality, diversity and inclusion (EDI) at work: Guidance for managers CIPD • Key Resources for Workplace Equality - Business in the Community • Disproportionality in NHS Disciplinary Proceedings British Journal of Healthcare Management
Disability	• People Manager Guide - Grievance, disciplinary and capability proceedings Business Disability Forum • Capability and performance - Supporting disabled people at work - Acas • Bullying, harassment and discrimination of Disabled people in the workplace TUC • Proving disability and reasonable adjustments - EHR.com • Disability discrimination – keypoints in the workplace - ACAS • Work Foundation report on Work, Health and Absence in the Public Sector • The Public Sector and Equality for Disabled People, Dept for Work and Pensions • Disability and sickness absence – PCSU • Sickness absence and disability – TUC • Guidance relating to disability for the NHS – NHS Employers

Gender	• Sexual harassment and harassment at work: technical guidance EHRC • The Work Foundation has also produced a number of reports on changing demographics. • Equal Opportunities Commission “Gender Equality and the Future of Work” • Legal and General’s “Value of a Mum” • Gender, culture and organisational change, Open University • Sex Discrimination in the Workplace, ACAS, March 2016 • How to improve gender equality in the workplace: actions for employers - GOV.UK • Women in the Workplace 2024 report McKinsey
Gender Reassignment	• The Workplace and Gender Reassignment • Tribunal Ruling: Harassment at Royal Mail: https://www.thetimes.com/uk/law/article/sophie-cole-trans-royal-mail • Gender Reassignment Policy – Cardiff University • Gender Reassignment Policy – Aston University • Absence from Work Because of Gender Reassignment – Citizens Advice • Supporting transgender and non-binary people at work: Guide for people professionals CIPD • Preventing discrimination - Gender reassignment discrimination - Acas • The Workplace and Gender Reassignment • Transgender Workplace Support Project • Transforming the Workplace – A TUC guide Activist Template • Supporting transgender workers
Sexual Orientation	• Preventing discrimination - Sexual orientation discrimination - Acas • Inclusion at work: Perspectives on LGBT+ working lives • Job Satisfaction and Sexual Orientation in Britain - Sait Bayrakdar, Andrew King, 2022 • TUC - Sexual harassment of LGBT people in the workplace • https://www.stonewall.org.uk/resources/lgbt-britain-work-report-2018

Age	• https://sheffield.ac.uk/news/anti-age-discrimination-policies-are-failing-workplace • https://www.hrmagazine.co.uk/content/news/ageism-most-commonly-experienced-at-work-study-finds The Work Foundation has also produced a number of reports on changing demographics, changing work patters for young workers, retention of older workers, e.g. 0-5 How small children can make a big difference, The Ageing Workforce, Work, Health and Absence in the Public Sector • https://www.cipd.org/uk/knowledge/employment-law/age-discrimination • Productivity and Age – Age UK Policy position paper – grandparents • Getting better with age? The experiences of older workers - NIESR • Fulfilling work: What do older workers value about work and why? Centre for Ageing Better • Performance life span of workers mapped in new research - HR News • The Rising Importance of Older Workers Bain & Company
Maternity and Pregnancy	• Pregnancy related absence - EHRC • Pregnancy and Maternity Rights – Xpert HR • Discrimination at Work Because of Pregnancy or Maternity Leave - CAB • Preventing discrimination - Pregnancy and maternity discrimination - Acas • Tips for Improving Performance of Pregnant Employees at Work: • Help, our pregnant employee is underperforming? - Redwing Solutions • Managing pregnant employees • Pregnancy and maternity: Pregnancy EHRC • Workplace support for employees experiencing pregnancy or baby loss CIPD
Religion or Belief	• acas-religion-or-belief-and-the-workplace.pdf • Various case studies relating to the need for flexible arrangements for staff who may not live in the same country as their relatives. • Preventing discrimination - Religion or belief discrimination - Acas • How to embrace religious diversity in the workplace • Faith-friendly policies improve workplaces, companies tell No 10 - Religion Media Centre • Managing Religion and Belief in the Workplace – People Management 66321 • Is religious diversity good for team performance? - LSE Business Review

Marriage and Civil Partnership	• Preventing discrimination - Marriage and civil partnership - Acas • Marriage and civil partnership discrimination: UK employment law CIPD
Welsh Language	• Some Work Foundation reports relating to employers and the Welsh Language. • Welsh language use in the workplace (Welsh Language Use Survey): July 2019 to March 2020 [HTML] GOV.WALES • Welsh as a way of working: 2021-22 Report
Human Rights	General There are gaps in workforce equality monitoring data across all of the protected characteristics. Disaggregated workforce monitoring data is required to inform future policy review and assessment. It is also noted that public sector employers in Wales will have a specific duty to make arrangements to collect employee data in respect of such procedures.

Assessment of Relevance and Priority

Equality	Evidence: Existing Information to suggest some groups affected. Gathered from Step 2. (See Scoring Chart A)	Potential Impact: Nature, profile, scale, cost, numbers affected, significance. Insert one overall score (See Scoring Chart B)	Decision: Multiply 'evidence' score by 'potential impact' score. (See Scoring Chart C)
Race	3	+3	9
Disability	2	+3	6
Gender	2	+3	6
Gender reassignment	2	+2	4
Sexual Orientation	2	+2	4
Age	2	+2	6
Religion or Belief	1	+2	2
Maternity and Pregnancy	2	+2	4
Marriage and Civil Partnership	1	+1	1

Welsh Language	2	+2	4
Human Rights	2	+3	6

Scoring Chart A: Evidence Available

3	Existing data/research
2	Anecdotal/awareness data only
1	No evidence or suggestion

Scoring Chart B: Potential Impact

-3	High negative
-2	Medium negative
-1	Low negative
0	No impact
+1	Low positive
+2	Medium positive
+3	High positive

Scoring Chart C: Impact Decision

-6 to -9	High Impact (H)
-3 to -5	Medium Impact (M)
-1 to -2	Low Impact (L)
0	No Impact (N)
1 to 9	Positive Impact (P)

Outcome

You are advised to use the template below to detail the outcome and any actions that are planned following the completion of EqIA. You should include any remedial changes that have been made to reduce or eliminate the effects of potential or actual negative impact, as well as any arrangements to collect data or undertake further research.

Will the policy be adopted?	Yes
If no please give reasons and any alternative action(s) agreed.	
Have any changes been made to the policy/ plan / proposal / project as a result of conducting this EqIA?	Yes. To mitigate against an overuse of the policy and provide assurance that a robust and accessible assessment is carried out, the policy includes a detailed factfinding assessment document that is required to be completed to support managers in decision making. This should mitigate bias. Managers are required to consider the following: Nature of the incident (was there wilful, reckless or malicious behaviour, was the incident intentional or a result of negligence, does the incident involve misconduct of a significant nature (e.g. safeguarding breach, patient harm, gross misconduct?))

	• Impact and harm (was there harm to patients, staff or the organisation, what was the severity and scale of the harm, was there potential for harm, even if none occurred?) • Evidence of deliberateness (is there evidence that protocols or policies were knowingly ignored? were there clear, agreed protocols in place at the time, was the action a repeated failure despite prior guidance?) • Health, wellbeing and substance misuse factors (are there indications of mental ill health, stress or wellbeing concerns affecting performance, is there evidence of substance misuse that may have contributed, have appropriate health support processes been considered?) • Systemic and organisational factors (were there gaps in training, induction or supervision, were resources, workload or system pressures a factor, were policies, procedures and guidance clear and accessible, is there evidence of a wider organisational or cultural issue?) • Comparability and substitution (would others in a similar role, with similar training and experience, act the same way, were peers given equivalent support and guidance, was the individual given adequate supervision and resources?) • Prior history and context (is there a history of similar behaviour or previous disciplinary issues, have informal approaches or improvement measures already been attempted, has the individual previously been supported to improve?) • Mitigating circumstances (are there personal or situational factors that mitigate responsibility, did the individual act under duress, conflicting instructions, or exceptional pressure?) • Proportionality and learning (would a disciplinary investigation be proportionate to the severity and nature of the incident, could the matter be addressed more effectively through other routes e.g. performance improvement, coaching, mediation, learning review?) Further changes made as a result of carrying out the EQIA alongside the policy review also includes the introduction of independence in decision-making. A commissioning manager will review the fact finding assessment should the manager be recommending formal disciplinary investigation. An investigation cannot be commissioned without this step in the process.
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Action Plan for All Wales Disciplinary Policy and Process		
ACTION	BY WHOM	By WHEN
Measurement plan to be developed that will be able to assess the application of the new policy and procedure These measures will include application, disaggregated against each protected equality characteristic, workplace/directorate and staff group.	Sub Committee of the Business Committee	December 2025
Monitoring arrangements will be determined locally. Monitoring outcomes will be reported to Boards	Workforce and OD Directors	Every 6 months
Policy implementation training for managers to include scope and application of duty to consider reasonable adjustments for disabled employees.	HEIW will deliver a series of in person train the trainer workshops alongside Workforce and OD, Wellbeing and Trade Unions representatives.	
Continued roll out of appropriate training and support to ensure implementation takes into account of debiasing techniques and cultural competence.	NHS Wales Organisations	



All-Wales Improving Performance at Work Policy

Fforwm Partneriaeth Cymru
Welsh Partnership Forum

GIG Cymru yn
Gweithio mewn Partneriaeth

NHS Wales
Working in Partnership



Contents

1. Policy statement	2
2. About this policy	2
3. Principles	2
4. Informal Stage	3
5. Formal Stage 1 Meeting	4
6. Formal Stage 2 Meeting	4
7. Confirming Formal Stage Outcomes	5
8. Stage 3 Hearing	5
9. Appeal	6
10. Equality	7
11. General Data Protection Regulations	7
12. Monitoring	7
13. Approval	7
Appendix 1 – Informal Performance Improvement Plan Template	0
Appendix 2 – Formal Performance Improvement Plan Template	2

1. Policy statement

- 1.1 The Core Principles of NHS Wales are central to this policy and have been applied throughout. [NHS Wales Core Principles](#)

2. About this policy

- 2.1 This policy is applicable to all employees employed in NHS Wales organisations, except Medical and Dental staff where specific arrangements apply in cases of professional conduct or competence. It does not apply to bank workers, agency workers or self-employed contractors.
- 2.2 Before considering any action in accordance with this policy, the relevant code of conduct and professional code of practice should be considered, and advice should be sought from the relevant professional lead.
- 2.3 The primary aim of this policy is to provide a framework within which managers can work with employees to maintain satisfactory performance standards and to encourage improvement where necessary.
- 2.4 Where an employee is either jointly employed or is not employed by the NHS Organisation but provides a service for the NHS Organisation, the performance issue will be addressed under the scope of the policy of the lead employer.
- 2.5 This policy should be used where the unsatisfactory performance is due to a genuine lack of skill or ability. Where unsatisfactory performance is attributed to suspected misconduct, it should be dealt with under the Disciplinary Policy. Where the primary cause of unsatisfactory performance is considered to be health related, this should be referred, in the first instance to the All Wales Managing Attendance at Work Policy.

3. Principles

- 3.1 Line Managers are responsible for ensuring that all employees are given a clear understanding of their duties, the standards of performance expected and assessment of any development needs which they may have, including the timescales within which these need to be addressed. This is usually undertaken via the PADR process.
- 3.2 During an induction period, the expectation would be that the level of support required would be greater than once the employee has settled in.
- 3.3 During the normal course of their duties, line managers should meet regularly with their employees and bring to their attention any issues relating to their performance.
- 3.4 All employees have the right to be accompanied by a Trade Union representative or work colleague, at all formal stages of the process. If the preferred representative is unavailable, but a suitable alternative is, this should not delay the process.

- 3.5 Performance matters should be dealt with sensitively and with due respect for the privacy of the individuals involved.
- 3.6 All meetings should be conducted in a manner that is supportive to the employee to enable them to understand the concerns and meet the level of performance required at the earliest opportunity.
- 3.7 Line managers will put the employee at the centre of the process and respect and appropriately respond to each person's needs and values. They will recognise the potential for bias involving employees from an ethnic minority background, as well as those from other under-represented groups, and will be proactive to ensure bias does not form part of any decision-making.
- 3.8 Line managers will recognise the ways cultural backgrounds, values and norms may influence an employee's behaviour, communication style or perceptions. By integrating cultural competence, decision-makers can avoid misinterpreting actions or intentions that stem from cultural differences rather than misconduct.
- 3.9 Line managers will be aware of the impact that experiences of racism, microaggressions, and other forms of discrimination can have on employees is recognised. The aim is to ensure that all employees are treated with fairness, dignity, respect, and taking into account their backgrounds, circumstances, and characteristics. These include age; impairment or health condition (disabled people); gender, gender identity or gender expression; race, culture, ethnicity or nationality; religion, belief, or non-belief; sexual orientation; pregnancy and maternity; and relationship status.
- 3.10 Line managers should be aware of the role intersectionality has on an employee's experiences of the Improving Performance at Work policy.

4. Informal Stage Discussion

4.1 This should include:

- A clear statement from the manager outlining areas of performance in need of improvement, together with an explanation of the standard expected. (Reference can be made to the job description, PADR objectives and/or any specific examples of work causing concern.)
- Identification of the extent and nature of the factors and impact arising.
- Exploring how the factors identified can be overcome or minimised.
- Exploring any mitigating circumstances, e.g. underlying health conditions
- Setting clear targets for improvement and developing an action plan with timescales for any follow up and/or achievement.
- Offering and agreeing opportunities for support and training.

4.2 Following the meeting, the manager will provide a copy of summary of the meeting. This will include the areas of performance considered as unacceptable, the informal performance improvement plan (insert link) and timescales.

- 4.3 A date should be set (usually defined in weeks) for a follow-up meeting to review progress; the purpose of which will be to confirm areas where performance concerns have been addressed and/or to outline areas, if any, where performance remains unsatisfactory.
- 4.4 Where performance remains unsatisfactory after the follow up meeting, the employee will be advised that the issues remaining will progress to the formal stage of the process and a formal meeting arranged.

5. Formal Stage 1 Meeting

- 5.1 The meeting arrangements will be sent to the employee 7 calendar days in advance. The meeting should cover as a minimum the following: -
- A summary from the manager outlining the informal process to date or reasons why it was not appropriate to consider the concern(s) at the informal stage.
 - A clear statement by the manager outlining areas of performance in need of improvement, together with an explanation of the standard expected.
 - An acknowledgement, where appropriate, of any improvement, however small.
 - Consideration of any mitigating factors.
 - Establishment of a formal performance improvement plan (PIP) with timescales.
 - Agreeing additional opportunities for support and training, if appropriate.

6. Formal Stage 2 Meeting

- 6.1 The meeting arrangements will be sent to the employee 7 calendar days in advance. The meeting should cover as a minimum the following: -
- A summary from the manager covering the informal/formal process to date and outcome.
 - Acknowledgement of any improvement, however small.
 - Specific details of all aspects of the employee's work which remains unsatisfactory.
 - Consideration of any mitigating factors.
 - Review/revision of the Performance Improvement Plan (PIP) with revised timescales.
 - Clarification of next steps if performance does not reach the required standard.
 - Agreeing any further opportunities for support and (re)training if appropriate.

7. Confirming Formal Stage Outcomes

- 7.1 Following a formal meeting, the manager will send a letter to the employee outlining a summary of the meeting, including the areas of performance considered as unsatisfactory, the improvement plan, timescales and next steps.
- 7.2 A date should be included (usually defined in weeks) for a follow-up discussion to review progress; the purpose of which will be to confirm areas where performance concerns have been addressed and/or to outline areas, if any, where performance remains unsatisfactory.

N.B. Where performance improves to the required standard sooner than the timescales require, the discussion can be brought forward, and the process concluded.

- 7.3 Where performance remains unsatisfactory, the employee will be advised that the issues remaining will progress to the next stage of the formal process.

8. Stage 3 Hearing

- 8.1 The hearing will comprise of a panel of a more senior manager not previously involved and a Senior Workforce/HR Manager. Arrangements will be sent to the employee 14 calendar days in advance and include the following documents:

- Outcome email/letter for each stage undertaken
- Copy of each PIP
- Stage 3 invite letter

- 8.2 The Hearing will follow the following structure:

- The manager will provide a verbal statement outlining:
 - the process followed to date
 - a summary of the issues
 - support offered (taken from the PIPs)
 - progress to date
 - concerns remaining and their impact
- The employee can provide a verbal and/or written response in relation to each of the above points together with any mitigating factors they wish the panel to take account of.
- The panel may ask questions of each party in relation to the case presented.
- The views of the employee may also be sought in relation to any redeployment opportunities available at the time.
- The panel will then adjourn to consider their determination.

8.3 The outcomes available to the panel are as follows:

- a) The PIP has been achieved in full by the date of the hearing and performance is assessed as satisfactory. If similar performance issues arise again within a 12-month period, the individual will be invited to a further stage 3 Hearing.
- b) There has been partial achievement of the PIP; the timescales for improvement are extended for a further period (usually no more than one month). The Stage 3 Hearing will be adjourned and reconvened at the end of this period to formally review the position.
- c) Performance remains below the required standard; the employee will be dismissed by reason of capability. Any offer of alternative employment will be included in the outcome letter and be dealt with in accordance with the Redeployment Procedure.

8.4 The outcome letter will be sent to the employee within 7 calendar days of the hearing.

9. Appeal

9.1 The employee has a right of appeal against dismissal within 14 calendar days of the date of the Stage 3 outcome letter. The grounds of appeal should be included in the notification.

N.B. The date the dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity or pay.

9.2 The appeal will be heard by a panel comprising of a more senior manager not previously involved (nominated by the Deputy Director of Workforce and Organisational Development) and the Head of Workforce/HR or deputy. Arrangements will be sent to the employee 14 calendar days in advance and include the following documents:

- Grounds of appeal
- Outcome documentation for each stage undertaken
- Copy of each PIP
- Appeal invite letter

9.3 The purpose of the appeal is to establish if the decision to dismiss was reasonable in light of the grounds raised by the employee and the case presented by the senior manager of the Hearing Panel. The appeal is not a re-hearing of the original evidence.

9.4 The outcomes available to the appeal panel will be to:

- a) uphold the appeal
- b) dismiss the appeal

c) uphold the appeal in part

9.5 The employee will be advised of the outcome of their appeal in writing, usually within one week of the appeal hearing. There will be no further right of appeal.

10. Equality

10.1 This policy has been impact assessed to ensure that it promotes equality and human rights.

10.2 Employees can receive any documentation arising from this process in either Welsh or English and can use the Welsh language in any meeting attended. A simultaneous translation service will be provided at the meeting when it cannot be conducted solely in Welsh.

11. General Data Protection Regulations

11.1 All documents generated under this policy that relate to identifiable individuals are to be treated as confidential documents, in accordance with the NHS Organisation's Data Protection Policy.

12. Monitoring

12.1 Details of all performance management discussions under this policy will be recorded on the employee's file for a period of 12 months from conclusion of the process. Anonymised data may be reported to the relevant Committee as deemed appropriate by the employing organisation.

13. Approval

Signed on behalf of the Staff Side:

Signed:

Name:

.....

Title:

.....

Date:

.....

Signed on behalf of the Management Side:

Signed:

Name:

Title:

Date:

Appendix 1 – Informal Performance Improvement Plan Template

Employee Name _____

Date of Meeting _____

Employee Number _____

Job Title _____

When developing the performance improvement plan, it must be ensured that each objective is Specific, Measurable, Achievable, Relevant, Time specific (SMART). The plan in its totality should also be achievable and objectives should not be too numerous taking into consideration the time specified for achievement.

Outline what aspect of the role the concern(s) relate to and the frequency of the activity	Outline the concern(s) identified (include specific examples where possible and their impact)	Mitigation put forward	Training and support discussed	Details of what success will look like	Timescale for completion (usually defined in weeks)



SIGNED	_____	Manager's Name	_____	Date	_____
SIGNED	_____	Individual's Name	_____	Date	_____

Appendix 2 – Formal Performance Improvement Plan Template

Form PIP2 - Formal Performance Improvement Plan

Stage 1 Meeting* / Stage 2 Meeting* (*delete as appropriate)

Employee Name _____

Date of Meeting _____

Employee Number _____

Job Title _____

Dates of Previous Meetings _____

When developing the performance improvement plan, it must be ensured that each objective is Specific, Measurable, Achievable, Relevant, Time specific (SMART). The plan in its totality should also be achievable and objectives should not be too numerous taking into consideration the time specified for achievement.

Outline what aspect of the role/objective the concern(s) relates to and the frequency of the activity	Outline the concern(s) identified (include specific examples where possible and their impact)	Mitigation put forward previously	Action required Include details of training and support offered	Details of what success will look like	Timescale for completion (usually defined in weeks)	Progress Made including details of training and support provided.	Status update: Place 'Y' in one of the boxes below	
							Performance now satisfactory	Performance Concerns Carried Forward
(Copy from PIP1)	(Copy from PIP1)	(Copy from PIP1)	(Copy from PIP1)	(Copy from PIP1)	(Copy from PIP1)			

--	--	--	--	--	--	--	--	--

Overall Assessment - Performance has improved to the standard required Yes* / No *

Where action(s) carried forward please update below:

Outline what aspect of the role the concern(s) relate to and the frequency of the activity	Outline the concern(s) identified (include specific examples where possible and their impact)	Mitigation put forward at meeting	Training and support discussed	Details of what success will look like	Timescale for completion (usually defined in weeks)
(Copy from above)	(Copy from above)				

Employee informed of next steps Yes* / No* Date of next meeting _____

SIGNED _____ Manager's Name _____ Date _____

SIGNED _____ Individual's Name _____ Date _____



Polisi Gwella Perfformiad yn y Gwaith Cymru Gyfan

Fforwm Partneriaeth Cymru
Welsh Partnership Forum

GIG Cymru yn
Gweithio mewn Partneriaeth

NHS Wales
Working in Partnership



Contents

1. Datganiad polisi	2
2. Ynglŷn â'r polisi hwn	2
3. Egwyddorion	2
4. Trafodaeth Cyfnod Anffurfiol	3
5. Cyfarfod Cyfnod ffurfiol 1	4
6. Cyfarfod Cyfnod ffurfiol 2	5
7. Cadarnhau Canlyniadau'r Cyfnod Ffurfiol	5
8. Gwrandawriad Cam 3	5
9. Apelio	7
10. Cydraddoldeb	7
11. Rheoliad Cyffredinol ar Ddiogelu Data	8
12. Monitro	8
13. Cymeradwyaeth	8
Atodiad 1 – Templed Cynllun Gwella Perfformiad Anffurfiol	0
Atodiad 2 – Templed Cynllun Gwella Perfformiad Ffurfiol	2

1. Datganiad polisi

- 1.1 Mae Egwyddorion Craidd GIG Cymru yn ganolog i'r polisi hwn ac maent wedi cael eu cymhwyso drwyddo draw. [NHS Wales Core Principles](#)

2. Ynglŷn â'r polisi hwn

- 2.1 Mae'r polisi hwn yn gymwys i bob cyflogai a gyflogir gan sefydliadau GIG Cymru ac eithrio staff Meddygol a Deintyddol, ac eithrio staff Meddygol a Deintyddol lle mae trefniadau penodol yn gymwys mewn achosion yn ymwneud ag ymddygiad neu gymhwysedd proffesiynol. Nid yw'n gymwys i weithwyr banc, gweithwyr asiantaeth na chontractwyr hunangyflogedig.
- 2.2 Cyn ystyried unrhyw gamau yn unol â'r polisi hwn, dylid ystyried y cod ymddygiad a'r cod ymarfer proffesiynol perthnasol, a dylid gofyn am gyngor gan yr arweinydd proffesiynol perthnasol.
- 2.3 Prif nod y polisi hwn yw darparu fframwaith i alluogi rheolwyr i weithio gyda gweithwyr er mwyn cynnal safonau perfformiad boddhaol ac annog gwelliant os oes angen.
- 2.4 Pan fo gweithiwr naill ai'n cael ei gyflogi ar y cyd neu nad yw'n cael ei gyflogi gan Sefydliad y GIG ond yn darparu gwasanaeth i Sefydliad y GIG, bydd y mater perfformiad yn cael ei drin o dan gwmpas polisi'r prif gyflogwr.
- 2.5 Dylid defnyddio'r polisi hwn pan fo'r perfformiad anfoddhaol oherwydd diffyg sgiliau neu allu gwirioneddol. Lle priodolir perfformiad anfoddhaol i gamymddwyn a amheuir, dylid ei drin o dan y Polisi Disgyblu. Lle ystyrir bod prif achos perfformiad anfoddhaol yn gysylltiedig ag iechyd, dylid atgyfeirio hyn, yn y lle cyntaf, at Bolisi Rheoli Presenoldeb yn y Gwaith Cymru Gyfan.

3. Egwyddorion

- 3.1 Mae Rheolwyr Llinell yn gyfrifol am sicrhau bod pob gweithiwr yn cael dealltwriaeth glir o'u dyletswyddau, y safonau perfformiad disgwyledig ac asesiad o unrhyw anghenion datblygu a allai fod ganddynt, gan gynnwys yr amserlenni ar gyfer mynd i'r afael â'r rhain. Fel arfer, gwneir hyn drwy'r broses AGDP.
- 3.2 Disgwylir y bydd ar y gweithiwr angen mwy o gefnogaeth yn ystod y cyfnod cynefino nag yn y cyfnod ar ôl iddo setlo.
- 3.3 Wrth gyflawni eu dyletswyddau arferol, dylai rheolwyr llinell gwrdd â'u gweithwyr yn rheolaidd a thynnu eu sylw at unrhyw faterion sy'n ymwneud â'u perfformiad.
- 3.4 Mae gan bob gweithiwr yr hawl i gael cwmni cynrychiolydd Undeb Llafur neu gydweithiwr, ym mhob cam ffurfiol o'r broses. Os nad yw'r cynrychiolydd a ffefrir ar gael, ond bod dewis arall addas ar gael, ni ddylai hyn ohirio'r broses.

- 3.5 Dylid ymdrin â materion perfformiad yn sensitif a chyda pharch dyledus i breifatrwydd yr unigolion dan sylw.
- 3.6 Dylid cynnal pob cyfarfod mewn modd sy'n gefnogol i'r gweithiwr er mwyn iddo allu deall y pryderon a chyrraedd y lefel perfformiad sy'n ofynnol cyn gynted â phosibl.
- 3.7 Bydd rheolwyr llinell yn rhoi'r gweithiwr yng nghanol y broses, yn parchu ac yn ymateb yn briodol i anghenion a gwerthoedd pob unigolyn. Bydd yn cydnabod y potensial ar gyfer rhagfarn sy'n cynnwys gweithwyr o gefndir lleiafrif ethnig, yn ogystal â'r rhai o grwpiau eraill sydd heb gynrychiolaeth ddigonol, a bydd yn rhagweithiol i sicrhau nad yw rhagfarn yn rhan o unrhyw benderfyniadau.
- 3.8 Bydd rheolwyr llinell yn cydnabod y ffyrdd y gall cefndiroedd diwylliannol, gwerthoedd a normau ddylanwadu ar ymddygiad, arddull cyfathrebu neu ganfyddiadau gweithiwr. Drwy integreiddio cymhwysedd diwylliannol, gall gwneuthurwyr penderfyniadau osgoi camddechongli gweithredoedd neu fwriadau sy'n deillio o wahaniaethau diwylliannol yn hytrach na chamymddwyn.
- 3.9 Bydd rheolwyr llinell yn ymwybodol o'r effaith y gall profiadau o hiliaeth, ymddygiad microymosodol, a mathau eraill o wahaniaethu ei chael ar weithwyr. Y nod yw sicrhau bod pob gweithiwr yn cael ei drin â thegwch, urddas, parch, a chan ystyried ei gefndir, ei amgylchiadau a'i nodweddion. Mae'r rhain yn cynnwys oedran; amhariad neu gyflwr iechyd (pobl anabl); rhywedd, hunaniaeth rhywedd neu fynegiant rhywedd; hil, diwylliant, ethnigrwydd neu genedligrwydd; crefydd, cred, neu ddiffyg cred; cyfeiriadedd rhywiol; beichiogrwydd a mamolaeth; a statws perthynas.
- 3.10 Dylai rheolwyr llinell fod yn ymwybodol o rôl croestoriadedd ar brofiadau gweithiwr o'r polisi Gwella Perfformiad yn y Gwaith.

Pan fydd gan weithwyr fwy nag un nodwedd warchodedig, gall gweithwyr brofi gwahaniaethu, rhagfarn ddarwybod ac elfennau eraill o driniaeth wael oherwydd ei fod yn ei brofi oherwydd nifer o nodweddion. Er enghraifft, os yw rhywun o'r gymuned Ddu ac yn anabl, efallai y bydd yn profi cymhwyso polisiâu yn fwy llym nag unigolyn sydd ag un nodwedd warchodedig yn unig oherwydd y rôl y gall pŵer, braint a rhagfarn ddarwybod ei chwarae o'r ddwy nodwedd warchodedig wahanol ac wrth gymhwyso polisiâu o'r fath.

Mae'n bwysig bod rheolwyr llinell yn ymwybodol o'u sefyllfaoedd uwch eu hunain a'u rhagfarn ddarwybod a'u bod yn ymwybodol o gymhwysedd diwylliannol wrth gymhwyso'r broses hon. Dylai hyn fod hyd yn oed yn bwysicach wrth ddelio â gweithwyr sydd â nodweddion gwarchodedig sy'n croestorri.

4. Trafodaeth Cyfnod Anffurfiol

- 4.1 Dylai hyn gynnwys:

- Datganiad clir gan y rheolwr yn amlinellu meysydd perfformiad sydd angen eu gwella, ynghyd ag esboniad o'r safon ddisgwyliedig. (Gellir cyfeirio at y swydd-ddisgrifiad, amcanion AGDP a/neu unrhyw enghreifftiau penodol o waith sy'n peri pryder.)
- Nodi maint a natur y ffactorau a'r effaith sy'n codi.
- Archwilio sut y gellir goresgyn neu leihau'r ffactorau a nodwyd.
- Archwilio unrhyw amgylchiadau lliniarol, e.e. cyflyrau iechyd sylfaenol
- Gosod targedau clir ar gyfer gwella a datblygu cynllun gweithredu gydag amserlenni ar gyfer unrhyw ddilyniant a/neu gyflawniad.
- Cynnig a chytuno ar gyfleoedd ar gyfer cefnogaeth a hyfforddiant.

4.2 Yn dilyn y cyfarfod, bydd y rheolwr yn darparu copi o grynodedd y cyfarfod. Bydd hyn yn cynnwys y meysydd perfformiad a ystyrir yn annerbyniol, y cynllun gwella perfformiad anffurfiol (mewnysod dolen) ac amserlenni.

4.3 Dylid pennu dyddiad (fel arfer wedi'i ddiffinio mewn wythnosau) ar gyfer cyfarfod dilynol i adolygu cynnydd. Y diben fydd cadarnhau meysydd lle mae pryderon perfformiad wedi cael sylw a/neu amlinellu meysydd, os o gwbl, pan fo perfformiad yn parhau i fod yn anfoddhaol.

4.4 Os bydd perfformiad yn parhau i fod yn anfoddhaol ar ôl y cyfarfod dilynol, bydd y gweithiwr yn cael gwybod y bydd y materion sy'n weddill yn symud ymlaen i gam ffurfiol y broses a bod cyfarfod ffurfiol yn cael ei drefnu.

5. Cyfarfod Cyfnod ffurfiol 1

5.1 Anfonir trefniadau'r cyfarfod at y gweithiwr 7 diwrnod calendr ymlaen llaw. Dylai'r cyfarfod gynnwys y canlynol o leiaf: -

- Crynodeb gan y rheolwr yn amlinellu'r broses anffurfiol hyd yma neu resymau pam nad oedd yn briodol ystyried y pryder(on) yn y cam anffurfiol.
- Datganiad clir gan y rheolwr yn amlinellu meysydd perfformiad sydd angen eu gwella, ynghyd ag esboniad o'r safon ddisgwyliedig.
- Cydnabyddiaeth, lle bo'n briodol, o unrhyw welliant, ni waeth pa mor fach y bo.
- Ystyriaeth o unrhyw ffactorau lliniarol.
- Sefydlu cynllun gwella perfformiad ffurfiol gydag amserlenni.
- Cytuno ar gyfleoedd ychwanegol ar gyfer cefnogaeth a hyfforddiant, os yw'n briodol.

6. Cyfarfod Cyfnod ffurfiol 2

6.1 Anfonir trefniadau'r cyfarfod at y gweithiwr 7 diwrnod calendr ymlaen llaw. Dylai'r cyfarfod gynnwys y canlynol o leiaf: -

- Crynodeb gan y rheolwr yn ymdrin â'r broses anffurfiol/ffurfiol hyd yma a'r canlyniad.
- Cydnabyddiaeth o unrhyw welliant, ni waeth pa mor fach y bo.
- Manylion penodol am bob agwedd ar waith y gweithiwr sy'n parhau i fod yn anfoddhaol.
- Ystyriaeth o unrhyw ffactorau lliniarol.
- Adolygu/diwygio'r Cynllun Gwella Perfformiad gydag amserlenni diwygiedig.
- Eglurhad o'r camau nesaf os na fydd y perfformiad yn cyrraedd y safon ofynnol.
- Cytuno ar unrhyw gyfleoedd pellach ar gyfer cefnogaeth ac (ail)hyfforddi os yw'n briodol.

7. Cadarnhau Canlyniadau'r Cyfnod Ffurfiol

7.1 Yn dilyn cyfarfod ffurfiol, bydd y rheolwr yn anfon llythyr at y gweithiwr yn amlinellu crynodeb o'r cyfarfod, gan gynnwys y meysydd perfformiad a'u hystyr yn anfoddhaol, y cynllun gwella, yr amserlenni a'r camau nesaf.

7.2 Dylid cynnwys dyddiad (fel arfer wedi'i ddiffinio mewn wythnosau) i gynnal trafodaeth ddilynol i adolygu cynnydd; y diben fydd cadarnhau'r meysydd lle mae pryderon perfformiad wedi cael sylw a/neu amlinellu'r meysydd, os o gwbl, y mae perfformiad yr unigolyn yn parhau i fod yn anfoddhaol.

D.S. Pan fo perfformiad yn gwella i'r safon ofynnol yn gynt nag sy'n ofynnol o dan yr amserlenni, gellir symud y drafodaeth ymlaen, a chwblhau'r broses.

7.3 Pan fo perfformiad yn parhau i fod yn anfoddhaol, bydd y gweithiwr yn cael gwybod y bydd y materion sy'n weddill yn symud ymlaen i gyfnod nesaf y broses ffurfiol.

8. Gwrandawriad Cam 3

8.1 Bydd y gwrandawriad yn cynnwys panel o reolwr uwch nad oedd yn rhan o'r broses o'r blaen ac Uwch Reolwr y Gweithlu/AD. Anfonir trefniadau at y gweithiwr 14 diwrnod calendr ymlaen llaw a byddant yn cynnwys y dogfennau canlynol:

- E-bost/llythyr canlyniad ar gyfer pob cam a gymerwyd
- Copi o bob Cynllun Gwella Perfformiad
- Llythyr gwahoddiad Cyfnod 3

8.2 Bydd y Gwrandawriad yn dilyn y strwythur canlynol:

- Bydd y rheolwr yn darparu datganiad llafar yn amlinellu:
 - y broses a ddilynwyd hyd yma
 - crynodeb o'r materion
 - y cymorth a gynigiwyd (wedi'i gymryd o'r Cynllun Gwella Perfformiad)
 - y cynnydd hyd yma
 - y pryderon sy'n weddill a'u heffaith
- Gall y gweithiwr ddarparu ymateb llafar a/neu ysgrifenedig mewn perthynas â phob un o'r pwyntiau uchod ynghyd ag unrhyw ffactorau lliniarol y mae am i'r panel eu hystyried.
- Gall y panel ofyn cwestiynau i bob parti mewn perthynas â'r achos a gyflwynir.
- Gellir gofyn am farn y gweithiwr hefyd mewn perthynas ag unrhyw gyfleoedd adleoli sydd ar gael ar y pryd.
- Yna bydd y panel yn ymneilltuo i ystyried eu penderfyniad.

8.3 Dyma'r canlyniadau sydd ar gael i'r panel:

- a) Mae'r Cynllun Gwella Perfformiad wedi'i gyflawni'n llawn erbyn dyddiad y gwrandawriad ac asesir bod y perfformiad yn foddhaol. Os bydd problemau perfformiad tebyg yn codi eto o fewn cyfnod o 12 mis, bydd yr unigolyn yn cael ei wahodd i Wrandawriad cyfnod 3 pellach.
- b) Mae cyflawniad rhannol o'r Cynllun Gwella Perfformiad wedi'i wneud; mae'r amserlenni ar gyfer gwella yn cael eu hymestyn am gyfnod pellach (fel arfer dim mwy na mis). Bydd Gwrandawriad Cyfnod 3 yn cael ei ohirio a'i ailgynnwll ar ddiwedd y cyfnod hwn i adolygu'r sefyllfa'n ffurfiol.
- c) Mae'r perfformiad yn parhau i fod islaw'r safon ofynnol; bydd y gweithiwr yn cael ei ddiswyddo ar sail gallu. Bydd unrhyw gynnig o gyflogaeth arall yn cael ei gynnwys yn y llythyr canlyniad a chaiff ei drin yn unol â'r Weithdrefn Adleoli.

8.4 Anfonir y llythyr canlyniad at y gweithiwr o fewn 7 diwrnod calendr i'r gwrandawriad.

9. Apelio

9.1 Mae gan y gweithiwr hawl i apelio yn erbyn diswyddiad o fewn 14 diwrnod calendr i ddyddiad llythyr canlyniad Cyfnod 3. Dylid cynnwys sail yr apêl yn yr hysbysiad.

D.S. Ni fydd y dyddiad y daw'r diswyddiad i rym yn cael ei ohirio tra bo apêl yn cael ei hystyried. Fodd bynnag, os bydd yr apêl yn llwyddiannus bydd y gweithiwr yn cael ei ailbenodi heb golli dilyniant yn ei swydd na chyflogau.

9.2 Bydd panel yn gwrando ar yr apêl a fydd yn cynnwys uwch reolwr nad oedd wedi bod yn rhan o'r broses o'r blaen (a enwebir gan Ddirprwy Gyfarwyddwr y Gweithlu a Datblygu Sefydliadol) a Phennaeth y Gweithlu/AD neu ddirprwy. Anfonir trefniadau at y gweithiwr 14 diwrnod calendr ymlaen llaw a byddant yn cynnwys y dogfennau canlynol:

- Rhesymau dros apelio
- Dogfennaeth ganlyniad ar gyfer pob cam a gymerwyd
- Copi o bob Cynllun Gwella Perfformiad
- Llythyr gwahoddiad i apelio

9.3 Pwrpas yr apêl yw pennu a oedd y penderfyniad i ddiswyddo yn rhesymol yng ngoleuni'r sail a godwyd gan y gweithiwr a'r achos a gyflwynwyd gan uwch reolwr y Panel Gwrandawriad. Nid yw'r apêl yn ail wrandawriad o'r dystiolaeth wreiddiol.

9.4 Y canlyniadau sydd ar gael i'r panel apêl fydd:

- a) cadarnhau'r apêl
- b) gwrthod yr apêl
- c) cadarnhau'r apêl yn rhannol

9.5 Bydd y gweithiwr yn cael gwybod am ganlyniad ei apêl yn ysgrifenedig, fel arfer ymhen wythnos i wrandawriad yr apêl. Ni fydd hawl arall i apelio.

10. Cydraddoldeb

10.1 Aseswyd effaith y polisi hwn er mwyn sicrhau ei fod yn hyrwyddo cydraddoldeb a hawliau dynol.

10.2 Gall gweithwyr dderbyn unrhyw ddogfennaeth sy'n deillio o'r broses hon yn y Gymraeg neu'r Saesneg a gallant ddefnyddio'r iaith Gymraeg mewn unrhyw gyfarfod y maent yn rhan ohono. Darperir gwasanaeth cyfieithu ar y pryd yn y cyfarfod pan na ellir ei gynnal yn gyfan gwbl yn y Gymraeg.

11. Rheoliad Cyffredinol ar Ddiogelu Data

- 11.1 Dylid trin pob dogfen sy'n cael ei chynhyrchu dan y polisi hwn, sy'n ymwneud ag unigolion y gellir eu hadnabod, fel dogfen gyfrinachol, yn unol â Pholisi Diogelu Data *Sefydliad y GIG*.

12. Monitro

- 12.1 Dylid trin pob dogfen sy'n cael ei chynhyrchu dan y polisi hwn, sy'n ymwneud ag unigolion y gellir eu hadnabod, fel dogfen gyfrinachol, yn unol â Pholisi Diogelu Data *Sefydliad y GIG*.

13. Cymeradwyaeth

Llofnodwyd ar ran Ochr y Staff:

Llofnod:

Enw:

Teitl:

Dyddiad:

Llofnodwyd ar ran yr Ochr Reoli:

Llofnod:

Enw:

Teitl:

Dyddiad:

Atodiad 1 – Templed Cynllun Gwella Perfformiad Anffurfiol

Ffurflen CGP1 - Cynllun Gwella Perfformiad Anffurfiol

Enw'r Gweithiwr _____

Dyddiad y cyfarfod _____

Rhif y Gweithiwr _____

Teitl y Swydd _____

Wrth ddatblygu'r cynllun gwella perfformiad, rhaid sicrhau bod pob amcan yn Benodol, Mesuradwy, Cyraeddadwy, Perthnasol, Amser-benodol (SMART). Dylai'r cynllun yn ei gyfarwydd hefyd fod yn gyraeddadwy ac ni ddylid gosod gormod o amcanion o ystyried yr amser a bennir ar gyfer eu cyflawni.

Amlinellwch pa agwedd ar y rôl y mae'r pryder(on) yn ymwneud â hi/nhw a pha mor aml y mae'r gweithgaredd yn digwydd	Amlinellwch y pryder(on) a nodwyd (gan gynnwys enghreifftiau penodol lle bo modd a'u heffaith)	Y camau lliniaru a gyflwynwyd	Yr hyfforddiant a'r gefnogaeth a drafodwyd	Manylion ynghylch sut y caiff lwyddiant ei fesur	Amserlen ar gyfer cyflawni (fel arfer wedi'i diffinio mewn wythnosau)

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LLOFNOD _____ Enw'r Rheolwr _____ Dyddiad _____

LLOFNOD _____ Enw'r Unigolyn _____ Dyddiad _____

Atodiad 2 – Templed Cynllun Gwella Perfformiad Ffurfiol

Ffurflen CGP2 - Cynllun Gwella Perfformiad Ffurfiol

Cyfarfod Cyfnod 1* / Cyfarfod Cyfnod 2* (*Dilëwch yn ôl yr angen)

Enw'r Gweithiwr --- Dyddiad y Cyfarfod ---

Rhif Gweithiwr

Teitl y Swydd --- Dyddiadau'r Cyfarfodydd Blaenorol ---

Wrth ddatblygu'r cynllun gwella perfformiad, rhaid sicrhau bod pob amcan yn Benodol, Mesuradwy, Cyraeddadwy, Perthnasol, Amser-benodol (SMART). Dylai'r cynllun yn ei gyfarwydd hefyd fod yn gyraeddadwy ac ni ddylid gosod gormod o amcanion o ystyried yr amser a bennir ar gyfer eu cyflawni.

Amlinellwch pa agwedd ar y rôl/amcan y mae'r pryder(on) yn ymwneud â hi a pha mor aml y mae'r gweithgaredd yn digwydd	Amlinellwch y pryder(on) a nodwyd (gan gynnwys enghreifftiau penodol lle bo modd a'u heffaith)	Y camau lliniaru a gyflwynwyd yn flaenorol	Y camau i'w cymryd Dylid cynnwys manylion yr hyfforddiant a'r gefnogaeth a gynigiwyd	Manylion ynghylch sut y caiff lwyddiant ei fesur	Amserlen ar gyfer cyflawni (fel arfer wedi'i diffinio mewn wythnosau)	Y Cynnydd a Wnaed, gan gynnwys manylion yr hyfforddiant a'r gefnogaeth a ddarparwyd.	Diweddariad statws: Rhowch 'Y' yn un o'r blychau isod	
							Perfformiad bellach yn foddhaol	Pryderon Perfformiad a Ddygir Ymlaen
(Copïo o CGP1)	(Copïo o CGP1)	(Copïo o CGP1)	(Copïo o CGP1)	(Copïo o CGP1)	(Copïo o CGP1)			

Asesiad Cyffredinol - Mae'r perfformiad wedi gwella i'r safon ofynnol Ydy* / Nac ydy *

Lle mae cam(au) gweithredu a ddygyr ymlaen, diweddarwch isod:

Amlinellwch pa agwedd ar y rôl y mae'r pryder(on) yn ymwneud â hi/nhw a pha mor aml y mae'r gweithgaredd yn digwydd	Amlinellwch y pryder(on) a nodwyd (gan gynnwys enghreifftiau penodol lle bo modd a'u heffaith)	Y camau lliniaru a gyflwynwyd yn y cyfarfod	Yr hyfforddiant a'r gefnogaeth a drafodwyd	Manylion ynghylch sut y caiff lwyddiant ei fesur	Amserlen ar gyfer cyflawni (fel arfer wedi'i diffinio mewn wythnosau)
(Copïo o'r uchod)	(Copïo o'r uchod)				

Hysbyswyd y gweithiwr am y camau nesaf

Do Naddo

Dyddiad y cyfarfod nesaf



LLOFNOD _____ Enw'r Rheolwr _____ Dyddiad _____

LLOFNOD _____ Enw'r Unigolyn _____ Dyddiad _____

Preparation

1.	What are you equality impact assessing?	All Wales Improving Performance at Work Policy (previously the All Wales Capability Policy)
2.	Policy Aims and Brief Description	The primary aim of this policy is to provide a framework within which managers can work with employees to maintain satisfactory performance standards and to encourage improvement where necessary. Where an employee is either jointly employed or is not employed by the <i>NHS Organisation</i> but provides a service for the <i>NHS Organisation</i>, the performance issue will be addressed under the scope of the policy of the lead employer. This policy should be used where the unsatisfactory performance is due to a genuine lack of skill or ability. Where unsatisfactory performance is attributed to suspected misconduct, it should be dealt with under the Disciplinary Policy. Where the primary cause of unsatisfactory performance is considered to be health related, this should be referred, in the first instance to the All Wales Managing Attendance at Work Policy.
3.	Who is responsible for the Policy/work?	NHS organisations and sub committee of the Welsh Partnership Forum Business Committee

4.	Who is Involved in undertaking this EqIA?	Welsh Partnership Forum Business Committee (Sub Group) (Andrew Davies, Heather Hinkin, Caroline Hurley)
5.	Is the Policy related to other Policies/areas of work?	Managing Attendance at Work, Disciplinary, Respect and Resolution Policies. Codes of Conduct of Professional/Regulatory Bodies, Staff Charters
6.	Stakeholders	All employees, trade unions, patients, carers
7.	What might help/hinder the success of the Policy?	Factors that may hinder: Lack of leadership and commitment at Board level Lack of staff training and development to undertake duties to required standard. Time constraints. Organisational change. Factors that may help: The inclusion of the following principles following the audit of All Wales policies through an Anti-Racist Lens:- 3.7 Line managers will put the employee at the centre of the process and respect and appropriately respond to each person's needs and values. They will recognise the potential for bias involving employees from an ethnic minority background, as well as those from other under-represented groups, and will be proactive to ensure bias does not form part of any decision-making. 3.8 Line managers will recognise the ways cultural backgrounds, values and norms may influence an employee's behaviour, communication style or perceptions. By

integrating cultural competence, decision-makers can avoid misinterpreting actions or intentions that stem from cultural differences rather than misconduct.

3.9 Line managers will be aware of the impact that experiences of racism, microaggressions, and other forms of discrimination can have on employees is recognised. The aim is to ensure that all employees are treated with fairness, dignity, respect, and taking into account their backgrounds, circumstances, and characteristics. These include age; impairment or health condition (disabled people); gender, gender identity or gender expression; race, culture, ethnicity or nationality; religion, belief, or non-belief; sexual orientation; pregnancy and maternity; and relationship status.

3.10 Line managers should be aware of the role intersectionality has on an employee's experiences of the Improving Performance at Work policy. When employees have more than one protected characteristic, employees can experience discrimination, unconscious bias and other elements of poor treatment because they experience it due to a number of characteristics. For example, if somebody is from the Black community and are disabled, they may experience the application of policies more acutely than somebody with only one protected characteristic because of the role power, privilege and unconscious bias may play from the two different protected characteristics and in the application of such policies.

It is important that line managers are aware of their own positions of seniority and unconscious bias and be aware of cultural competency when applying this process. This should be even more important when dealing with employees with intersecting protected characteristics.

Development of management competencies

Integration of performance management skills in management development

		Development of All Wales approach to compassionate leadership Work on employee harm

Information Gathering

[illegible]

In relation to disability only, should the Policy take account of difference, even if it involves treating some individuals more favourably?

2



The Human Rights Act contains 15 rights, all of which NHS organisations have a duty to act compatibly with and to respect, protect and fulfil. The 6 rights that are particularly relevant to healthcare are listed below. For a fuller explanation of these rights and other rights in the Human Rights Act please refer to **Appendix A: The Legislative Framework**.

Depending on the Policy you are considering, you may find the examples below helpful in relation to the Articles.

	Yes	No
Consider, is the Policy relevant to:		
Article 2 : The right to life Examples: The protection and promotion of the safety and welfare of patients and staff; issues of patient restraint and control	Staff and Patient safety issues	
Article 3 : The right not be tortured or treated in an inhuman or degrading way	Issues of dignity and respect and protection/promotion	

Examples: Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; Issues of patient restraint and control	of patient and staff safety	
Article 5 : The right to liberty Examples: Issues of patient choice, control, empowerment and independence; issues of patient restraint and control		✓
Article 6 : The right to a fair trial Example: issues of patient choice, control, empowerment and independence	Issue of fair decision making process. Case law relating to legal representation at disciplinary i.e. Hameed vs Central Manchester University Hospital NHS Foundation Trust and Kulkarni vs Milton Keynes Hospital NHS Trust	
Article 8 : The right to respect for private and family life, home and correspondence; Issues of patient restraint and control	Issues of dignity and privacy, for example, impact on	

Examples: Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; the right of a patient or employee to enjoy their family and/or private life	family life of suspension and potential loss of employment. Confidentiality issues of not wanting family members to know that going through process.	
Article 11 : The right to freedom of thought, conscience and religion Examples: The protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers	Issues of respect for different religious beliefs and cultural values.	

Equality Strand	Information Gathered
Race	Fair dismissal on the grounds of capability – Napier and sons Race inclusion report: Equality of career progression CIPD Race in the workplace: The McGregor-Smith review The Race at Work Charter - Business in the Community Supporting race equality, diversity and inclusion (EDI) at work: Guidance for managers CIPD Key Resources for Workplace Equality - Business in the Community
Disability	Disability discrimination – keypoints in the workplace - ACAS Work Foundation report on Work, Health and Absence in the Public Sector The Public Sector and Equality for Disabled People, Dept for Work and Pensions Disability and sickness absence – PCSU Sickness absence and disability – TUC Guidance on disability related absence – Probation Association Guidance relating to disability for the NHS – NHS Employers Fair dismissal on the grounds of capability – Napier and sons Capability and performance - Supporting disabled people at work - Acas Conduct and capability procedures when managing performance - Acas Performance managing employees with potential disabilities Capability dismissal and disability face2faceHR Can a disabled employee argue that continuing with performance management against them is a failure to make reasonable adjustments? Practical Law
Gender	The Work Foundation has also produced a number of reports on changing demographics. Equal Opportunities Commission “Gender Equality and the Future of Work” Legal and General’s “Value of a Mum” Gender, culture and organisational change, Open University

	Sex Discrimination in the Workplace, ACAS, March 2016 How to improve gender equality in the workplace: actions for employers - GOV.UK Women in the Workplace 2024 report McKinsey The gender gap in performance reviews - ScienceDirect Improving Women's Progression in the Workplace
Gender Reassignment	The Workplace and Gender Reassignment Gender Reassignment Policy – Cardiff University Gender Reassignment Policy – Aston University Absence from Work Because of Gender Reassignment – Citizens Advice Supporting transgender and non-binary people at work: Guide for people professionals CIPD Preventing discrimination - Gender reassignment discrimination - Acas The Workplace and Gender Reassignment Transgender Workplace Support Project Transforming the Workplace – A TUC guide Activist Template Supporting transgender workers
Sexual Orientation	Preventing discrimination - Sexual orientation discrimination - Acas Inclusion at work: Perspectives on LGBT+ working lives Peak performance – Gay people and productivity productivity:A4 report Job Satisfaction and Sexual Orientation in Britain - Sait Bayrakdar, Andrew King, 2022
Age	Fair dismissal on the grounds of capability – Napier and sons EHRC report “Working Better 2008” The Work Foundation has also produced a number of reports on changing demographics, changing work patterns for young workers, retention of older workers, e.g. 0-5 How small children can make a big difference, The Ageing Workforce, Work, Health and Absence in the Public Sector Productivity and Age – Age UK Policy position paper – grandparents Performance Management Systems, it's Processes and the effect on the Ageing workforce - Feedback - Community Feedback - CIPD Community Curvilinear Relationships Between Age and Job Performance and the Role of Job Complexity Work, Aging and Retirement Oxford Academic Getting better with age? The experiences of older workers - NIESR Fulfilling work: What do older workers value about work and why? Centre for Ageing Better

	Performance life span of workers mapped in new research - HR News The Rising Importance of Older Workers Bain & Company
Maternity and Pregnancy	Pregnancy related absence - EHRC Pregnancy and Maternity Rights – Xpert HR Discrimination at Work Because of Pregnancy or Maternity Leave - CAB Preventing discrimination - Pregnancy and maternity discrimination - Acas Tips for Improving Performance of Pregnant Employees at Work: Help, our pregnant employee is underperforming? - Redwing Solutions Managing pregnant employees Pregnancy and maternity: Pregnancy EHRC Workplace support for employees experiencing pregnancy or baby loss CIPD
Religion or Belief	acas-religion-or-belief-and-the-workplace.pdf Various case studies relating to the need for flexible arrangements for staff who may not live in the same country as their relatives. Preventing discrimination - Religion or belief discrimination - Acas How to embrace religious diversity in the workplace Faith-friendly policies improve workplaces, companies tell No 10 - Religion Media Centre Managing Religion and Belief in the Workplace – People Management 66321 Is religious diversity good for team performance? - LSE Business Review
Marriage and Civil Partnership	Preventing discrimination - Marriage and civil partnership - Acas Marriage and civil partnership discrimination: UK employment law CIPD
Welsh Language	Some Work Foundation reports relating to employers and the Welsh Language.
Human Rights	General There are gaps in workforce equality monitoring data across all of the protected characteristics. Disaggregated workforce monitoring data is required to inform future policy review and assessment.

	It is also noted that public sector employers in Wales will have a specific duty to make arrangements to collect employee data in respect of such procedures.
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Assessment of Relevance and Priority

Equality Strand	Evidence: Existing Information to suggest some groups affected. Gathered from Step 2. (See Scoring Chart A)	Potential Impact: Nature, profile, scale, cost, numbers affected, significance. Insert one overall score (See Scoring Chart B)	Decision: Multiply 'evidence' score by 'potential impact' score. (See Scoring Chart C)
Race	1	+2	2
Disability	2	+3	6
Gender	2	+3	6
Gender reassignment	2	+1	2
Sexual Orientation	2	+1	2
Age	2	+3	6
Religion or Belief	2	+2	4
Maternity and Pregnancy	1	+2	2
Marriage and Civil Partnership	1	+1	1
Welsh Language	2	+2	4
Human Rights	2	+3	6 41/10 = 4.1

Scoring Chart A: Evidence Available

3	Existing data/research
2	Anecdotal/awareness data only
1	No evidence or suggestion

Scoring Chart B: Potential Impact

-3	High negative
-2	Medium negative
-1	Low negative
0	No impact
+1	Low positive
+2	Medium positive
+3	High positive

Scoring Chart C: Impact Decision

-6 to -9	High Impact (H)
-3 to -5	Medium Impact (M)
-1 to -2	Low Impact (L)
0	No Impact (N)
1 to 9	Positive Impact (P)

Outcome Report

Organisation:	Welsh Government/NHS Wales/Trade Unions
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Proposal Sponsored by:	Name:	
	Title:	Joint Chairs
	Department:	Welsh Partnership Forum

Policy Title:	All Wales Improving Performance at Work Policy (previously All Wales Capability Policy)
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Brief Aims and Objectives of Policy:	See section above - preparation
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	Yes ☐	No ☒
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Was the decision reached to proceed to full Equality Impact Assessment?:	Record Reasons for Decision:	
	The principles and values of the policy are grounded in the promotion of fair and equal treatment. Some issues highlighted through the process have been addressed by amending the policy and developing an action plan to ensure monitoring data is continually available at organisation level.	
If no, are there any issues to be addressed?	Yes ✓	No ☐
	Record Details: Lack of robust workforce monitoring data is being addressed through All Wales data monitoring and local implementation. Action will be taken to ensure data gaps are addressed through Workforce Information Systems Programme and Electronic Staff Record (ESR). Also, training for managers to ensure that the provisions of the policy are applied fairly and equally should be addressed at organisational level.	

Is the Policy Lawful?	Yes ✓	No ☐
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Will the Policy be adopted?	Yes ✓	No ☐
	If no, please record the reason and any further action required:	

Are monitoring arrangements in place?	Yes ✓	No ☐
	Refer to Action Plan (Form 8) Monitoring arrangements will be addressed through local application of all Wales action plan. Scrutiny and review of monitoring reports should be undertaken at regular intervals by boards or sub committees.	

Who is the Lead Officer?	Name:	Helen Arthur
	Title:	Director of NHS Workforce and OD
	Department:	Welsh Government
Review Date of Policy:	N/A	

Signature of all parties:	Name	Title	Signature
	Andrew Davies		
	Heather Hinkin		
	Caroline Hurley		

Please Note: An Action Plan should be attached to this Outcome Report prior to signature

Action Plan for All Wales Improving Performance at Work Policy

	ACTION	WHO	HOW/ WHEN
Monitoring Arrangements			
How will the Policy be monitored?	Monitoring arrangements will be determined locally. Monitoring outcomes will be reported to Boards	Workforce and OD Directors	Every 6 months
What monitoring data will be collected?	Local application of Improving Performance at Work policy and procedure disaggregated against each protected equality characteristic, workplace/directorate and staff group.	Workforce and OD Directors	Ongoing
Other Actions			

Describe any other actions highlighted through the policy screening	Policy training for managers to include scope and application of duty to consider reasonable adjustments for disabled employees. Continued roll out of appropriate training and support to ensure implementation takes into account of debiasing techniques and cultural competence.	OD and Training	To be determined
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NHS Wales Organisational Change Policy

Fforwm Partneriaeth Cymru
Welsh Partnership Forum

GIG Cymru yn
Gweithio mewn Partneriaeth

NHS Wales
Working in Partnership



Approved
Welsh Partnership Forum

Contents

1. Introduction	2
2. Scope of the policy.....	2
3. Policy statement	2
4. Principles to be observed	2
5. Consultation with staff interests	3
6. The introduction of change.....	5
7. Anticipating and preparing for change	6
8. Managing employees at risk of displacement	7
9. Procedure for filling posts during organisational change.....	8
10. Protection of pay and conditions of service	12
11. Excess mileage and travel	17
12. Relocation / Removal expenses.....	17
13. Review, evaluation and monitoring arrangements	18
Appendix 1 – Procedure for filling posts during organisational change: flow chart	19
Appendix 2 – Redundancy policy	20
1. Statement of Intent	20
2. Procedures	20
3. Entitlements of employees who are redundant	23
4. Right of appeal	24
Appendix 3 – Arrangements for managing seconded, acting up and fixed term staff.	25
Appendix 4 – Transfer to a new employer	27
Appendix 5 – Organisational Change within NHS Wales – Redeployment Policy	30
1. Introduction	30
2. Scope.....	30
3. Purpose.....	31
4. Equality Statement	32
5. Roles and responsibilities	32
6. Interview and appointment process	37
7. Allocation of meaningful work	43
8. Secondments and fixed term posts.....	43
9. Pay Protection	43
10. Grievance and right of appeal	44
11. Monitoring and review	44

1. Introduction

This policy has been developed by the Welsh Partnership Forum and sets out the principles that apply in managing internal organisational change within NHS Wales. NHS organisations will adopt and abide by this policy as the core standards of practice, which apply to all employees affected by change.

At times of organisational change it is particularly important to ensure that support, guidance, training and development opportunities are made available to all staff employed by NHS organisations within Wales in accordance with best practice. The wider NHS in Wales will be responsible for assisting in the redeployment of employees from any NHS organisations affected by organisational change.

2. Scope of the policy

This policy replaces the Organisational Change Policy published in March 2009.

The Organisational Change Policy will apply to all NHS Wales employees. It will apply to all situations of organisational change, whether these are internally generated service reviews or externally approved mergers or de-mergers.

3. Policy statement

- 3.1 In the application of this policy all employees will be treated with dignity and respect and in accordance with equality and human rights legislation. No individual will be treated less favourably on the basis of age, disability, gender, race, religion and belief and non-belief, sexual orientation, pregnancy and maternity or because they are transgender, married or in a civil partnership (also known as “protected characteristics”). No employee should be treated less favourably due to their hours worked (full-time or part-time) or trade union membership.
- 3.2 Organisations are required to monitor the implementation of this policy and ensure that they assess its impact across the “protected characteristics” and in respect of human rights. This will require the collection, monitoring and reporting of workforce equality data for all employees identified as being at risk and subject to the provisions of the policy.

4. Principles to be observed

- 4.1 It is the policy of NHS Wales to prevent all avoidable compulsory redundancies, which could potentially occur as a result of organisational change. As such, it is the aim of this policy to ensure that the NHS retains the valuable knowledge, skills and experience of its workforce, by utilising a number of strategies, to assist displaced employees to find suitable alternative employment and / or retraining opportunities, which will enable them to continue to contribute positively to the service.

4.2 Subject to the processes outlined below, when the need arises to redeploy employees, NHS organisations will;

- a) consider the use of short-term temporary staff in any period of change, to maintain service requirements until the change is completed and to maximise potential redeployment opportunities;
- b) use early retirement and / or voluntary severance schemes where circumstances and / or resources allow;
- c) after consultation, identify (in pay and conditions) suitable alternative work in the employing organisation for employees affected by change;
- d) transfer employees affected to suitable alternative work with other organisations, by agreement with the employees concerned and the organisations concerned;
- e) support employees who wish to retrain and are qualified to undergo training for posts in other disciplines / areas, where reasonable; and
- f) by means of the development review / personal development plan process, assist and support employees to overcome constraints which may prevent them undertaking a new role.

All employees are entitled to be represented by a recognised trade union official, local trade union representative or accompanied by a workplace colleague, when subject to any of the arrangements arising from this policy.

5. Consultation with staff interests

5.1 Each employing organisation's senior managers will continue to work in effective partnership with representatives of trade union on the implications for employees in respect of strategic and other major plans concerning the organisation and provision of services. Such discussions will take place through local partnership arrangements.

5.2 In conducting such consultations, management will follow the principles set out in the following section **6 The Introduction of Change**. They will also be required to provide in advance, written details of any proposed organisational change and / or the workforce implications, to facilitate discussion with the employees affected. Such consultations should be conducted over a specified period of time, which should be of no less than four weeks duration unless agreed otherwise as noted in paragraph 5.3.2c.

5.3 Collective Consultation of Proposed Redundancy

5.3.1 NHS Wales and the trade unions recognise that, where organisational change includes or leads to a proposal to dismiss 20 or more employees as redundant (within the meaning of the definition within the trade union and Labour Relations (Consolidation) Act 1992 (TULRCA)) at one establishment within 90 days or less, then the statutory consultation framework under s188 TULRCA will be engaged. NHS Wales and the trade unions also recognise the desirability of exploring alternatives to redundancy before such proposals are formulated.

5.3.2 To ensure that these requirements are addressed within the context of this policy, NHS Wales and the trade unions have agreed the following:

- a) as far as possible, the procedures set out in the OCP will be followed in order to avoid a situation in which an employing organisation is proposing to dismiss 20 or more employees as redundant at one establishment within 90 days or less;
- b) where proposals to dismiss employees as redundant are in prospect but have not been formulated, the relevant NHS Wales employer will notify the local and regional representatives of the relevant trade unions in writing that this is the position and will invite them to participate in a formal “OCP Consultation Period”. The notification will specify the start date for the OCP Consultation Period which will be not less than 7 days from the date of the notification;
- c) the OCP Consultation Period will normally last for a period of at least four weeks from the start date specified in the written notification. The OCP Consultation Period may be extended or shortened by such further period as may be agreed in writing by the NHS Wales organisation and each of the relevant trade unions, but the unanimous agreement of all parties will be required to such a duration;
- d) the OCP Consultation Period may involve representatives of the relevant trade unions at local, regional and/or national level although the trade unions’ choice of representation will not unreasonably delay the progress of substantive consultation during the OCP Consultation Period;
- e) that in agreeing to participate in the OCP Consultation Period on any given occasion, the respective trade unions accept that:
 - (i) there is not a “proposal” such as to trigger an obligation on the relevant NHS Wales employer to consult under s.188 TULRCA; and/or;
 - (ii) if there is such a proposal (or one is subsequently formulated after the OCP Consultation Period), none of the relevant trade unions will seek to argue that consultation on that proposal under s188 TULRCA has not begun “in good time” (or that the NHS Wales

employer is otherwise in breach of s188) by reason of the NHS Wales employer having first participated in the OCP Consultation Period; and

- (iii) if there is a proposal to which s188 applies (or one is subsequently formulated after the OCP Consultation Period), the consultation undertaken during the OCP Consultation Period will be taken into account when assessing the nature, duration and content of the further consultation to be carried out in accordance with s188 TULRCA, bearing in mind that the shared aim of s.188 and OCP consultation is to find ways to avoid redundancies if possible. Further consultation under s188 will, as a general rule, take place after the OCP Consultation Period.

6. The introduction of change

6.1 The Organisation

- a) Recognises that employees and their representatives have an expectation that management will discuss with them the reasons for and the implications of any proposals or options, which appear likely to have a significant impact on the nature of the work they perform or the arrangements or conditions under which the work is carried out; and
- b) Undertake that its managers will, in a timely manner, discuss with employees and their representatives, at departmental and other appropriate levels, the workforce implications of particular proposals or developments, which appear likely to, or have the potential to have a significant impact on the work of individuals, the departments or staff group concerned, before any final decisions are taken.

6.2 The Trade Unions

- a) Recognise that in the interests of patient care and the efficient use of resources, the organisation's managers have a responsibility to review from time to time the activities of individuals and groups of employees and the arrangements and conditions under which such activities are performed; and
- b) Undertake to advise their members to participate in the introduction of changes arising from such reviews, where the principles set out in this policy are followed.

- 6.3 Both management and trade unions also recognise that there is no single universal prescription, which can be meaningfully followed in every case where changes are proposed.

Where, however, the changes proposed are of a significant nature, some prior discussion regarding the reasons for them, any available options and their implications will be necessary. As a general rule, such discussions are best conducted between the responsible manager, the employees affected and their representatives.

Where the changes envisaged appear likely to affect the location, hours of work, grades / bands or earnings of the employees concerned, the responsible manager should consult the accredited representative(s) of the employee(s) concerned, at the earliest possible stage.

6.4 Particular consideration should be given to the following points during the discussion of any proposed changes, as applicable;

- a) health and safety implications;
- b) training or re-training needs;
- c) staffing requirements;
- d) arrangements for redeploying or transferring any displaced employees;
- e) arrangements for recruiting any additional employees;
- f) any required changes to shift patterns, location and / or hours of work;
- g) any grade / band implications; and
- h) applicability of any relevant protection arrangements.

7. Anticipating and preparing for change

7.1 Restrictions on vacancy filling

Restrictions on the filling of vacancies in certain categories of posts (other than on a short-term temporary basis) will be introduced to assist in creating suitable alternative positions for employees affected by the change.

Employers will consult with trade unions in a timely manner, in respect of the categories of posts which need to be brought within this restriction, as required.

7.2 Temporary appointments to maintain services

A number of fixed term appointments or secondments may be required to maintain services whilst rationalisation or reorganisation of services or organisations takes place. These temporary arrangements will be required either to fill gaps in the service or organisation that is undergoing change, or to fill gaps elsewhere, to 'reserve' places for employees who will become displaced but who are required to remain in their current post for the time being, to maintain adequate services.

The reasons for the temporary nature of the appointment must be given clearly in writing to any employees appointed in this capacity and an estimate should be given as to how long the appointment will last. In these circumstances fixed term appointments or secondments will not normally be made where the position concerned is likely to continue for a period of more than one year.

7.3 Creating Flexibility

To reduce the potential for compulsory redundancies, there may be a need to consider the merits of inviting employees to volunteer for a voluntary severance payment or redundancy at an early stage and prior to the implementation of the selection process.

7.4 Employees affected by the change and notice provisions

A list of employees at risk of being displaced from their substantive post as a result of each approved reorganisation, rationalisation or reduction of services should be compiled at the earliest practicable date. Managers will be responsible for the compilation of such lists, in conjunction with Workforce and OD departments and for informing relevant representatives.

Whilst every effort must be made to find a suitable alternative employment and arrange redeployment in line with the change timetable, employees affected must be advised by their line manager as to their position in writing, throughout the change process.

Careful consideration must be given, in the light of the circumstances of the change programme, as to the timing of the issue of any notices of redundancy.

8. Managing employees at risk of displacement

8.1 Placing employees at risk of displacement

The timing of when employees will be declared at risk is important and this will be agreed in partnership with the trade unions, at the start of any period of organisational change.

8.2 Consideration for posts in a new structure

Employees that will be affected by any change process and who are at risk of being displaced from their substantive post will receive priority consideration for appointment to suitable alternative roles in the new structure.

8.3 Seconded and acted up employees

Specific arrangements govern seconded, acting up and fixed term employees and these are covered in Appendix 3.

8.4 Support arrangements

Managers must ensure that local arrangements are established to assist employees who are at risk of being displaced or whose posts are potentially at risk. The following points can be regarded as a checklist of support facilities, which could be offered:

- access to career advice;
- access to counselling;
- access to suitable senior staff to act as mentors and provide external advice and guidance as appropriate;
- arrangements for accessing and/or restricting vacancies as appropriate, using NHS jobs;
- assistance and advice on CV writing, application form filling, interviewing skills, etc.;
- assistance with access to NHS jobs, job centres, recruitment consultants, etc.;
- facilities and assistance for sending CVs to all-Wales NHS bodies, organisations and employers;
- contact with and access to retraining opportunities and allowances, further education establishments, etc.; and
- access to independent financial and pension advice in the event of redundancy or early retirement.

The above list is not exhaustive. It is intended to be a general guide on areas for consideration.

9. Procedure for filling posts during organisational change

9.1 Scope

This procedure will apply to all employees affected by organisational change.

Employers should make appropriate arrangements to ensure that all employees affected by change, including those on any form of authorised absence, which may include maternity leave, parental leave, carers leave, term-time working, long term sick leave or secondment, are considered at each stage of this procedure and are not disadvantaged in any way.

9.2 Principles for filling posts

The arrangements for filling posts should be based on the following broad principles, applied to all employees with a permanent contract of employment, but may exclude those employees employed on fixed term contracts (please refer to Appendix 3);

- all those eligible for consideration for a post should be treated on the basis of equality;

- all employees should have a legitimate expectation that they will be supported to secure a post with similar pay and conditions of service (suitable alternative employment);
- where an employee accepts a suitable alternative post, which attracts a lower salary, their pay will be protected in accordance with the 'Arrangements for Salary Protection', set out in section 10 of this policy ;
- in making decisions consideration should be given to making adjustments to accommodate the different circumstances of employees with caring responsibilities outside of work and give flexibility around part time employees;
- employees who have a protected characteristic within the definitions of the Equality Act 2010 will be afforded adjustments to the process to ensure that they are not disadvantaged;
- reasonable consideration/adjustments should be made to accommodating employees with flexible working arrangements e.g. term-time working, job-share, part-time, to avoid, wherever possible, these employees being disadvantaged by the process. All requests to work flexibly must be given full and fair consideration and handled consistently;
- reasonable adjustments should be made to a role and/or working environment to support disabled employees to gain an alternative post or suitable alternative employment;
- opportunities for career development and maximising an employee's employment potential should be encouraged wherever possible;
- where the implementation of change covers more than one organisation there should be consistency in approach between all organisations involved in terms of time-scales and processes to ensure equality;
- all job applicants should be treated fairly and with dignity and respect: Principles of equality will apply and the process will be transparent;
- the organisation must commit to supporting employees in their efforts to secure employment for all employees affected by the change, including the use of redeployment schemes, trial periods and retraining;
- all appointment decisions should be based on merit and on the suitability of each candidate for the post, based on an assessment of their knowledge, skills, experience etc., against the new post's person specification and job description;
- details of available posts in a new structure must be available to all employees (including indicative pay band, title, job description and person specification) and provided in a timely manner, including to those on an authorised absence;
- where posts or groups of posts are judged not to have altered substantially, the principles of 'slotting in' and 'prior consideration' should be applied;
- a post may be considered as substantially unchanged if the scope of the role remains unaltered and it matches 'two thirds' or more of an existing job description and person specification; and
- all employees must be considered against the roles in the new structure and slotting in and prior consideration must be applied at the outset to determine the potential appointment status to the structure of the existing employees (subject to sections 9.3 to 9.10 below).

9.3 Appointment/Selection process

Organisations should seek to progress appointing to new structures in a timely manner and with the minimum of delay.

To progress this, managers should undertake a “mapping exercise” where employees within the existing structure are considered against the posts in the new structure, to understand the scope of slotting in, prior consideration and restricted competition. The mapping outcome should be published and drawn to the individual employee’s attention.

Employees who are eligible for slotting in should be identified and their new/revised roles confirmed in writing at the outset of the process.

Where appointments to posts are subject to prior consideration or restricted competition, an interview will be the minimum selection process requirement. The process of selection will be carried out by reference to the relevant job description and a person specification and KSF outline (for employees on AfC terms and conditions), including the following objective criteria, against which the requirements of the post will be measured:

- qualifications;
- relevant experience;
- skills and knowledge and any other particular aptitudes/attributes identified for the post;
- suitability for trial period/retraining to meet the criteria; and
- the need for reasonable adjustments to posts in accordance with the Equality Act 2010.

Every employee involved in the process will be able to receive feedback on their performance during the selection process, from a nominated member of the interview selection panel.

9.4 Slotting in

Slotting in will apply where a post is substantially unchanged and there is only one candidate or equal numbers of posts and candidates, who currently undertake this role. In this circumstance the post would not be advertised and the individual(s) whose post(s) meets the criteria would be slotted into the post(s).

Consistency in the approach to and the application of the slotting in principles are essential. A flowchart is attached at **Appendix 1**, which describes the steps to be followed.

In cases of disagreement about whether the job is substantially unchanged, the current and new job descriptions and person specifications will be considered by an independent review undertaken by a panel including a member of the Workforce and OD team, a management and a trade union representative. Anyone involved in the review will have no working relationship or have had any involvement in previous discussions relating to the review, with the aggrieved employee(s). It will be the role

of this independent panel to review the original outcome and to reach an objective decision. Should the employee(s) continue to disagree with the independent review decision, they may lodge an appeal, in accordance with the All-Wales Respect and Resolution Policy.

9.5 Prior consideration

Prior consideration will apply where a post is substantially unchanged (e.g. the scope of the role remains unaltered and it matches 'two thirds' or more of an existing job description and person specification) and there is more than one potential candidate. Selection will be undertaken by interview.

Where an employee is eligible to express an interest in more than one post they will be required to indicate their preferences in rank order.

Consistency in the approach to and the application of the prior consideration principles are essential. A flowchart is attached at **Appendix 1**, which describes the steps to be followed.

If following the prior consideration process employees have been unsuccessful in being allocated to a post, they may be eligible for consideration in respect of a restricted competition post at the same or a lower level, if there are no other employees at that level with slotting in or prior consideration rights.

9.6 Restricted competition

Where a post is considered to be new or substantially changed it should be filled in the first instance by restricting competition to employees directly affected by the changes.

9.7 Collection of information

Employees who are identified as being "at risk" of being displaced and who are not eligible for "slotting in" or "prior consideration" should be informed of their position and interviewed by their manager, with appropriate support and advice from their Workforce and OD department, as soon as possible and, if they so wish, in conjunction with their staff representative. This should be confirmed in writing. This provision will also apply to employees who are not appointed following the conclusion of a "prior consideration" process.

A formal record should be created for each employee considered to be at risk of being displaced, to record relevant personal details, circumstances, preferences (post the change), knowledge, skills, qualifications and experience.

To co-ordinate the number of employees at risk of displacement in any large-scale reorganisation, it may be necessary for affected employees to have their range of knowledge and skills assessed using a consistent format. This will ensure that appropriate vacancies and opportunities can be identified speedily and without the need for these employees to be interviewed on more than one occasion. This process

will be undertaken in partnership, by appropriately skilled managers and staff representatives.

9.8 Priority for redeployment

Priority will be afforded to those employees, that are displaced from their substantive posts, in consideration for appointment to roles in the new structure and who are not appointed to a role under “slotting in” or “prior consideration”. If employees are unsuccessful in securing a post, they will become a redeployment candidate and will be able to be considered for posts in the Health Board/Trust through “restricted competition”.

9.9 Appealing against a decision

In the case of a dispute in respect of the selection process associated with organisational change, an employee may lodge a grievance, in accordance with the All-Wales Respect and Resolution Policy.

9.10 Actions to be considered following the appointment process

Following the appointment process, the organisation will need to consider the position of any employees not appointed to posts in the new structure. Every practicable effort will be made to avoid compulsory redundancies. Organisations and affected employees are required to further explore the following options:

- redeployment elsewhere within the organisation;
- redeployment within other NHS bodies within Wales;
- secondment arrangements with other NHS bodies and public sector organisations in Wales where practical and feasible; and
- re-training to undertake a new role.

10. Protection of pay and conditions of service

10.1 Scope

Protection will apply to any employee, who, as a consequence of organisational change, is required to move to a new post, their shift pattern/rota changes or they suffer a reduction in basic hours worked within the standard working week.

This provision does not apply to individuals who voluntarily move to a post carrying a lower salary.

It provides:

- a) Short-term protection of earnings, whether or not downgrading is involved.
- b) Long-term protection of basic salary where downgrading is involved.

The short term and long-term protection arrangements set out below replace any local/legacy arrangements previously in place.

10.2 Definitions

New post

For the purposes of defining entitlement to protection, this section refers to employees undertaking a new post. This specifically refers to the post the employee undertakes immediately following an organisational change; this may be a new role considered as suitable alternative employment or the same role but with revised contractual arrangements e.g. a different shift pattern or hours of work.

Basic salary

Basic salary is the weekly or monthly sum due in respect of basic hours worked in the substantive post by the employee within the standard working week on the day immediately preceding the first day of employment in the new post (i.e. the last day in the old post). This excludes any payments made in respect of temporary movement to a higher band or seconded positions. This will normally be the incremental point within a band/grade and will form the basis of the sum used to calculate protection for the duration of long-term protection.

Earnings in the new post

The sum of the basic salary in the new post and any remuneration in respect of overtime, shift work, on call and emergency work and other additional duties where appropriate. Earnings in the new post will be subject to national pay awards and increments (where applicable).

Protectable earnings

The weekly or monthly average earnings over the 17 weeks/four months or appropriate rota where applicable, immediately preceding the first day of employment in the new post.

Downgrading

This occurs when the new post, irrespective of its title, has:

- a salary scale with a maximum incremental point, lower than that applying to the post held previously or;
- a salary lower than that held in the previous post.

10.3 Short Term Protection of Earnings

Short-Term Pay Protection applies when, through organisational change, an employee is required to undertake a change which may affect their earnings but does not require a change in pay band/grade. An example would be change to work/shift pattern. Organisations should ensure that any situation where an employee may be subject to short term protection is continuously managed with the impact on the employee being minimised so far as is possible.

Employees are entitled to have certain earnings (“protectable earnings”), following the change, protected in accordance with the following table –

Reckonable Service	Protection Period (Months)
Up to 2 years	2
After 2 Years' Service	4
After 3 Years' Service	6
After 4 Years' Service	8
After 5 Years' Service	12

The employee's earnings are protected at the average weekly/monthly pay level received in the 17 weeks/four months immediately preceding the first day of employment in the new post, or in line with their previous rota if applicable. For employees who have been on Maternity Leave a representative reference period will be identified to ensure an appropriate level of short-term protection is applied.

The earnings eligible for protection are:

- Contracted Hours
- Unsocial hours payments
- Regular or contracted overtime/extra hours
- Allowances for:
 - Stand-by/on-call duty/work done
 - Any other appropriate allowances / earnings described in the relevant Terms and Conditions Handbook.

Earnings in the new post/rota/shift pattern will be offset against protectable earnings. If for any particular pay period the earnings in the new rota/shift pattern exceed the protectable earnings, protection of earnings is extinguished and earnings in the new rota/ shift/ will be paid in full for that particular pay period.

When calculating earnings, the rates used for calculating payments in respect of additional hours, overtime, shift work and other additional duties shall be those applicable to the new post.

The continued receipt of short-term protection of earnings is conditional on the employee undertaking any overtime, shift work on call, emergency work and additional duties where applicable which may be needed in the new post up to the level at which earnings in the new post equal the protected earnings. Beyond this point, normal arrangements will apply and payments will be made at the rates applicable to the new post.

Short-term protection of earnings is also conditional on the employee accepting any subsequent offer (during the period of protection) of another suitable post with the same Health Board/NHS Trust which attracts a higher level of average earnings than that applying to the new post.

10.4 Long-term protection of basic wage or salary where downgrading is involved

Long Term Pay Protection applies when, through organisational change, an employee is moved from one post to another and who is downgraded as a result to suitable alternative employment or where an employee's duties change which result in a down-grade to a post carrying a lower band/grade. In such circumstances employees will be entitled to full protection of basic salary until;

- a) the period specified in the table below expires, or;
- b) the employee is appointed to a post in which the normal salary is equal to or exceeds the protected salary, or;
- c) the employee moves on his or her own application to a post with a salary which is lower than that of the new post, or;
- d) the employee refuses to apply for three posts deemed to be suitable alternative employment, or;
- e) the employee refuses an offer of suitable alternative employment, or;
- f) the employee retires, or;
- g) the basic salary of the new post is equal to or exceeds the protected salary.

Reckonable Service	Length of Protection Period
After 2 Years' Service	6 Months Protection
After 3 Years' Service	1 Year Protection
After 4 Years' Service	2 Years Protection
After 5 Years' Service	3 Years Protection
After 6+ Years' Service	6 Years Protection

When an employee commences in their new post they will be placed on the appropriate incremental pay point commensurate with their service history. This may provide for incremental progression within the new band/grade. The basic salary during the period of protection will be assessed against the salary in the old post to maintain the level of protection for the full eligible Length of Protection Period. As noted in g) above, the basic salary of the new post may at some point be equal to or exceed the protected salary, in which case protection will end.

Long-term protection entitlement is assessed on the basis of actual hours worked in the new post, paid at the hourly rate applicable to the previous post. If the hours in the new post exceed hours worked previously, long-term protection entitlement is based on (hours worked previously) x (rate applicable previously) with any additional hours in the new post being paid at the rate applicable to the new post.

Any additional earnings derived from work in the new post will be remunerated at the rate appropriate to the new post.

Long-term protection of basic wage or salary is also conditional on the employee giving an undertaking to move to a post on their previous i.e. protected band/grade with the Health Board/NHS Trust and actively seeking/applying for such opportunities as they arise. Health Boards and NHS Trusts have a duty through this policy to actively support individuals with securing such appointments and will ensure that suitable opportunities and vacancies are brought to individuals' attention.

Accordingly there is an explicit requirement that staff, whilst in the receipt of long-term protection, will be proactive in managing their careers as a condition of the continued receipt of protection. The refusal to apply for suitable alternative employment on three occasions; or to accept an offer of a suitable alternative post will result in the immediate cessation of protection.

To support staff on long-term protection Health Boards/NHS Trusts will use the provisions of the Redeployment Policy to enable staff to be afforded “restricted competition” status at any appropriate interview(s) for posts at their previous band/grade provided there are no employees at risk of redundancy who are eligible for priority interview.

Moving to an alternative post during protection may be instrumental in employees re-establishing their careers, but such moves may not necessarily result in individuals securing a post at their previous band/grade. In such circumstances, there will be no loss of eligibility for protection, where an employee moves within their Health Board/NHS Trust to a post not at the previous band/grade but where such a move is considered supportive in their career development/a step to returning to the previous band/grade. In such circumstance the level of protection may need to be recalculated based on the new post.

Exceptionally, protection may be transferred when an employee moves on his or her own application to a post with another Health Board or NHS Trust in NHS Wales with a basic wage or salary which is equal to that of the existing post, but only at the discretion of the organisation which would have to meet the cost of protection after such a move and only where that organisation can justify the continuation of protection as being in the interest of the service.

10.5 Possible Protection of Pension Following Down-Grading / Reduction in Hours

Employees who are members of the NHS Pension Scheme (with more than 2 years' pensionable service) who are eligible for long term pay protection following organisational change may apply to have their pension protected at the higher rate, subject to the approval of the NHS Pensions Agency. Individuals are advised to contact the Pensions Department on this matter, within 3 months of the reduction in salary to discuss how this option is accessed.

10.6 Interaction between Long and Short-Term Pay Protection

An employee to whom both short-term and long-term protection is applicable shall be paid both entitlements at the same time for the duration of the short-term protection. At the end of the short-term protection period payment will be made on the basis of the remaining entitlement to long-term protection.

10.7 Appeals

Appeals arising out of the application of this section of the policy shall be dealt with in accordance with the All-Wales Respect and Resolution Policy.

11. Excess mileage and travel

Where an employee's base is changed as a result of organisational change and this results in additional mileage from home to base then the excess miles incurred can be claimed.

Excess mileage will be reimbursed in accordance with the Reserve Mileage Rate for a period of up to 4 years. Alternatively, staff may claim a lump sum equivalent to 2 years excess travel payments.

If the employee moves their residence/home closer to their new work base during the period of entitlement, the excess mileage/travel will be reduced accordingly. If the individual moves their residence/home further from their new base no additional mileage/travel will be paid.

For those employees who have lease cars, any reimbursement will be subject to national insurance and tax deductions.

Staff are able to retain their entitlement to excess travel should they apply and obtain promotion or transfer to a new role on the same band at their new base.

If the employee voluntarily takes up another post at a different location, then payment of excess mileage will cease from date of appointment.

Non driving employees will be reimbursed for additional incurred public transport costs for a period of four years, or are entitled to receive two years' excess mileage paid as a lump sum.

Car parking charges will be reimbursed where an employee is redeployed under this policy, to a site where such charges are mandatory and the charges will therefore be necessarily incurred. Reimbursement of car parking charges in these circumstances will be made for a period of four years (arrangements for parking including location and rate should be agreed by the organisation and the employee in advance). As an alternative to the above, the NHS organisation may offer two years car parking fees paid as a lump sum. Lump sum payments will be subject to a pro rata 'claw back' clause, should the employee leave their employment before the end of the two-year period.

12. Relocation / Removal expenses

Organisations should have a relocation/removal expenses policy, which makes provisions for the payment of removal expenses, in circumstances where employees are required to move their home base and the organisation is satisfied that the arrangements proposed are reasonable in the circumstances.

Employees, who may be contemplating relocating their home as a result of, or in anticipation of an organisational change process, should obtain confirmation of the entitlement to relocation/removal expenses, prior to entering into any binding arrangements

13. Review, evaluation and monitoring arrangements

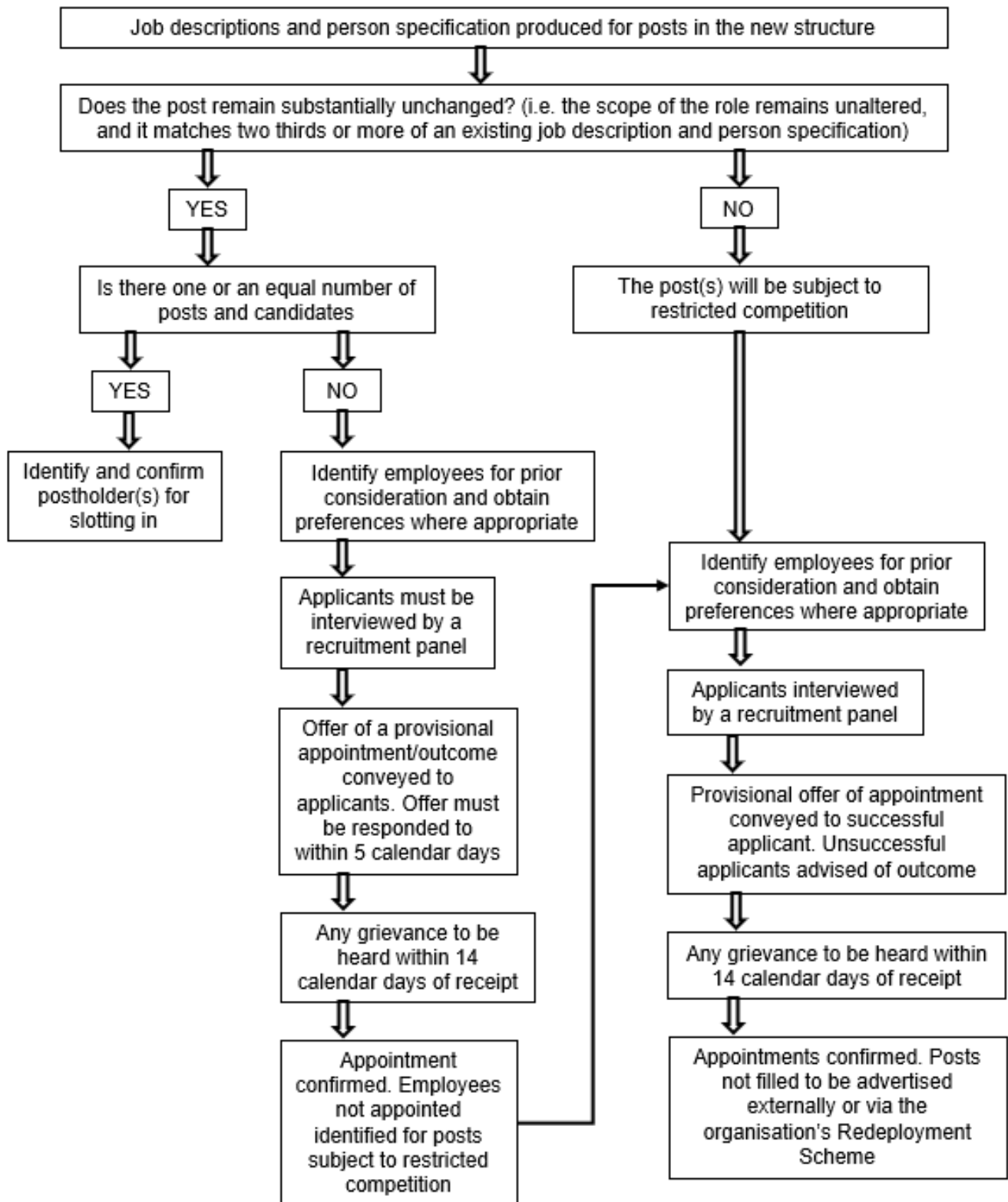
13.1 Evaluation

There will be ongoing evaluation of this policy with the trade unions, employees and NHS organisations, particularly in the context of equality impact assessments.

13.2 Monitoring

A monitoring proforma will be developed and the policy will be monitored, in partnership, after each organisational change, to ensure that the principles have been adhered to.

Appendix 1 – Procedure for filling posts during organisational change: flow chart



Appendix 2 – Redundancy policy

1. Statement of Intent

Definition of Redundancy

Redundancy can be defined as a dismissal, which is wholly or mainly attributable to:

- The fact that the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by them, or has ceased or intends to cease to carry on that business in the place where the employee was so employed; or
- The fact that the requirements of that business for employees to carry out work of a particular kind or for employees to carry out work of a particular kind in the place where they were so employed, have ceased or diminished or are expected to cease or diminish. (Section 139 (1), Employment Rights Act 1996).

NHS Wales organisations are committed, as far as is possible, to providing continued employment for existing permanent employees. These organisations are therefore required to take all reasonable, practical and affordable steps to retain valuable skills, knowledge and experience and avoid making employees compulsorily redundant.

This policy sets out all the measures which organisations must explore to avoid compulsory redundancy and the procedure to be followed, in the event of compulsory redundancy having to be affected.

The organisations will:

- encourage full and open consultation with employees and their representative(s) during a period of change, which may result in redundancy;
- facilitate the redeployment of employees;
- ensure appropriate and fair processes are followed; and
- endeavour to ensure that wherever possible, or affordable, reductions in employee numbers are achieved through natural wastage, or by means of voluntary early retirement or voluntary early release.

2. Procedures

2.1 Consultation

Where it is evident or strongly considered that changes planned will have a significant impact on employee contracts or will result in redeployments or redundancies then the statutory requirements concerning the provision of information to, and consultation with, recognised trade unions/staff representatives will be followed in accordance with section 5.3 of the OCP - Collective Consultation of Proposed Redundancy.

Employees at risk of redundancy will have the right to representation throughout the process.

Management must do their utmost in all circumstances to ensure that the consultation process commences at the earliest possible stage.

2.2 Measures to be taken to minimise or avoid redundancies

Wherever practicable all possible steps will be taken to minimise or avoid redundancy in accordance with the provisions set out in the Organisational Change Policy.

Any offer of alternative employment, which is considered to be suitable should be made in writing, providing sufficient details of the post and allowing reasonable time for the employee to consider it, prior to expiry of the notice period. The offered alternative post should be available no later than four weeks, from the date the old contract is ended. The offer should, where appropriate attempt to indicate the principal ways in which the new job differs from the old. Where this procedure is followed but the employee fails to respond to any such offer, the employee shall be deemed to have refused suitable alternative employment.

The acceptance of any alternative employment, which is considered suitable, may by agreement be subject to a four-week trial period. Trial period arrangements, including mechanisms for assessment and review should be agreed between the manager and the employee before the trial period begins.

If during the trial period it becomes clear that the redeployment is not in fact suitable, this will not affect the employee's entitlement to any redundancy payments that might be due under their old substantive contract. Redundancy payments will be put at risk if an employee withdraws without reason from an agreed trial arrangement.

2.3 Selection Methods

Selection methods will be agreed locally according to the circumstances of the reduction in posts, the staff groups involved and the requirements of the service and the organisation following the change. Any or all of the following may be considered as criteria for selection, bearing in mind the requirement that selection must be based on objective criteria:

- length of service;
- attendance record;
- sickness record (use of this criterion must be carefully managed in accordance with the Equality Act (2010));
- disciplinary record;
- qualifications;
- skills;
- competencies;

- work experience; and
- performance records (based on formal documented and objective evidence e.g. performance management/development review documentation).

The organisation must take care when designing and applying their selection criteria, to avoid using factors, which may directly or indirectly discriminate against any employee, on the grounds of gender, race, disability, religion or belief, age, sexual orientation, pregnancy and maternity or because they are transgender, married or in a civil partnership. The same consideration should be given to part-time employment status and trade union membership. Organisations must undertake an equality impact assessment of the chosen selection method.

2.4 Time off to look for work

Employees will be given reasonable time off, with pay and reimbursement of expenses, to consult with management, trade union and staff representatives, to visit any new locations where they may be seeking alternative employment, to attend for interview and to attend training and retraining.

2.5 Retraining

Appropriate preparatory training, induction and on or off the job training will be provided to enable employees to move into areas of work, not fully covered by their original training or recent experience. This will include attendance at any courses or seminars that may be pertinent to current vacancies.

2.6 Additional assistance

Each employee who is displaced or at risk of redundancy will be given the opportunity for individual counselling, including provision of information e.g. entitlements and specific support as identified in section 8.6 of the OCP Support arrangements.

2.7 Notice periods

Contractual notice should be served to any employees that are given notice of termination of employment by reason of redundancy.

Circumstances will dictate whether the organisation can offer a notice period which is longer than the employee's contractual notice. Notice periods may be extended, to maximise the opportunity to find the employee suitable alternative employment.

Subject to mutual agreement an employee may leave before the expiry of their notice period if:

- they obtain other employment outside of the NHS. In such a circumstance the new termination date will become the revised date of redundancy, for the purposes of redundancy calculations; or
- the employee, after having been given notice by their employing organisation, gives written counter notice, which with agreement may be less than the contractual period, with no loss of redundancy payment rights.

An employee may also be required to leave if:

- they engage in conduct resulting in another reason for dismissal, during their redundancy notice period.

In respect of the above, the organisation reserves the right to make an outright payment in respect of notice and the redundancy entitlement, by way of full and final settlement, subject to statutory regulation.

2.8 Equality

In applying this redundancy policy, organisations will ensure that any proposed arrangements do not discriminate on the basis of disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, trade union membership, age (except in so far as it is affected by the age retirement policy) etc. Part time employees should be treated in the same way as full time employees in all respects.

3. Entitlements of employees who are redundant

- 3.1** All NHS employees who are eligible to receive a redundancy payment will have their entitlement calculated and paid in accordance with section 16 (redundancy pay) of the Agenda for Change NHS Terms and Conditions of Service Handbook.
- 3.2** Provision also exists for eligible NHS employees to retire early without reduction of their pension benefits subject to the specific criteria set out in the NHS Pension Scheme membership rules and the provisions of Section 16 (redundancy pay) of the Agenda for Change NHS Terms and Conditions of Service Handbook.
- 3.3** It should be noted that these redundancy pay provisions apply to all NHS employees not just those covered by the Agenda for Change NHS Terms and Conditions of Service.

4. Right of appeal

4.1 Redundancy process grievances

In the case of dispute in respect of the redundancy process, associated with organisational change, an employee may follow the procedure set out in the All-Wales Respect and Resolution Policy.

4.2 Employees who are served notice of redundancy must be advised of their right of appeal. Any such appeal should be lodged within 21 days of the date of the letter of notice. Such appeals will be managed and conducted in accordance with the relevant organisation's dismissal procedure.

Appendix 3 – Arrangements for managing seconded, acting up and fixed term staff.

Seconded and acted up employees

The procedure for filling posts during organisational change, set out in section 9 of this policy, will not be applicable to a 'seconded' or 'acted up' role, which will be affected by the organisational change process, unless the employee has been in the post for a period of four continuous years or more, on the date on which they are displaced.

An employee who is 'seconded' or 'acting' up may however be included in the provisions of section 9, if they hold a substantive role which is subject to organisational change. In these circumstances the secondment or acting up arrangement may cease if appropriate where the employee may be slotted in or have prior consideration rights in regard to their substantive role.

1.1 Seconded and acted up employee with less than four years continuous service

Where an employee has been seconded or acted up in a post for a period of less than four continuous years, on the date on which they are displaced, the banding/grading and terms and conditions of service of their substantive post will be used to determine offers of suitable alternative employment, should they be unable to return to their substantive post.

Where an employee has been seconded or acted up into a post with no agreement to return to their **substantive post**, it will be the responsibility of their substantive employing organisation to find them suitable alternative employment where possible, at the end of the secondment/acting up period. This post should be at the same band/grade and on similar terms and conditions to those the employee was employed on, prior to the commencement of their secondment.

Where an employee has been seconded or acted up into a post with no agreement to return to their **substantive employing organisation**, it will remain the responsibility of their former substantive employing organisation to find them suitable employment. This post should be where possible at the same band/grade and on similar terms and conditions to those the employee was employed on, prior to the commencement of their secondment.

Where an employee's substantive employing organisation no-longer exists, it will be the responsibility of the successor organisation to the original employing organisation to honour their return to their substantive post, where this is still available, or to find them suitable employment where possible, should the post no longer be available or exist. This post should where possible be at the same band/grade and on similar terms and conditions to those the employee was employed on, prior to the commencement of their secondment.

Where a seconded employee has a substantive contract but never held a substantive post with their employing organisation, i.e. their contract is hosted, it

will be the responsibility of their employing organisation to find them suitable employment where possible. This post should where possible be at the same band/grade and on similar terms and conditions to those the employee enjoyed in their secondment post.

1.2 Seconded and acted up employee with four or more years continuous service

Where an employee has been seconded or acted up in a post for a period of four continuous years or more, on the date on which they are displaced this will be considered to be their substantive post.

In these circumstances the employee's secondment/acting up banding/ grading and terms and conditions will be used to determine offers of suitable alternative employment, should they not be appointed to a post using the slotting in or prior consideration principles.

Fixed term employees

Under the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, an employee on a fixed term contract, (e.g. the employee has been appointed to work in a fixed term or temporary post until a specified end date, event or task) is entitled to equal treatment. This equal treatment applies in terms of pay, benefits, equal opportunities for promotion, training and further development, including the right to be informed of all suitable available vacancies, and equal access to the occupational pension scheme, unless the less favourable treatment can be objectively justified by the employer.

Where an employee has been appointed on a fixed term contract and is affected by organisational change, the manager should liaise with the Workforce and OD department. Where an employee has been employed specifically to cover e.g. maternity leave, sickness absence, or to undertake a specific project, it is unlikely that they will have an entitlement to the provisions outlined in section 9 of this policy.

Where an employer is proposing to dismiss an employee on a fixed term contract, there should be full consultation with the affected employee and a thorough consideration of alternative employment prior to this decision being taken.

Appendix 4 – Transfer to a new employer

1. **Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014**

2. The Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 are commonly known and referred to as the TUPE Regulations. These Regulations provide employment rights to employees when their employer changes as a result of a transfer of an undertaking. The effect of these Regulations is to preserve the continuity of employment and terms and conditions of those employees that are transferred to a new employer, when a relevant transfer takes place. This means that employees employed by the previous employer when the transfer takes effect will automatically become employees of the new employer on the same terms and conditions of service. The Regulations also contain specific provisions to protect employees from dismissal before or after the transfer.

The Regulations therefore ensure that employees are not penalised when they are transferred by being placed on inferior terms and conditions. Therefore, not only are their pre-existing terms and conditions transferred across on the first day of their new employment with the new employer, the Regulations also impose limitations on the ability of the new employer and the transferred employees to agree a variation to terms and conditions thereafter.

3. **Partnership and Management Change Agreement**

The Partnership and Management Change Agreement issued by the Welsh Assembly Government Workforce Forum in February 2008 provides employees with a further reassurance, as it requires the public sector to treat TUPE as applicable upon any change of employer as a result of reorganisation in the public sector.

4. **Information rights**

The Regulations requires the existing employer to provide information to the new employer regarding transferring employees, prior to the relevant transfer date. The Regulations state that this information should be given at least 28 days before the completion of the transfer, or if special circumstances make this not reasonably practical, as soon as is reasonably practicable.

As such existing employer is required to provide the new employer with specific information (in writing or other forms which are accessible to the new employer) which will assist then to understand the rights, duties and their obligations in respect of the transferring employees.

5. Consulting with affected employees

The TUPE Regulations place a duty on both the existing and new employers to inform and consult employees who may be affected by the transfer. The Regulations do not prescribe a timescale for such consultations, other than to state that such consultations should take place “long enough before a relevant transfer to enable the employer of any affected employees to consult with the appropriate representatives”.

5.1 Employees who are trade union members

NHS Wales encourages all employees to join a trade union. Where employees may be affected by a TUPE transfer are represented by a recognised trade union, the existing employer must inform and consult with a recognised authorised official i.e. local or full-time officer of that union.

5.2 Non-unionised employees

Where employees that may be affected by the transfer are not represented by a recognised trade union, the employer is required to inform and consult with an appropriate representative of these employees.

The employer will enable employees who wish to elect a representative to do so and will inform and consult with them as appropriate.

6. Refusal to transfer

It is accepted that some employees will struggle to accept change and may fail to make the adjustment, and may therefore need to be counselled as to their options. The legal position of those employees who may decide not to transfer is that they will be voluntarily leaving their employment without any entitlement to notice or other severance compensation.

Employers should treat such employees sympathetically and arrange to meet with them to fully explore their reasons for refusing to accept a transfer and discuss alternative re-deployment opportunities should they exist.

7. Re-engagement following redundancy

For NHS Terms and Conditions of Service purposes, NHS organisations are ‘associated employers’. Therefore if an employee is made redundant and accepts and commences a new NHS post within four weeks of leaving the previous post, they are not entitled to redundancy pay under the regulations. Steps should therefore be taken by NHS organisations to actively identify and pursue suitable vacant/advertised posts, to avoid a redundant employee receiving a significant redundancy and/or termination payment and then taking up another post elsewhere in the NHS, after the four-week period. Detailed legal advice may be necessary according to the individual circumstances and compliance with WG policy and directives.

8. Career planning and support for displaced employees

Local mechanisms will be established to provide support to those employees that are displaced or who may need support to adjust to a new working environment. The aims of developing such a scheme are to:

- retain skills and experience within NHS Wales;
- avoid unnecessary loss of staff and reduce redundancy costs;
- effectively support individuals whose career is in transition;
- ensure fair and equal treatment of employees across NHS Wales; and
- provide personal support for those employees who may not be displaced but who are generally concerned about the effects of organisational change on them.

Appendix 5 – Organisational Change within NHS Wales – Redeployment Policy

1. Introduction

The National Health Service (NHS) in Wales is committed to attracting and retaining excellent, committed staff and values the depth and breadth of experience, knowledge and skills that they hold and contribute to the service.

The changing needs of the NHS in Wales, as a result of ongoing organisational change and the requirement to pro-actively manage these changes, means that some employees may need to be redeployed into alternative roles, should they be displaced from their current post and / or their post has been identified as being at risk of redundancy. In these circumstances, it is recognised that the employees affected will have experience, knowledge, skills and expertise, which will enable them to continue to contribute to the success of a Health Board (LHB) / NHS Trust, should they be given suitable opportunities to do so.

It is the responsibility of each of the LHB and Trusts to make all reasonable efforts to assist employees, where necessary to find suitable alternative employment, to enable them to continue their careers within the National Health Service. This will include fully supporting the potential and actual redeployment of NHS Wales's staff from outside of their own organisations, into suitable vacancies in other organisations in circumstances where it is appropriate and where there is agreement to do so.

During any period of organisational change, the following Redeployment Policy will be utilised by all LHBs and Trusts when there is a requirement for them to seek to find suitable alternative employment for employees that have been displaced from their current post and / or their post has been identified as being at risk of redundancy.

The Policy must be read in conjunction with other NHS Wales policies.

2. Scope

This Policy will only apply in instances where redeployment is appropriate as a result of organisational change.

This Policy will apply to all NHS Wales employees who hold a substantive or fixed term contract that have been displaced from their current post and / or their post has been identified as being at risk of redundancy, as a result of an organisational change process.

Each NHS Wales organisation will establish arrangements within their Workforce & OD Departments to co-ordinate and manage the process of managing employees

who are eligible for redeployment and will ensure that collaborative arrangements are put in place with their counterparts within the other NHS Wales LHBs/Trusts.

Displaced employees will be designated as a Redeployment Candidates, once it has been confirmed in writing that they have been unsuccessful in securing a suitable post within the new organisational structure, i.e. they have been formally displaced or their post has been identified as being at risk of redundancy and it has been confirmed that continuing in their current post is not tenable.

Such employees will retain the designation as a Redeployment Candidate for a maximum period of 3 months, unless they secure a substantive post in the intervening period. It is anticipated that LHBs and Trusts, working co-operatively, should be able to find candidates, suitable alternative employment within the above timescale. It should be noted that any staff at risk of redundancy will be given precedence in identifying suitable alternative employment over staff who are already in an alternative post and on protection. Additionally, an employee being made redundant, and who is taking leave such as statutory maternity leave, must be offered any suitable vacancy before any other employee. Also, they do not have to apply for it. If the organisation has doubts about the employee's suitability for the role, it can assess/interview them for the role – and if they are found to be suitable, they must be offered the role first. However, if there is not a suitable role, they can be made redundant if the decision is not because of their legally protected leave, and the redundancy process is fair.

All Redeployment Candidates will have all of their employment rights protected, as required by the Employment Rights Act (1996). It should be noted and specifically communicated to employees in writing that where they are redeployed to a post within a new NHS Wales employer, they would be given a new start date in post with that employer, however their continuous NHS service would be counted as reckonable in respect of sick pay, annual leave and incremental credit.

3. Purpose

This Policy will assist employees to identify suitable alternative posts within NHS Wales, when they are unable to continue in their current substantive post, by providing a commitment and process which allows them preferential consideration when applying for identified vacant posts.

The purpose of the Redeployment Candidate designation is to:

- ensure that displaced employees are made aware of vacancies prior to them being advertised via the open competition process;
- ensure that displaced employees are matched to appropriate vacancies, to secure alternative employment in accordance with the 3-month timescale and in accordance with best practice;
- ensure that a fair, equitable and consistent approach is adopted in the management of suitable alternative employment, within NHS Wales, during any organisational change process;

- maintain continuity of service and service efficiency and effectiveness during all organisational change processes;
- ensure that all employees remain valued and that their ongoing contribution to NHS Wales is recognised and supported during any organisational change process;
- provide effective and ongoing support to employees who have been displaced from their current post or their post has been identified as being at risk of redundancy and is no-longer tenable for them to continue working in that post:
- assist and support employees to find suitable employment and where possible, provide for their career development and aspirations; and
- ensure that NHS Wales's organisations meet all of their relevant legal obligations, as regards finding suitable alternative employment for employees at risk of redundancy, in accordance with the Employment Rights Act (1996).

4. Equality Statement

All employees subject to redeployment will be treated with dignity and respect and in accordance with equality and human rights legislation. No individual will be treated less favourably on the basis of age, disability, gender, race, religion and belief and non-belief, sexual orientation, pregnancy and maternity or because they are transgender, married or in civil partnership. No employee should be treated less favourably due to their hours worked (full-time or part-time) or trade union membership.

Selection for suitable alternative employment or training / re-training will be on the basis of the employee's qualifications, knowledge, skills and relevant experience, against the job description, essential person specification criteria and requirements of the role.

5. Roles and responsibilities

The effective operation of this all Wales Policy is dependent on the full co-operation of all Welsh NHS LHBs and Trusts working collaboratively, to ensure that all appropriate vacancies are made available to staff Redeployment Candidates.

Each LHB and Trust will therefore review and consider all of their new vacancies, against any notified Redeployment Candidates, to determine whether they may provide suitable alternative employment opportunities.

NHS Wales LHBs and Trusts will not therefore arrange open competition interviews for new vacancies, until potential eligible redeployment candidates have been considered for these posts, via the agreed recruitment process.

5.1 Executive Organisational Change Redeployment Lead

The Director of Workforce and OD will have overall organisational responsibility for ensuring the effective resourcing and operation of this Policy.

It will also be their role to facilitate local discussions with senior managers and appointing managers within their own organisation (as well as cross organisational discussions with their counterparts), where it is identified that there are challenges, which may be preventing an employee being deployed to a suitable alternative post, which they clearly have the knowledge, skill and experience to fulfil.

The Director of Workforce and OD will also ensure that their organisation implements a vacancy control process. This process will ensure that no vacancies are authorised to be advertised via an open competition process, until it has been confirmed that these vacant posts will not offer a potential suitable alternative opportunity, to any Redeployment Candidates.

5.2 Head of Department

Initial responsibility for finding suitable alternative employment opportunities for an employee, displaced from within a departmental structure, will rest with the Head of Department*

The Head of Department* will initially be required to make every effort to find a suitable alternative position for the affected employee, within their new structure.

The Head of Department* must liaise with their HR representative, supporting the organisational change within their structure, to obtain and provide appropriate advice to the affected employee, in relation to the Organisational Change Policy, redeployment etc. This will be necessary to ensure that any employees designated as Redeployment Candidates receive timely and appropriate support and advice throughout the change process.

* **N.B.** This responsibility may rest with the head of department, functional head, line manager or professional lead, depending on the organisation's structure.

5.3 Nominated HR Officer/Manager

Each NHS LHB and Trust will nominate a HR Officer / Manager, to support Redeployment Candidates in their search for suitable alternative employment. Such HR nominees will act as the "Case Manager" for all such redeployments cases.

It will be the role of the nominated Case Manager to:

- work proactively with redeployment candidates to assist them to secure where possible suitable alternative employment, within 3 months of being designated as such;
- Seek completion of and signature on the Agreement Form to confirm that both parties (the employee and the LHB/Trust) are committed to work

- together, within the specified period to find a suitable post;
- ensure the identified employee's information is recorded by the LHB / Trust in a system which can ensure appropriate management of all employees designated as Redeployment Candidates;
 - review all vacancies that are submitted via the vacancy control process, to establish whether any of these posts could offer a potential suitable alternative opportunity, to redeployment candidates.
 - make regular contact with redeployment candidates;
 - as necessary, assist redeployment candidates to access NHS jobs and download vacancy information;
 - ensure that all appropriate vacancies and the associated recruitment documentation are made available to redeployment candidates;
 - discuss appropriate vacancies with redeployment candidates to assist them to assess and make an informed decision regarding their suitability of the post, with particular reference to the person specification, job description and any other information available, which is relevant to vacancy;
 - as necessary, assist redeployment candidates with their application for suitable alternative posts, where it has been identified that they meet the essential selection criteria for a post;
 - ensure that employees designated as redeployment candidates that meet the essential short-listing criteria are offered the opportunity to discuss the post with the appointing manager, prior to the agreed redeployment recruitment process;
 - liaise with a more senior HR Manager, should an appointing manager fail to consider an employee, that meets the essential criteria for the post, to ensure the matter is investigated and resolved appropriately and in a timely manner;
 - liaise with a more senior HR Manager, in view of the potential consequences, should a registered employee decline to apply for a potential suitable alternative employment post, which has been brought to their attention.
 - provide *initial* constructive and timely feedback to the employee, following their application being considered for a post, as appropriate;
 - as appropriate provide support to redeployment candidates in seeking approval for requests in respect of funding for training, to enable them to update their skills and / or knowledge or to re-train for work of a different type or in a different discipline / field;
 - ensure employees designated as redeployment candidates have access to counselling / careers advice services, communicating the availability of such services as appropriate;
 - ensure the details of redeployment candidates is maintained and kept up to date
 - manage the transactional processes associated with redeploying an employee e.g. any agreed pay protection, terms and conditions protection, and excess mileage payments arrangements etc.

5.4 Appointing Manager

The appointing manager is responsible for;

- ensuring that redeployment candidates that express an interest in a vacancy and meet the essential person specification criteria for the post are offered the opportunity to have an informal discussion about the role, prior to the redeployment interview;
- ensuring where redeployment candidates, meet the essential person specification criteria for the post (based on the content of their formal application for the post) are offered a formal interview, prior to any open recruitment competitive process;
- seeking advice from the HR Case Manager where there is an application from a redeployment candidate for their post and they consider that they do not meet all of the essential elements of the person specification and provide written reasons.
- Approval to advertise the posts for open competition will not be granted until this information is provided by the appointing manager;
- notifying the HR Case Manager supporting the redeployment candidate of the outcomes from any meetings/interviews and providing initial feedback to them;
- notifying the candidate of their recruitment decision and providing constructive feedback, following a recruitment interview, should the employee not be appointable; and
- providing the HR Case Manager with a copy of the recruitment documentation, to ensure the reasons for not appointing are reasonable and documented.

5.5 Employee

All employees that are displaced from their substantive post and / or their post has been identified as being at risk of redundancy, as a result of an organisational change process, will be designated by their LHB and Trust as a Redeployment Candidate.

These Redeployment Candidates may also request that their details be notified to other NHS Wales LHB/Trusts for consideration of vacancies. The appointed HR Case Manager will ensure that the employee's details are forwarded to the LHB/Trust HR Case Manager, for consideration of vacancies within that organisation.

It will be the responsibility of these Redeployment Candidates to:

- maintain regular contact with their LHB/Trust HR Case Manager (and the HR Case Managers of any external LHB/Trust , which they have requested to be considered for), including notifying them of any protracted periods of absence, such as extended leave whether annual, maternity, sick leave etc., to ensure that information about vacancies can continue to be made available to them;

- complete and sign the Redeployment Registration Form, providing all relevant information / documentation in relation to contact details, employment record, qualifications, experience and role / job preferences;
- submit their Form to their HR Case Manager, so that their base-line skills levels and competencies can be established;
- complete and sign the Redeployment Scheme Employee Agreement Form to comply with the terms of the redeployment scheme and work proactively with the LHB/Trust to secure alternative employment within the prescribed 3-month timescale;
- access and review NHS jobs on a daily basis and other relevant recruitment media on a regular basis to assist in the identification of potentially suitable internal and external NHS vacancies;
- consider and pursue all reasonable suitable alternative employment opportunities within NHS Wales, expressing an interest in those vacant posts for which they may be potentially suitable (with reference to their knowledge, skills, qualifications and experience) and submitting an application;
- contact their HR Case Manager, should they require any additional information regarding a potential suitable vacant post, to enable them to make an informed decision regarding the suitability of the vacancy;
- consider alternative posts, which would be regarded as suitable except for the rate of pay, terms and conditions of service, location etc. In such circumstances the employing LHB / Trust organisation will give full and fair consideration to offering pay and / or terms and conditions of employment protection and / or excess travel expenses etc. in accordance with the provisions set out in the Organisational Change Policy;
- co-operate fully and to exercise reasonable flexibility when considering and being considered for suitable alternative posts, to ensure where possible that they are able to secure substantive employment, prior to the expiry of their Redeployment Candidate status. Whilst reasonable attempts will be made to accommodate employee's preferences, they should not unreasonably refuse a post within a reasonable travelling distance or at a lower band, as pay protection will be given in accordance with the terms set out in the OCP. Should an employee unreasonably refuse a post that has been assessed as one which could provide suitable alternative employment, the matter will be dealt with in accordance with Section 6.6 of this policy "Refusal of an Offer of Suitable Alternative Employment";
- contact their HR Case Manager, should they wish to consider attending a training course, to enable them to update their skills and / or knowledge or to re-train for work of a different type or in a different discipline / field;
- complete the application process in respect of all identified suitable alternative post and attend all associated arranged meetings and interviews;
- approach their manager to request reasonable time off work to find suitable alternative employment, including attendance at interviews and

- meetings in relation to their redeployment and training events;
- meet with a senior HR Manager should their HR Case Manager believe that they have unreasonably refused an offer of suitable alternative employment.

All Redeployment Candidates will be entitled to be accompanied by a trade union representative or a work colleague, if they so wish during any redeployment related meetings.

5.6 trade union / Professional Organisation Representative

At the request of the displaced employee the trade union / professional organisation representative is responsible for;

- Supporting the employee and attending meetings with them in relation to their redeployment. This will **not include** attendance at formal meetings with an appointing manager to discuss a specific post or recruitment interviews;
- Working with the Health Board/Trust representatives to address any concerns they may have regarding the organisation and/or the employee's adherence to the provisions of this policy, seeking to resolve any issues of concern, informally where possible.

6. Interview and appointment process

6.1 Process for identifying suitable alternative employment vacancies

All recruitment to suitable alternative employment vacancies must be undertaken in line with the NHS Wales Shared Services Recruitment Process and Procedures.

The person specification and job description for a post will be the principal documents used as the means by which the HR Case Manager and the Redeployment Candidate will identify and determine potential suitable alternative posts.

To be eligible for consideration for vacant posts, the employee must be able to demonstrate that they meet all of the essential person specification criteria for the post.

Whilst consideration of suitability will necessarily focus on knowledge, skills, experience and qualifications, it will also be necessary to take into consideration any personal circumstances which may render the post unsuitable such as caring responsibilities and hours of work. In addition, due regard must be given to the requirement to make reasonable adjustments to posts in accordance with the Disability Discrimination Act (2005) and the requirement not to unlawfully discriminate against disabled staff seeking redeployment opportunities, by providing staff at risk of redundancy with preferential treatment.

An employee will not have a right to more than one offer of suitable alternative employment, unless it can be established that the offer did not in fact provide them with a suitable alternative post.

6.2 Identified appropriate suitable alternative employment vacancies

Where a post has been identified as a potential suitable post for a Redeployment Candidate, the HR Case Manager will advise the appointing manager that they are required to consider and offer the employee an interview. Such vacancies will not be the subject of an open competition recruitment process, unless an appointment cannot be made from any eligible Redeployment Candidates.

If a full skills match does not exist at the outset, the vacancy may still be deemed suitable if it is agreed that after a trial period (see 6.6 below) and/or a period of training it is assessed that there is certainty that the full skills match would be achieved.

6.3 Appointment process

Where it has been identified and agreed that an employee on the Redeployment Candidate list is able to demonstrate, via their job application that they meet the essential person specification criteria for a vacant post, the appointing manager must meet with them to discuss the post and role requirements, prior to the recruitment interview process.

The purpose of the meeting will be to establish whether the employee is potentially appointable to the post. This will ensure that both parties are confident going into the recruitment process that the post may provide suitable alternative employment and could potentially be filled by the identified employee.

Where only one individual is involved, the decision to offer a post will still be based on whether the individual could reasonably be expected to undertake the duties to the required standard through a formal recruitment interview as the only candidate.

Should it be determined that the post would represent a significant change in responsibilities and pay band for the employee, a formal recruitment interview would be required under the normal open competition arrangements, to ensure that there was no unfair advantage in securing a promotion.

Where more than one redeployment candidate expresses an interest in a vacancy and they meet the essential person specification criteria for the post, they will all be interviewed for the post. The selection decision will be based on the appointed individual's ability, as demonstrated via the interview process, that they could undertake and perform in the role to the required standards.

Where appropriate, redeployment to a fixed term or temporary post on an interim basis will be considered if this is deemed to be in the best interests of an employee and the service. In such cases, the employee's designation as a Redeployment Candidate will be suspended, while they undertake this post. Their designation will

resume once the fixed term / temporary post comes to an end. In such circumstances, and in preparation for the ending of this post, the employee will be able to apply for vacancies as a redeployment candidate 3 months prior to the end of the fixed term/temporary arrangement.

Where an employee has been identified as suitable for a post and they can demonstrate that they meet the essential person specification criteria, and they are the only candidate, but they are not considered to be suitable by the appointing manager (either at the formal meeting or interview stage), the appointing manager will be required to provide written objective reasons to the HR Case Manager supporting the displaced employee, copied to the Director of Workforce and OD. The purpose of this written documentation will be to confirm the reason(s) for their decision, based on their deliberations against the post's essential person specification criteria, the job description and the candidate's knowledge, skills, qualifications and experience.

In such circumstances the appointing manager will not be permitted to proceed to appoint to the post, via a process of open competition, until they have met with a senior Workforce & OD Manager and / or executive lead (depending on the seniority of the post). The purpose of this meeting will be to discuss the decision, explore concerns and where possible reach a final conclusion, regarding whether the post would offer the employee suitable alternative employment.

Should it be concluded that the appointing manager can objectively justify not considering the employee for their post, the senior Workforce & OD Manager / executive lead will contact the HR Case Manager, to advise them of this decision.

If no other Redeployment Candidates are eligible/suitable for appointment to the post, the HR Case Manager should notify the appointing manager, to enable them to put the vacancy through the Vacancy Process for approval to advertise the post via a process of open competition.

6.4 Appointment to the post

Should an appointing manager recommend that a Redeployment Candidate is appointable following an interview process, they should inform the relevant HR Case Manager of the outcome, the associated terms and conditions of service and where applicable the agreed commencement date. The manager will confirm the recruitment decision in a letter to the employee, which will be followed up with the official appointment letter and contract.

It will be the responsibility of the relevant HR Case Manager to ensure that the employee's status as a Redeployment Candidate is changed.

6.5 Not recommended for appointment to the post

Should an appointing manager conclude that a Redeployment Candidate is not appointable following an interview process, they should not inform the candidate of the outcome until they have discussed their decision with the HR Case Manager. (depending on the seniority of the post). Initial contact regarding this matter, will be

via the HR Case Manager who will refer the matter to a senior HR Manager /Executive Lead, depending on the seniority of the post.

Prior to contacting the HR Case Manager, the appointing manager should ensure that they have produced written objective reasons, supporting their decision. These reasons should be mapped across to the post's person specification criteria, the job description content and the candidate's knowledge, skills, qualifications and experience and fully explain why the employee was unsuccessful at interview.

This information will be used for the following purposes:

1. to aid the discussion between the appointing manager and the senior Workforce & OD Manager / or their executive lead (depending on the seniority of the post).
2. to enable the HR Case Manager to provide initial constructive feedback to the unsuccessful employee.

It will be the responsibility of the appointing Manager to provide the unsuccessful employee with detailed and constructive interview feedback.

The purpose of the meeting between the Appointing Manager and the senior HR Manager / or the executive lead (depending on the seniority of the post), will be to discuss the decision, explore concerns and where possible reach a final conclusion, regarding whether the employee is appointable to the post.

Depending on the reasons given not to appoint the employee, the Appointing Manager may be asked to consider offering the employee a minimum four-week trial period, in accordance with the statutory provisions set out in the Employment Rights Act (1996), to provide them with training and adaptation time in the new post.

Should the appointing manager agree to allow the employee to take up the post on a trial period, they must be advised during this meeting that they would be required to confirm the employee's appointment as permanent, at the end of this agreed period, should the trial prove successful.

They should also be advised that should a trial prove unsuccessful, due to practical and reasonable reasons the employee would return, where practicable to their previous position on a supernumerary basis. Where a return to their previous post is not possible, the employee's former manager will allocate them meaningful work to undertake, in accordance with the provisions set out in **Section 7** of this policy.

Should it be concluded that the appointing manager's decision not to appoint the employee was justified and it would not be appropriate in the circumstances to offer a trial period, the senior Workforce & OD Manager / an executive lead (depending on the seniority of the post) will contact the HR Case Manager, to advise them of this decision.

6.6 Trial period

In accordance with the employee's statutory rights, as set out in the Employment Rights Act (1996) redundancy provisions, they are entitled to a four-week trial period, to provide them with some time to decide whether they consider the new post to be suitable. A trial period may also be used where the suitability of the post is disputed or unclear to either the LHB/Trust or the employee. A longer trial period may be agreed by the appointing manager and the employee, in limited circumstances, for example to provide training or re-training.

Where a trial period is agreed, the appointing manager and the employee should establish in writing, the agreed duration of the trial and how both parties will assess the suitability of the post during and / or at the end of this period.

At the end of the trial period, it is the responsibility of the appointing manager to inform the employee and the HR Case Manager whether or not the appointment to the post has been regarded as successful. Where the employee proves to be competent in the new post at an early stage, the appointment can be confirmed at any stage prior to the end of the 4-week period.

Where the appointment is deemed not to have been successful at the end of the agreed trial period, the written objective reason(s) must be provided to the relevant HR Case Manager using the Record of Trial Redeployment Period Form.

Where the manager concludes that the trial appointment has been unsuccessful and the employee is not suitable for the post, they will be responsible for putting the reason(s) in writing to the employee using the Record of Trial Redeployment Period Form, copied to the HR Case Manager.

Where the employee concludes that the trial appointment has been unsuccessful and the post is not suitable for them, they will be responsible for putting the reason(s) in writing to the Appointing manager and the relevant HR Case Manager using the Record of Trial Redeployment Period Form.

The written reasons will be reviewed by the HR Case Manager and discussed with the senior HR Manager/ Executive Lead (depending on the seniority of the post), to determine what follow up action may be required.

Where it is concluded that an employee has **unreasonably** refused an offer of suitable alternative employment, following a trial period, their entitlement to a redundancy payment will be forfeited and the LHB / Trust reserves the right to proceed to terminate their employment.

Where it is established that an employee has **reasonably** refused an offer of suitable alternative employment, following a trial period, they will be required to continue to seek suitable alternative employment in accordance with the provisions set out in this policy.

6.7 Refusal of an offer of suitable alternative employment

Where the senior HR Manager/ executive lead concludes that an offer of suitable alternative employment has been **unreasonably** refused, a formal meeting will be held with the employee.

The employee will have the right to be accompanied by a trade union / professional organisation representative or a work colleague. The purpose of this meeting will be to fully explore and discuss the reasons for the refusal and to establish whether the reasons are valid and reasonable in the circumstances.

Where it is established that the employee has unreasonably refused an offer of suitable alternative employment, their entitlement to a redundancy payment will be forfeited and the employing LHB / Trust may reserve the right to proceed to terminate their contract of employment. An employee may appeal against this decision directly in accordance with the All-Wales Respect and Resolution Policy.

Where it is established that an employee has reasonably refused an offer of suitable alternative employment, following a trial period, they will be required to continue to seek suitable alternative employment in accordance with the provisions set out in this policy.

6.8 Failure to secure a suitable alternative employment post

If at the end of the 3 month redeployment period a Redeployment Candidate has not secured suitable alternative employment, as a last resort, the LHB / Trust organisation may need to consider terminating the employee's contract of employment by reason of redundancy, in accordance with the provision set out in the Employment Rights Act (1996), Section 16 of the NHS Agenda for Change Terms and Conditions of Service Handbook and their contract of employment.

No redundancy payment will be made where suitable alternative employment has been identified but the displaced employee has unreasonably refused the post.

6.9 Posts advertised under open competition

Should no Redeployment Candidate meet the specified essential person specification criteria and the vacancy is not considered to provide a suitable alternative employment opportunity, then posts will be advertised via the open competition process. In these circumstances Redeployment Candidates may apply for the post, in accordance with the LHB's/Trust's recruitment and selection policy. As such these candidates will be considered for the post, in competition with other applicants.

Where a Redeployment Candidate secure a post via a process of open competition, they are required to advise their HR Case Manager as soon as practicably possible, to ensure that their status as no longer being a Redeployment Candidate is appropriately recorded.

7. Allocation of meaningful work

Wherever possible, employees who have been displaced and / or identified as being at risk of redundancy will remain in their original post, and continue to report to the appropriate manager.

Where it is not possible for an employee to remain in their original post and they cannot be immediately redeployed to a suitable permanent post, their manager in conjunction with the Head of Department / Function will find and allocate the employee, meaningful, interim work

In such cases, the employee is expected, through discussion and agreement with their Head of Department / Function, to be flexible regarding the type and nature of work that they are allocated to undertake, to ensure that the LHB / Trust can provide continuity of service and meet its operational needs, during the period of organisational change.

In any such discussions, the employee would be offered reasonable interim work, which was broadly commensurate with their substantive pay band / grade and which would best utilise their knowledge, skills, experience and expertise. The employee's personal circumstances and commitments outside of work would also be taken into consideration, during any such discussions.

The employee would be entitled to be accompanied by a trade union or work colleague, should they so wish during any meetings to discuss this matter.

8. Secondments and fixed term posts

A Redeployment Candidate who takes up a secondment or fixed term post will have their displaced / at risk status suspended until the contract comes to an end.

If the secondment or fixed term post is for less than 12 months, they would have the balance of their 3 months as a Redeployment Candidate reinstated and the search for suitable alternative employment continue from the date of the termination of the fixed term / temporary post.

If the secondment or fixed term post is for more than 12 months, then the employee will become displaced 3 months before the secondment or temporary post is due to end and their status as a Redeployment Candidate will be re-activated for a further 3 months at that stage.

9. Pay Protection

Where an employee accepts a suitable alternative post, which attracts a lower salary, their pay will be protected in accordance with the **Arrangements for Salary Protection**, set out in **Section 10** of the **Organisational Change Policy**.

10. Grievance and right of appeal

Where an employee has a grievance, in respect of the application of the Organisational Change Redeployment Policy or the management of their case, they may follow procedures as set out in the All-Wales Respect and Resolution Policy.

Should an employee raise a grievance which is not entirely within the control of their LHB / Trust (*for example; failure of an external LHB / Trust to consider an application from an eligible displaced employee*), their organisation should treat the matter in the same way as any other internal grievance.

In such circumstances the employing LHB / Trust will be required to make the third-party organisation aware of the grievance and their need to fully engage, participate and contribute to the investigation process. Where appropriate the employing LHB / Trust will also inform the third-party organisation of their obligation to be involved in the implementation of any agreed resolution, decision or recommendations.

Once this process has been exhausted the employee will have no further recourse to the All-Wales Respect & Resolution Policy.

11. Monitoring and review

This Policy will come into effect in December 2025 and will be used solely for the purpose of managing employees who are displaced / at risk during the implementation of an organisational change process.

The Welsh Government in conjunction with the NHS Wales LHB / Trust will regularly monitor and review the effectiveness and any issues of concern, regarding the implementation of this Policy and the local management arrangements for supporting Redeployment Candidates.



GIG Cymru

Polisi Newid Sefydliadol

Fforwm Partneriaeth Cymru
Welsh Partnership Forum

GIG Cymru yn
Gweithio mewn Partneriaeth

NHS Wales
Working in Partnership



Contents

1. Cyflwyniad.....	2
2. Cwmpas y polisi.....	2
3. Datganiad polisi.....	2
4. Egwyddorion i’w dilyn.....	2
5. Ymgynghori â buddion staff.....	3
6. Cyflwyno newid.....	5
7. Achub y blaen a pharatoi ar gyfer newid.....	6
8. Rheoli gweithwyr sydd mewn perygl o gael eu dadleoli	7
9. Y weithdrefn ar gyfer llenwi swyddi yn ystod newid sefydliadol.....	8
10. Gwarchod Cyflog ac Amodau’r Gwasanaeth	12
11. Milltiredd a theithio gormodol	16
12. Treuliau adleoli / symud	17
13. Trefniadau adolygu, gwerthuso a monitro	17
Atodiad 1 – Gweithdrefn ar gyfer llenwi swyddi yn ystod newid sefydliadol – siart lif	18
Atodiad 2 – Polisi Dileu Swyddi	19
1. Datganiad o Fwriad	19
2. Gweithdrefnau	19
3. Hawliau gweithwyr y mae eu swyddi wedi’u dileu.....	22
4. Hawl i apelio.....	22
Atodiad 3 – Trefniadau ar gyfer rheoli gweithwyr ar secondiad, wedi’u dyrchafu dros dro a thymor penodol.	23
Atodiad 4 – Trosglwyddo i gyflogwr newydd.....	25
Atodiad 5 – Newid Sefydliadol o Fewn GIG Cymru – Polisi Adleoli.....	28
1. Cyflwyniad.....	28
2. Cwmpas.....	28
3. Diben.....	29
4. Datganiad Cydraddoldeb	30
5. Rolau a chyfrifoldebau	30
6. Y broses gyfweld a phenodi	35
7. Dyrannu gwaith ystyrlon.....	40
8. Secondiadau a swyddi cyfnod penodol.....	41
9. Diogelu cyflog.....	41
10. Cwynion a’r hawl i apelio	41
11. Monitro ac adolygu	42

1. Cyflwyniad

Datblygwyd y polisi hwn gan Fforwm Partneriaeth Cymru, ac mae'n nodi'r egwyddorion sy'n berthnasol wrth reoli newid sefydliadol o fewn GIG Cymru. Bydd sefydliadau'r GIG yn mabwysiadu ac yn dilyn y polisi hwn fel safonau craidd ar gyfer ymarfer, sy'n berthnasol i'r holl weithwyr y mae'r newid yn effeithio arnynt.

Yn ystod adegau o newid sefydliadol, mae'n enwedig o bwysig sicrhau bod cyfleoedd cymorth, arweiniad, hyfforddiant a datblygu ar gael i'r holl staff a gyflogir gan sefydliadau'r GIG yng Nghymru yn unol ag arfer gorau. Bydd y GIG ehangach yng Nghymru'n gyfrifol am gynorthwyo adleoliad gweithwyr o unrhyw sefydliadau yn y GIG y mae newid sefydliadol yn effeithio arnynt.

2. Cwmpas y polisi

Mae'r polisi hwn yn disodli'r Polisi Newid Sefydliadol a gyhoeddwyd ym mis Mawrth 2017.

Bydd y Polisi Newid Sefydliadol yn berthnasol i bawb sy'n gyflogedig gan GIG Cymru. Bydd yn berthnasol i bob achos o newid sefydliadol, p'un a ydynt yn adolygiadau mewnol o'r gwasanaeth neu'n gyfuniadau neu'n ddad-gyfuniadau a gymeradwywyd yn allanol

3. Datganiad polisi

- 3.1 Wrth roi'r polisi hwn ar waith, bydd pob gweithiwr yn cael ei drin ag urddas a pharch ac yn unol â deddfwriaeth cydraddoldeb a hawliau dynol. Ni fydd unrhyw unigolyn yn cael ei drin yn llai ffafriol ar sail oedran, anabledd, rhywedd, hil, crefydd a chred a diffyg cred, cyfeiriadedd rhywiol, beichiogrwydd a mamolaeth neu oherwydd ei fod yn drawsryweddol, yn briod neu mewn partneriaeth sifil (sydd hefyd yn cael eu galw'n "nodweddion gwarchodedig"). Ni ddylid trin unrhyw weithiwr yn llai ffafriol oherwydd ei oriau gwaith (amser llawn neu ran-amser) na'i aelodaeth ag undeb llafur.
- 3.2 Gofynnir i sefydliadau fonitro gweithrediad y polisi hwn a sicrhau eu bod yn asesu ei effaith ar draws y "nodweddion gwarchodedig" ac o ran hawliau dynol. Bydd angen casglu, monitro ac adrodd ar ddata cydraddoldeb yn y gweithle er mwyn gwneud hyn ar gyfer pob gweithiwr sy'n cael ei amlygu i fod mewn perygl a bod yn destun darpariaethau'r polisi.

4. Egwyddorion i'w dilyn

- 4.1 Polisi GIG Cymru yw atal pob achos y gellir ei osgoi o ddileu swydd yn orfodol, a allai ddigwydd yn sgil newid sefydliadol. Felly, nod y polisi hwn yw sicrhau bod y GIG yn cadw gwybodaeth, sgiliau a phrofiad gwerthfawr ei weithlu, trwy ddefnyddio nifer o strategaethau, er mwyn helpu gweithwyr sydd wedi'u dadleoli

i ddod o hyd i gyflogaeth addas a/neu gyfleoedd ailhyfforddi, a fydd yn eu galluogi i barhau i gyfrannu at y gwasanaeth mewn modd cadarnhaol.

- 4.2 Yn amodol ar y prosesau a amlinellir isod, pan fydd angen adleoli gweithwyr, bydd sefydliadau'r GIG yn;
- a) ystyried defnyddio staff tymor byr dros dro mewn unrhyw gyfnod o newid, i gynnal gofynion y gwasanaeth nes bydd y newid yn dod i ben ac i fanteisio i'r eithaf ar gyfleoedd adleoli posibl;
 - b) defnyddio cynlluniau ymddeol yn gynnar a/neu ddiswyddo gwirfoddol pan fydd yr amgylchiadau a/neu'r adnoddau'n caniatáu hynny;
 - c) ar ôl ymgynghori, amlygu gwaith arall addas (o ran tâl ac amodau) yn y sefydliad sy'n cyflogi, ar gyfer gweithwyr a effeithir gan y newid;
 - ch) trosglwyddo'r gweithwyr a effeithir i waith arall addas gyda sefydliadau eraill, gan gytuno ar hynny gyda'r gweithwyr dan sylw a'r sefydliadau dan sylw;
 - d) cefnogi gweithwyr sy'n dymuno ailhyfforddi ac sy'n gymwys i gael eu hyfforddi ar gyfer swyddi mewn disgyblaethau/meysydd eraill, lle bo'n rhesymol; a
 - dd) thrwy'r broses adolygiad datblygu/cynllun datblygu personol, helpu a chefnogi gweithwyr i oresgyn rhwystrau a allai eu hatal rhag dechrau rôl newydd.

Mae gan bob gweithiwr hawl i gael ei gynrychioli gan swyddog undeb llafur cydnabyddedig, cynrychiolydd undeb llafur lleol neu fynd â chydweithiwr gydag ef/hi, pan fydd unrhyw un o'r trefniadau sy'n codi o'r polisi hwn yn berthnasol iddo/iddi.

5. Ymgynghori â buddion staff

- 5.1 Bydd uwch-reolwyr pob sefydliad sy'n cyflogi yn parhau i weithio mewn partneriaeth effeithiol gyda chynrychiolwyr Undebau Llafur ar y goblygiadau ar weithwyr o ran cynlluniau strategol a chynlluniau sylweddol eraill yn ymwneud â'r sefydliad a darparu gwasanaethau. Bydd trafodaethau o'r fath yn digwydd trwy drefniadau partneriaethau lleol.
- 5.2 Wrth gynnal ymgynghoriadau o'r fath, bydd rheolwyr yn dilyn yr egwyddorion a amlinellir yn adran **6 Cyflwyno Newid**. Hefyd, bydd angen iddyn nhw ddarparu manylion ysgrifenedig o flaen llaw am unrhyw newid sefydliadol arfaethedig a/neu'r goblygiadau ar gyfer y gweithlu er mwyn hwyluso trafodaethau gyda'r gweithwyr a effeithir. Dylid cynnal ymgynghoriadau o'r fath dros gyfnod penodedig, sef dim llai na phedair wythnos o hyd, oni chytunir fel arall, fel y nodir ym mharagraff 5.3.2c.

5.3 Cydymgyngoriad ar y Cynnig i Ddileu Swyddi

5.3.1 Mae GIG Cymru a'r Undebau Llafur yn cydnabod, os bydd newid sefydliadol yn cynnwys neu'n arwain at gynnig i ddiswyddo 20 neu fwy o weithwyr trwy ddileu swyddi (o fewn ystyr y diffiniad yn Neddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (TULRCA)) mewn un sefydliad o fewn 90 diwrnod neu lai, bydd y fframwaith ymgynghori statudol dan adran 188 TULRCA yn cael ei roi ar waith. Hefyd, mae GIG Cymru ac Undebau Llafur yn cydnabod pa mor ddymunol yw archwilio'r dewisiadau yn lle dileu swyddi cyn llunio cynigion o'r fath.

5.3.2 Er mwyn sicrhau y rhoddir sylw i'r gofynion hyn o fewn cyd-destun y polisi hwn, mae GIG Cymru ac Undebau Llafur wedi cytuno ar y canlynol:

- a) lle bynnag bo'n bosibl, dilynrir y gweithdrefnau a amlinellir yn y Polisi Newid Sefydliadol er mwyn osgoi sefyllfa lle bydd sefydliad sy'n cyflogi'n cynnig dileu swyddi 20 neu fwy o weithwyr mewn un sefydliad o fewn 90 diwrnod neu lai;
- b) os bydd cynigion i ddileu swyddi gweithwyr yn yr arfaeth ond nid ydynt wedi'u llunio eto, bydd y cyflogwr GIG Cymru perthnasol yn rhoi gwybod i gynrychiolwyr lleol a rhanbarthol yr Undebau Llafur perthnasol yn ysgrifenedig mai dyma'r sefyllfa, a bydd yn eu gwahodd i gymryd rhan mewn "Cyfnod Ymgynghori ar y Polisi Newid Sefydliadol" ffurfiol. Bydd yr hysbysiad yn nodi dyddiad dechrau Cyfnod Ymgynghori'r Polisi, sef dim llai na 7 diwrnod ar ôl y dyddiad hysbysu;
- c) fel arfer, bydd Cyfnod Ymgynghori'r Polisi Newid Sefydliadol yn para am gyfnod o bedair wythnos o leiaf o'r dyddiad dechrau a nodir yn yr hysbysiad ysgrifenedig. Gellir ymestyn neu fyrhau Cyfnod Ymgynghori'r Polisi am gyfnod hwy fel y cytunir yn ysgrifenedig gan sefydliad GIG Cymru a phob un o'r Undebau Llafur perthnasol, ond bydd angen i bob parti gytuno'n unfrydol ar hyd o'r fath;
- ch) gall y Cyfnod Ymgynghori gynnwys cynrychiolwyr yr Undebau Llafur perthnasol ar lefel leol, ranbarthol a/neu genedlaethol, ond ni ddylai dewis cynrychiolydd yr Undebau Llafur oedi cynnydd yr ymgynghoriad heb reswm yn ystod y Cyfnod Ymgynghori;
- d) wrth gytuno i gymryd rhan yn y Cyfnod Ymgynghori ar unrhyw adeg, mae'r Undebau Llafur perthnasol yn derbyn y canlynol;
 - (i) nid oes "cynnig" a fyddai'n sbarduno rhwymedigaeth ar y cyflogwr GIG Cymru i ymgynghori dan adran 188 TULRCA; ac/neu;
 - (ii) os bydd cynnig o'r fath (neu os llunnir cynnig ar ôl Cyfnod Ymgynghori'r Polisi Newid Sefydliadol), ni fydd unrhyw un o'r

Undebau Llafur perthnasol yn ceisio dadlau nad yw'r ymgynghoriad ar y cynnig hwnnw dan adran 188 TULRCA wedi dechrau "mewn da bryd" (neu fod y cyflogwr GIG Cymru'n torri adran 188 mewn ffordd arall) yn sgil cyfranogiad y cyflogwr GIG Cymru yn y Cyfnod Ymgynghori Polisi Newid Sefydliadol yn gyntaf; ac

- (iii) os bydd cynnig yn berthnasol i adran 188 (neu llunnir cynnig ar ôl Cyfnod Ymgynghori'r Polisi Newid Sefydliadol), bydd yr ymgynghoriad a wneir yn ystod Cyfnod Ymgynghori'r Polisi Newid Sefydliadol yn cael ei ystyried wrth asesu natur, hyd a chynnwys yr ymgynghoriad pellach a gynhelir yn unol ag adran 188 TULRCA, gan gofio mai nod adran 188 a'r ymgynghoriad yw canfod ffyrdd o osgoi dileu swyddi os yw hynny'n bosibl. Fel rheol, cynhelir ymgynghoriad pellach dan adran 188 ar ôl Cyfnod Ymgynghori'r Polisi Newid Sefydliadol.

6. Cyflwyno newid

6.1 Mae'r Sefydliad yn

- a) Cydnabod y bydd gweithwyr a'u cynrychiolwyr yn disgwyl y bydd y rheolwyr yn trafod y rhesymau am unrhyw gynigion neu opsiynau, a'u goblygiadau, sy'n ymddangos yn debygol o gael effaith sylweddol ar natur y gwaith maen nhw'n ei wneud, neu'r amodau y gwneir y gwaith ynddynt; ac
- b) Ymrwymo y bydd ei reolwyr yn trafod gyda gweithwyr a'u cynrychiolwyr, ar lefel adrannol a lefelau priodol eraill, beth yw goblygiadau cynigion neu ddatblygiadau penodol ar y gweithlu, sy'n ymddangos yn debygol o gael effaith sylweddol, neu y mae'n bosibl y byddant yn cael effaith sylweddol ar waith yr unigolion, yr adrannau neu'r grŵp staff dan sylw, cyn gwneud unrhyw benderfyniadau terfynol.

6.2 Mae'r Undebau Llafur yn

- a) Cydnabod bod y rheolwyr yn gyfrifol, er budd gofal cleifion a defnyddio adnoddau mewn modd effeithlon, am adolygu gweithgareddau unigolion a grwpiau o weithwyr o bryd i'w gilydd, yn ogystal ag adolygu trefniadau ac amodau cyflawni'r gweithgareddau hynny; ac
- b) Ymrwymo y bydd yn cynghori ei aelodau i gymryd rhan mewn cyflwyno newidiadau sy'n codi o adolygiadau o'r fath, lle dilytir yr egwyddorion a nodir yn y polisi hwn.

6.3 Mae rheolwyr ac Undebau Llafur hefyd yn cydnabod nad oes un drefn gyffredinol y gellir ei dilyn yn ystyrlon ym mhob achos lle cynigir newidiadau.

Fodd bynnag, os yw'r newidiadau a gynigir yn rhai sylweddol, bydd angen trafod o flaen llaw beth yw'r rhesymau amdanynt, unrhyw opsiynau sydd ar gael a'u goblygiadau. Fel rheol gyffredinol, y ffordd orau o gynnal trafodaethau o'r fath yw

rhwng y rheolwr cyfrifol, y gweithwyr y mae'r newid yn effeithio arnynt, a'u cynrychiolwyr.

Os bydd y newidiadau arfaethedig yn debygol o effeithio ar leoliad, oriau gwaith, graddau / bandiau neu enillion y gweithwyr dan sylw, dylai'r rheolwr cyfrifol ymgynghori â chynrychiolwyr achrededig y gweithwyr dan sylw, cyn gynted â phosibl.

- 6.4 Dylid rhoi ystyriaeth benodol i'r pwyntiau canlynol wrth drafod unrhyw newidiadau arfaethedig, pan fyddant yn berthnasol;
- a) goblygiadau iechyd a diogelwch;
 - b) anghenion hyfforddi neu ail-hyfforddi;
 - c) gofynion lefelau staff;
 - ch) trefniadau ar gyfer adleoli neu drosglwyddo unrhyw weithwyr wedi'u dadleoli;
 - d) trefniadau ar gyfer recriwtio unrhyw weithwyr ychwanegol;
 - dd) unrhyw newidiadau gofynnol i batrymau shift, lleoliad a/neu oriau gwaith;
 - e) unrhyw oblygiadau o ran gradd / band; ac
 - f) a ddylid defnyddio unrhyw drefniadau diogelu perthnasol.

7. Achub y blaen a pharatoi ar gyfer newid

7.1 Cyfyngiadau ar lenwi swyddi

Bydd cyfyngiadau ar lenwi swyddi gwag mewn rhai categorïau o swyddi (ac eithrio dros dro yn y tymor byr) yn cael eu cyflwyno i helpu i greu swyddi eraill addas i weithwyr y mae'r newid yn effeithio arnynt.

Bydd cyflogwyr yn ymgynghori ag undebau llafur yn brydlon, o ran y categorïau swyddi y dylid eu cynnwys yn y cyfyngiad hwn, yn ôl yr angen.

7.2 Penodiadau dros dro i gynnal gwasanaethau

Efallai y bydd angen nifer o benodiadau neu secondiadau tymor penodol i gynnal y gwasanaethau tra bod gwasanaethau neu sefydliadau'n cael eu rhesymoli neu eu had-drefnu. Bydd angen y trefniadau dros dro hyn naill ai i lenwi bylchau yn y gwasanaeth neu sefydliad sy'n newid, neu i lenwi bylchau yn rhywle arall, er mwyn 'cadw' lleoedd i weithwyr a fydd yn cael eu dadleoli ond y mae angen iddyn nhw aros yn eu swydd bresennol am y tro, er mwyn cynnal gwasanaethau digonol.

Rhaid rhoi'r rhesymau am natur dros dro'r penodiad yn glir yn ysgrifenedig i unrhyw weithwyr a benodir yn y modd hwn, a dylid rhoi amcangyfrif o ran pa mor hir fydd y penodiad. Yn yr amgylchiadau hyn, ni fydd penodiadau tymor penodol neu secondiadau'n cael eu gwneud fel arfer os yw'r swydd dan sylw'n debygol o barhau am gyfnod o fwy nag un flwyddyn.

7.3 Creu hyblygrwydd

I leihau'r posibilrwydd o ddileu swyddi'n orfodol, efallai y bydd angen ystyried manteision gwahodd gweithwyr i wirfoddoli i dderbyn taliad diswyddo neu ddileu swyddi gwirfoddol yn y camau cynnar, a chyn cyflwyno'r broses ddewis.

7.4 Gweithwyr y mae'r newid yn effeithio arnynt a darpariaethau hysbysu

Dylid llunio rhestr o weithwyr sydd mewn perygl o gael eu symud o'u swydd bresennol yn sgil pob achos o ad-drefnu, rhesymoli neu leihau gwasanaethau cyn gynted â phosibl. Y rheolwyr fydd yn gyfrifol am lunio rhestrau o'r fath, ar y cyd ag adrannau'r Gweithlu a Datblygu Sefydliadol, ac am roi gwybod i gynrychiolwyr perthnasol.

Er y dylid gwneud pob ymdrech i ganfod cyflogaeth arall addas a threfnu adleoli yn unol â'r amserlen newid, rhaid i weithwyr y mae'r newid yn effeithio arnynt gael gwybod gan eu rheolwyr llinell o ran eu swydd yn ysgrifenedig trwy gydol y broses newid.

Dylid rhoi ystyriaeth ofalus, yng ngoleuni amgylchiadau'r rhaglen newid, i'r amseroedd y rhoddir gwybod am unrhyw hysbysiadau dileu swyddi.

8. Rheoli gweithwyr sydd mewn perygl o gael eu dadleoli

8.1 Rhoi gweithwyr mewn perygl o gael eu dadleoli

Bydd yr adeg y caiff gweithwyr eu datgan i fod mewn perygl yn bwysig, a chytunir ar hyn mewn partneriaeth ag undebau llafur, ar ddechrau unrhyw gyfnod o newid sefydliadol.

8.2 Ystyried swyddi mewn strwythur newydd

Bydd gweithwyr yr effeithir arnynt gan unrhyw broses newid ac sydd mewn perygl o gael eu dadleoli o'u swydd barhaol yn cael eu blaenoriaethu wrth ystyried penodiadau i rolau eraill addas yn y strwythur newydd.

8.3 Gweithwyr ar secondiad ac sydd wedi'u dyrchafu dros dro

Mae trefniadau penodol ar gyfer gweithwyr sydd ar secondiad, wedi'u dyrchafu dros dro a thymor sefydlog, ac mae'r rhain wedi'u nodi yn Atodiad 3.

8.4 Trefniadau cymorth

Rhaid i reolwyr sicrhau bod trefniadau lleol yn cael eu sefydlu i helpu gweithwyr sydd mewn perygl o gael eu dadleoli neu y mae eu swyddi mewn perygl o bosibl. Gellir ystyried y pwyntiau canlynol fel rhestr wirio o gyfleusterau cymorth y gellir eu cynnig:

- mynediad i gyngor gyrfaoedd;
- mynediad i gwnsela;
- mynediad i staff uwch addas i weithredu fel mentoriaid a darparu cyngor ac arweiniad allanol lle bo'n briodol;

- trefniadau ar gyfer cael mynediad i swyddi gwag, neu eu cyfyngu lle bo'n briodol, gan ddefnyddio NHS Jobs;
- cymorth a chyngor i ysgrifennu CV, llenwi ffurflenni cais, sgiliau cyfweld ac ati;
- cymorth i gael mynediad i NHS Jobs, canolfannau gwaith, ymgynghorwyr recriwtio ac ati;
- cyfleusterau a chymorth i anfon CV at gyrff, sefydliadau a chyflogwyr y GIG dros Gymru gyfan;
- cysylltiad a mynediad at gyfleoedd a lwfansau ailhyfforddi, sefydliadau addysg bellach ac ati; a
- mynediad i gyngor ariannol a phensiwn annibynnol yn achos dileu swyddi neu ymddeol yn gynnar.

Nid yw'r rhestr uchod yn gynhwysfawr. Bwriedir iddi fod yn ganllaw cyffredinol ar feysydd i'w hystyried.

9. Y weithdrefn ar gyfer llenwi swyddi yn ystod newid sefydliadol

9.1 Cwmpas

Bydd y weithdrefn hon yn berthnasol i bob gweithiwr y mae newid sefydliadol yn effeithio arno.

Dylai cyflogwyr wneud trefniadau priodol i sicrhau bod pob gweithiwr a effeithir gan newid, gan gynnwys y rheiny sydd ar unrhyw fath o absenoldeb awdurdodedig, a allai gynnwys absenoldeb mamolaeth, absenoldeb rhiant, absenoldeb gofalwr, gweithio yn ystod y tymor, absenoldeb salwch tymor hir neu secondiad, yn cael eu hystyried ym mhob cam yn y weithdrefn hon, ac nid ydyn nhw dan anfantais mewn unrhyw ffordd.

9.2 Egwyddorion ar gyfer llenwi swyddi

Dylai'r trefniadau ar gyfer llenwi swyddi fod yn seiliedig ar yr egwyddorion eang canlynol, sy'n berthnasol i bob gweithiwr sydd â contract cyflogaeth parhaol, ond gallai eithrio'r gweithwyr sydd wedi'u cyflogi ar contractau tymor penodol (cyfeiriwch at Atodiad 3);

- dylai pawb sy'n gymwys i gael eu hystyried am swydd gael eu trin yn gyfartal;
- dylai pob gweithiwr ddisgwyl y byddant yn cael cefnogaeth i sicrhau swydd sydd â thâl ac amodau gwasanaeth tebyg (cyflogaeth arall addas);
- os bydd gweithiwr yn derbyn swydd arall addas, sydd â chyflog is, bydd ei dâl yn cael ei warchod yn unol â'r 'Trefniadau ar gyfer Gwarchod Cyflog' a amlinellir yn adran 10 yn y polisi hwn;
- wrth wneud penderfyniadau, dylid ystyried gwneud addasiadau i ganiatáu gwahanol amgylchiadau gweithwyr sydd â chyfrifoldebau gofalu y tu allan i'r gwaith a rhoi hyblygrwydd i weithwyr rhan-amser;

- dylid sicrhau ystyriaeth resymol/addasiadau i fodloni gweithwyr sydd â threfniadau gweithio hyblyg e.e. gweithio yn ystod y tymor, rhannu swyddi, rhan-amser, er mwyn osgoi anfantais i'r gweithwyr hyn yn y broses, lle bo'n bosibl. Rhaid ystyried pob cais i weithio'n hyblyg yn llawn ac yn deg, a'u trin yn gyson;
- dylid gwneud addasiadau rhesymol i rôl a/neu amgylchedd gwaith i helpu gweithwyr anabl i gael swydd arall neu gyflogaeth arall addas;
- dylid annog cyfleoedd ar gyfer datblygu gyrfaedd a manteisio i'r eithaf ar botensial cyflogaeth y gweithiwr lle bynnag bo'n bosibl;
- os bydd cyflwyno newid yn cwmparu mwy nag un sefydliad, dylai'r dull fod yn gyson ar draws pob sefydliad sydd ynghlwm o ran amserlenni a phrosesau, er mwyn sicrhau cydraddoldeb;
- dylid trin pob ymgeisydd swydd yn deg a gydag urddas a pharch: bydd egwyddorion cydraddoldeb yn berthnasol, a bydd y broses yn gwbl eglur;
- rhaid i'r sefydliad ymrwymo i gefnogi gweithwyr yn eu hymdrechion i sicrhau cyflogaeth i bob gweithiwr a effeithir gan y newid, gan gynnwys defnyddio cynlluniau adleoli, cyfnodau prawf ac ailhyfforddi;
- dylai pob penderfyniad penodi fod ar sail rhinwedd a pha mor addas yw pob ymgeisydd am y swydd, ar sail asesiad o'i wybodaeth, sgiliau, profiad ac ati, yn erbyn manyleb unigolyn a swydd-ddisgrifiad y swydd newydd;
- rhaid i fanylion am y swyddi sydd ar gael mewn strwythur newydd fod ar gael i bob gweithiwr (gan gynnwys syniad o'r band tâl, teitl, swydd-ddisgrifiad a manyleb yr unigolyn) a'u darparu'n brydlon, yn ogystal â'u darparu i'r rheiny sydd ar absenoldeb wedi'i awdurdodi;
- os ystyrir nad yw swyddi neu grwpiau o swyddi wedi newid yn sylweddol, dylid defnyddio egwyddorion 'slotio i mewn' ac 'ystyriaeth o flaen llaw';
- gellir ystyried bod swydd heb newid yn sylweddol os bydd cwmparu y rôl heb newid, neu mae 'dau draean' neu fwy o'r swydd-ddisgrifiad a'r fanyleb unigolyn yr un fath â swydd presennol; a
- rhaid ystyried pob gweithiwr yn erbyn y rolau yn y strwythur newydd a rhaid defnyddio slotio i mewn ac ystyried o flaen llaw ar y dechrau, er mwyn pennu statws penodi posibl i strwythur y gweithwyr presennol (amodol ar adrannau 9.3 i 9.10 isod).

9.3 Y broses benodi/dewis

Dylai sefydliadau geisio mynd ati i benodi mewn strwythurau newydd yn brydlon a gyda chyn lleied o oedi â phosibl.

I fynd ati i wneud hyn, dylai rheolwyr gynnal "ymarfer mapio" lle caiff gweithwyr yn y strwythur presennol eu hystyried yn erbyn y swyddi yn y strwythur newydd, er mwyn deall hyd a lled slotio i mewn, ystyried o flaen llaw a chystadleuaeth gyfyngedig.

Dylid amlygu'r gweithwyr sy'n gymwys i gael eu slotio i mewn a dylid cadarnhau eu rolau newydd/diwygiedig yn ysgrifenedig ar ddechrau'r broses.

Os bydd penodiadau swyddi yn dibynnu ar ystyriaeth o flaen llaw neu gystadleuaeth gyfyngedig, cyfweiliad fydd y gofyniad isaf yn y broses ddewis. Cynhelir y broses ddewis trwy gyfeirio at y swydd-ddisgrifiad perthnasol a manyleb yr unigolyn ac amlinelliad y Fframwaith Sgiliau a Gwybodaeth (ar gyfer y gweithwyr sydd ar delerau

ac amodau'r Agenda ar gyfer Newid), gan gynnwys y meini prawf amcanion canlynol, y bydd gofynion y swydd yn cael eu mesur yn eu herbyn:

- cymwysterau;
- profiad perthnasol;
- sgiliau a gwybodaeth ac unrhyw alluoedd/nodweddion penodol eraill a amlygwyd ar gyfer y swydd;
- pa mor addas yw cyfnod prawf/ailhyfforddi i fodloni'r meini prawf; ac
- a oes angen gwneud addasiadau rhesymol i swyddi yn unol â Deddf Cydraddoldeb 2010.

Bydd modd i bob gweithiwr sydd ynghlwm yn y broses dderbyn adborth ar ei berfformiad yn ystod y broses ddewis, gan aelod enwebedig o banel dewis y cyfweiliad.

9.4 Slotio i mewn

Bydd slotio yn berthnasol lle bydd swydd heb newid yn sylweddol, ac un person yn unig sy'n ymgeisio neu ceir niferoedd cyfartal o swyddi ac ymgeiswyr, sy'n gwneud y rôl hon ar hyn o bryd. Yn yr achos hwn, ni fyddai'r swydd yn cael ei hysbysebu a byddai'r unigolyn/unigolion y mae ei swydd/eu swyddi yn bodloni'r meini prawf yn cael ei slotio i'r swydd(i).

Mae cysondeb wrth ddefnyddio egwyddorion slotio i mewn yn hanfodol. Mae siart lif wedi'i hatodi yn **Atodiad 1**, sy'n disgrifio'r camau i'w dilyn.

Os bydd anghytundeb ynghylch a yw swydd heb ei newid yn sylweddol, bydd y swydd-ddisgrifiadau presennol a newydd a manylebau'r person yn cael eu hystyried gan adolygiad annibynnol a gynhelir gan banel, gan gynnwys aelod o dîm y Gweithlu a Datblygu Sefydliadol, rheolwr a chynrychiolydd undeb llafur. Ni fydd unrhyw un sydd ynghlwm â'r adolygiad wedi bod ag unrhyw ran yn y trafodaethau blaenorol yn ymwneud â'r adolygiad, na pherthynas waith â'r gweithiwr sydd wedi'i dramgwyddo. Rôl y panel annibynnol hwn fydd adolygu'r canlyniad gwreiddiol a dod i benderfyniad gwrthrychol. Os bydd y gweithiwr/gweithwyr yn anghytuno o hyd â phenderfyniad yr adolygiad annibynnol, gall gyflwyno apêl, yn unol â cham 2 Polisi a Gweithdrefn Gwynion Cymru Gyfan.

9.5 Ystyriaeth o flaen llaw

Bydd ystyriaeth o flaen llaw yn berthnasol pan fydd swydd heb ei newid yn sylweddol (e.e. nid yw cwrddas y rôl wedi newid ac mae'n cyd-fynd â dau draean neu fwy o'r swydd-ddisgrifiad a'r manyleb unigolyn presennol) ac mae mwy nag un ymgeisydd posibl.

Os bydd gweithiwr yn gymwys i ddangos diddordeb mewn mwy nag un swydd, bydd angen iddo ddangos ei ddewisiadau yn eu trefn.

Mae cysondeb wrth ddefnyddio egwyddorion ystyriaeth o flaen llaw yn hanfodol. Atodir siart lif yn **Atodiad 1**, sy'n disgrifio'r camau i'w dilyn.

Os bu gweithwyr yn aflwyddiannus wrth gael eu dyrannu i swydd ar ôl y broses ystyriaeth o flaen llaw, efallai y byddant yn gymwys i gael eu hystyried ar gyfer swydd

â chystadleuaeth gyfyngedig ar yr un lefel, neu lefel is, os nad oes gan unrhyw weithwyr eraill ar y lefel honno hawl i gael eu slotio i mewn neu ystyriaeth o flaen llaw.

9.6 Cystadleuaeth gyfyngedig

Pan fydd swydd yn cael ei ystyried i fod yn newydd, neu wedi'i newid yn sylweddol, dylid ei lenwi yn gyntaf trwy gyfyngu'r gystadleuaeth i weithwyr y mae'r newidiadau'n effeithio'n uniongyrchol arnynt.

9.7 Casglu gwybodaeth

Rhaid rhoi gwybod i weithwyr sy'n cael eu hamlygu i fod "mewn perygl" o gael eu dadleoli ac nad ydynt yn gymwys i gael eu "slotio i mewn" neu eu "hystyried o flaen llaw" am eu sefyllfa a'u cyfweld gan eu rheolwr, gyda chymorth a chynghor priodol gan eu hadran Gweithlu a Datblygu Sefydliadol, cyn gynted â phosibl ac, os ydynt yn dymuno hynny, ar y cyd â'u cynrychiolwyr staff. Hefyd, dylid cadarnhau hyn yn ysgrifenedig. Bydd y ddarpariaeth hon hefyd yn berthnasol i weithwyr nad ydynt yn cael eu penodi ar ôl i broses "ystyriaeth o flaen llaw" ddod i ben.

Dylid creu cofnod ffurfiol ar gyfer pob gweithiwr sy'n cael ei ystyried i fod mewn perygl o gael ei ddadleoli, i gofnodi manylion personol perthnasol, amgylchiadau, dewisiadau (ar ôl y newid), gwybodaeth, sgiliau, cymwysterau a phrofiad.

Er mwyn cydlynu nifer y gweithwyr sydd mewn perygl o gael eu dadleoli mewn unrhyw ad-drefnu ar raddfa fawr, efallai y bydd angen asesu ystod gwybodaeth a sgiliau'r gweithwyr dan sylw gan ddefnyddio fformat cyson. Bydd hyn yn sicrhau y gellir amlygu swyddi gwag a chyfleoedd priodol yn gyflym a heb orfod cyfweld â'r gweithwyr hyn fwy nag unwaith. Cynhelir y broses hon mewn partneriaeth, gan reolwyr a chynrychiolwyr staff medrus priodol.

9.8 Blaenoriaeth ar gyfer adleoli

Rhoddir blaenoriaeth i weithwyr sydd wedi'u dadleoli o'u swyddi parhaol wrth ystyried penodiadau i rolau yn y strwythur newydd, a rhai nad ydynt yn cael eu penodi i rôl dan brosesau "slotio i mewn" neu "ystyriaeth o flaen llaw". Os na fydd gweithwyr yn llwyddo i sicrhau swydd, byddant yn dod yn ymgeiswyr adleoli a bydd modd iddynt gael eu hystyried am swyddi yn yr Ymddiriedolaeth/Bwrdd Iechyd trwy "gystadleuaeth gyfyngedig".

9.9 Apelio yn erbyn penderfyniad

Yn achos anghydfod mewn perthynas â'r broses ddethol sy'n gysylltiedig â newid trefniadol, caiff gweithiwr gyflwyno cwyn yn unol â Pholisi Parch a Datrys Cymru Gyfan.

9.10 Camau i'w hystyried yn dilyn y broses benodi

Yn dilyn y broses benodi, bydd angen i'r sefydliad ystyried sefyllfa unrhyw weithwyr na benodwyd i swyddi yn y strwythur newydd. Gwneir pob ymdrech ymarferol i osgoi dileu swyddi gorfodol.

Gofynnir i sefydliadau a gweithwyr yr effeithir arnynt archwilio'r opsiynau canlynol ymhellach:

- adleoli i rywle arall o fewn y sefydliad;
- adleoli o fewn cyrff eraill y GIG yng Nghymru;
- trefniadau secondiad gyda chyrff eraill yn y GIG a sefydliadau sector cyhoeddus yng Nghymru lle bo'n ymarferol ac yn bosibl; ac
- ailhyfforddi i ymgymryd â rôl newydd.

10. Gwarchod Cyflog ac Amodau'r Gwasanaeth

10.1 Cwmpas

Bydd gwarchod yn berthnasol i unrhyw weithiwr y mae angen iddo symud i swydd newydd, newid ei batrwm shift/rota neu ddioddef gostyngiad yn ei oriau gwaith mewn wythnos waith arferol yn sgil newid sefydliadol.

Nid yw'r ddarpariaeth yn berthnasol i unigolion sy'n symud i swydd â chyflog is yn wirfoddol.

Mae'n darparu:

- a) Gwarchod enillion yn y tymor byr, p'un a yw'n cael ei israddio ai peidio.
- b) Gwarchod cyflog sylfaenol yn y tymor hir lle bydd yn cael ei israddio.

Mae'r trefniadau gwarchod tymor byr a thymor hir a nodir isod yn disodli unrhyw drefniadau lleol/gwaddol oedd ar waith eisoes.

10.2 Diffiniadau

Swydd newydd

At ddibenion diffinio hawl i gael eich gwarchod, mae'r adran hon yn cyfeirio at weithwyr sy'n ymgymryd â swydd newydd. Mae hyn yn cyfeirio'n benodol at y swydd y mae'r gweithiwr yn ei derbyn yn syth ar ôl newid sefydliadol; gallai hon fod yn rôl newydd a ystyrir yn gyflogaeth arall addas, neu'r un rôl ond gyda threfniadau contractiol diwygiedig e.e. patrwm shift neu oriau gwaith gwahanol.

Cyflog sylfaenol

Cyflog sylfaenol yw'r swm wythnosol neu fisol sy'n ddyledus mewn perthynas â'r oriau sylfaenol sy'n cael eu gweithio yn swydd barhaol y gweithiwr yn yr wythnos waith sylfaenol ar y diwrnod yn syth cyn diwrnod cyntaf ei gyflogaeth yn y swydd newydd

(hynny yw, y diwrnod olaf yn yr hen swydd). Nid yw hyn yn cynnwys unrhyw daliadau a wneir mewn perthynas â symud dros dro i fand uwch neu swyddi secondiad. Fel arfer, dyma fydd y pwynt cynyddrannol o fewn band/gradd, a bydd yn sail i'r swm a ddefnyddir i gyfrifo'r gwarchodiad am y cyfnod Gwarchod Tymor Hir.

Enillion yn y swydd newydd

Swm y cyflog sylfaenol yn y swydd newydd ac unrhyw dâl ar gyfer goramser, gwaith shift, gwaith ar alw a gwaith brys a dyletswyddau ychwanegol eraill lle bo'n briodol. Bydd enillion y swydd newydd yn dibynnu ar ddyfarniadau cyflog cenedlaethol a chynyddrannau (lle bo'n berthnasol).

Enillion gwarchodedig

Y cyfartaledd enillion wythnosol neu fisol dros y 17 wythnos/pedwar mis neu rota priodol lle bo'n berthnasol, yn syth cyn diwrnod cyntaf eich cyflogaeth yn y swydd newydd.

Israddio

Bydd hyn yn digwydd pan fydd gan y swydd newydd, ni waeth beth yw ei deitl:

- gyfradd cyflog gyda phwynt cynyddrannol uchaf sy'n is na'r hyn oedd yn berthnasol i'r swydd flaenorol neu;
- cyflog is na'r hyn oedd ganddo yn y swydd flaenorol.

10.3 Gwarchod Enillion yn y Tymor Byr

Mae Gwarchod Enillion yn y Tymor Byr yn berthnasol pan fydd newid sefydliadol yn golygu bod angen i weithiwr brofi newid a allai effeithio ar ei enillion, ond nid yw'n golygu newid band/gradd cyflog. Enghraifft o hyn fyddai newid patrwm gwaith/shift. Dylai sefydliadau sicrhau bod unrhyw sefyllfa lle gallai gweithiwr fod yn destun gwarchod tymor byr yn cael ei reoli'n barhaus gan leihau'r effaith ar y gweithiwr cymaint â phosibl.

Mae gan weithwyr hawl i gael enillion penodol ("enillion gwarchodadwy") wedi'u gwarchod ar ôl y newidiadau, yn unol â'r tabl canlynol –

Gwasanaeth Cyfrifadwy	Cyfnod Gwarchod (Misoedd)
Hyd at 2 flynedd	2
Ar ôl 2 flynedd o wasanaeth	4
Ar ôl 3 blynedd o wasanaeth	6
Ar ôl 4 blynedd o wasanaeth	8
Ar ôl 5 mlynedd o wasanaeth	12

Caiff enillion y gweithiwr eu gwarchod ar y lefel tâl wythnosol/misol cyfartalog a dderbyniwyd yn ystod y 17 wythnos/4 mis cyn y diwrnod cyntaf cyflogedig yn y swydd newydd, neu yn unol â'i rota flaenorol os yw'n berthnasol. Ar gyfer gweithwyr sydd wedi bod ar gyfnod mamolaeth, amlygir cyfnod cyfeirio cynrychioladol i sicrhau y rhoddir lefel briodol o warchod tymor byr.

Yr enillion sy'n gymwys i gael eu gwarchod yw:

- Oriau contractiol
- Taliadau oriau anghymdeithasol
- Goramser/oriau ychwanegol rheolaidd neu sy'n rhan o'r contract
- Lwfansau ar gyfer:
 - Gwaith/dyletswydd ar-alw sy'n cael ei wneud
 - Unrhyw lwfansau/enillion priodol eraill a ddisgrifir yn y Llawlyfr Telerau ac Amodau perthnasol.

Bydd enillion yn y patrwm swydd/rota/shifft newydd yn cael eu gwrthbwysu yn erbyn enillion gwarchodadwy. Os bydd yr enillion yn y patrwm shifft/rota newydd yn mynd y tu hwnt i'r enillion gwarchodadwy mewn unrhyw gyfnod cyflog penodol, bydd gwarchod enillion yn cael ei derfynu a bydd yr enillion ar gyfer y rota/shifft newydd yn cael eu talu'n llawn ar gyfer y cyfnod tâl penodol hwnnw.

Wrth gyfrifo enillion, bydd y cyfraddau a ddefnyddir i gyfrifo taliadau ar gyfer oriau ychwanegol, goramser, gwaith shifft a dyletswyddau ychwanegol eraill yn rhai sy'n berthnasol i'r swydd newydd.

Mae parhau i warchod enillion yn y tymor byr yn amodol ar b'un a yw'r gweithiwr yn cymryd unrhyw waith goramser, gwaith shifft ar alw, gwaith brys a dyletswyddau ychwanegol a all fod yn angenrheidiol yn y swydd newydd hyd at y lefel lle mae'r enillion yn y swydd newydd yn gyfwerth â'r enillion gwarchodedig. Y tu hwnt i'r pwynt hwn, bydd y trefniadau arferol yn berthnasol a gwneir taliadau ar y cyfraddau sy'n berthnasol i'r swydd newydd.

Mae gwarchod enillion tymor byr hefyd yn amodol ar a yw'r gweithiwr yn derbyn unrhyw gynnig dilynol (yn ystod y cyfnod gwarchod) am swydd arall addas yn yr un Bwrdd Iechyd/Ymddiriedolaeth y GIG sydd â lefel uwch o gyfartaledd enillion na'r hyn sy'n berthnasol i'r swydd newydd.

10.4 Gwarchod tâl neu gyflog sylfaenol tymor hir lle mae israddio'n berthnasol

Mae Gwarchod Tâl Tymor Hir yn berthnasol pan symudir gweithiwr o un swydd i'r llall oherwydd newid sefydliadol, ac mae'n cael ei israddio o ganlyniad i gyflogaeth arall addas neu lle bydd dyletswyddau gweithiwr yn newid sy'n arwain at israddio i swydd sydd â band/gradd is. Mewn amgylchiadau o'r fath, bydd hawl gan weithwyr warchod eu cyflog sylfaenol yn llawn hyd nes:—

- a) bydd y cyfnod a bennir yn y tabl isod yn dod i ben neu;
- b) penodir y gweithiwr i swydd lle mae'r cyflog arferol yn gyfwerth â'r cyflog a warchodir, neu'n uwch na hynny, neu;
- c) bydd y gweithiwr yn symud ar ei gais ei hun i swydd â chyflog is na chyflog y swydd newydd, neu;
- ch) bydd y gweithiwr yn gwrthod gwneud cais am dair swydd sy'n cael eu hystyried i fod yn gyflogaeth amgen addas, neu;
- d) bydd y gweithiwr yn gwrthod swydd arall addas a gynigir iddo/iddi, neu;
- dd) bydd y gweithiwr yn ymddeol, neu;

- e) bydd cyflog sylfaenol y swydd newydd yn gyfwerth â'r cyflog a warchodir, neu'n uwch na hynny.

Gwasanaeth Cyfrifadwy	Hyd y Cyfnod Gwarchod
Ar ôl 2 flynedd o wasanaeth	Cael ei warchod am 6 mis
Ar ôl 3 blynedd o wasanaeth	Cael ei warchod am 1 flwyddyn
Ar ôl 4 blynedd o wasanaeth	Cael ei warchod am 2 flynedd
Ar ôl 5 mlynedd o wasanaeth	Cael ei warchod am 3 blynedd
Ar ôl o leiaf 6 blynedd o wasanaeth	Cael ei warchod am 6 blynedd

Pan fydd gweithiwr yn dechrau ei swydd newydd, bydd yn cael ei osod ar y pwynt cyflog cynyddrannol priodol sy'n gymesur â hanes ei wasanaeth. Gallai hyn olygu cynnydd graddol o fewn y band/gradd newydd. Bydd y cyflog sylfaenol yn ystod y cyfnod gwarchod yn cael ei asesu yn erbyn y cyflog yn yr hen swydd i gynnal lefel y gwarchod ar gyfer hyd cymwys llawn y cyfnod gwarchod. Fel y nodwyd yn e) uchod, efallai bydd cyflog sylfaenol y swydd newydd yn gyfwerth â'r cyflog a warchodir ar ryw adeg, neu wedi mynd y tu hwnt iddo ac, yn yr achosion hyn, bydd y gwarchod yn dod i ben.

Caiff yr hawl i warchod tâl tymor hir ei asesu ar sail y nifer oriau gwirioneddol a weithiwyd yn y swydd newydd, a delir ar y gyfradd fesul awr sy'n berthnasol i'r swydd flaenorol. Os yw nifer yr oriau gweithio yn y swydd newydd yn fwy na'r oriau a weithiwyd yn flaenorol, mae hawl i warchod tymor hir yn seiliedig ar (yr oriau a weithiwyd yn flaenorol) x (y gyfradd flaenorol) gydag unrhyw oriau ychwanegol yn y swydd newydd yn cael eu talu ar y gyfradd sy'n berthnasol i'r swydd newydd.

Bydd unrhyw enillion ychwanegol sy'n codi o waith yn y swydd newydd yn cael eu talu ar y gyfradd sy'n briodol i'r swydd newydd.

Mae gwarchod cyflog neu dâl sylfaenol yn y tymor hir hefyd yn amodol ar y gweithiwr yn symud i swydd ar ei fand/gradd gwarchodedig blaenorol gyda'r Bwrdd Iechyd/Ymddiriedolaeth GIG ac yn mynd ati i chwilio/ymgeisio am gyfleoedd o'r fath wrth iddyn nhw godi. Mae dyletswydd ar Fyrddau Iechyd ac Ymddiriedolaethau'r GIG trwy'r polisi hwn i gefnogi unigolyn yn rhagweithiol i sicrhau penodiadau o'r fath a byddant yn sicrhau y tynnir sylw unigolion at gyfleoedd a swyddi gwag addas. Yn unol â hyn, ceir gofyniad penodol y bydd staff, wrth dderbyn gwarchod tymor hir, yn rheoli eu gyrfaedd yn rhagweithiol fel amod o barhau i dderbyn y gwarchod. Bydd gwrthod gwneud cais am gyflogaeth amgen addas ar dri achlysur, neu wrthod derbyn cynnig am swydd amgen addas, yn arwain at ddod â'r cyfnod gwarchod i ben yn syth.

I gynorthwyo staff sy'n cael eu gwarchod yn y tymor hir, bydd Byrddau Iechyd/Ymddiriedolaethau GIG yn defnyddio darpariaethau'r Polisi Adleoli i alluogi staff i gael statws "cystadleuaeth gyfyngedig" mewn unrhyw gyfweiliad(au) priodol ar gyfer swyddi ar eu band/gradd blaenorol, ar yr amod nad oes unrhyw weithwyr sydd mewn perygl o golli eu swyddi'n orfodol sy'n gymwys am gyfweiliad blaenoriaeth.

Gall symud i swydd arall yn ystod y cyfnod gwarchod fod yn hanfodol wrth i weithwyr ailsefydlu eu gyrfaedd, ond ni fydd symudiadau o'r fath o reidrwydd yn arwain at unigolion yn sicrhau swydd ar eu band/gradd blaenorol. Mewn amgylchiadau o'r fath,

ni chollir cymhwysedd ar gyfer gwarchod tâl, os bydd gweithiwr yn symud o fewn ei Fwrdd Iechyd/Ymddiriedolaeth GIG i swydd sydd heb fod ar y band/gradd blaenorol ond lle byddai symudiad o'r fath yn cael ei ystyried yn gadarnhaol yn natblygiad ei yrfa/yn gam tuag at ddychwelyd i'r band/gradd blaenorol. Mewn amgylchiadau o'r fath, efallai y bydd angen ail-gyfrifo lefel y gwarchod ar sail y swydd newydd.

Ceir rhai eithriadau lle gellir trosglwyddo'r gwarchodiad pan fydd gweithiwr yn symud, ar ei gais ei hun, i swydd gyda Bwrdd Iechyd neu Ymddiriedolaeth GIG arall yn GIG Cymru gyda chyflog neu dâl sylfaenol sy'n gyfwerth â chyflog neu dâl y swydd bresennol, ond dim ond yn ôl disgrisiwn y sefydliad, oherwydd byddai'n rhaid iddo dalu am gost y gwarchod ar ôl symudiad o'r fath a dim ond lle gall y sefydliad hwnnw gyfiawnhau parhau i warchod cyflog fel cam sydd er lles y gwasanaeth.

10.5 Gwarchod Pensiwn Posibl ar ôl Israddio / Lleihau Oriau

Gall gweithwyr sy'n aelodau o Gynllun Pensiwn y GIG (gyda dros 2 flynedd o wasanaeth pensiynadwy), sy'n gymwys ar gyfer gwarchod tâl tymor hir ar ôl newid sefydliadol, wneud cais i warchod eu pensiwn ar gyfradd uwch, yn amodol ar gymeradwyaeth Asiantaeth Pensiynau'r GIG. Cynghorir unigolion i gysylltu â'r Adran Bensiynau ar y mater hwn, o fewn 3 mis ar ôl i'r cyflog leihau, er mwyn trafod sut i gael mynediad i'r opsiwn hwn.

10.6 Rhyngweithio rhwng Gwarchod Tâl Tymor Byr a Thymor Hir

Bydd gweithiwr sy'n gymwys ar gyfer gwarchod tymor byr yn ogystal â thymor hir yn derbyn y ddau hawliad ar yr un pryd trwy gydol y cyfnod gwarchod tymor byr. Ar ddiwedd y cyfnod gwarchod tymor byr, gwneir taliad ar sail yr hawl i warchod tymor hir sy'n weddill.

10.7 Apelio

Ymdrinnir ag apeliadau sy'n codi o weithredu'r adran hon o'r polisi yn unol â Pholisi Parch a Datrys Cymru Gyfan.

11. Milltired a theithio gormodol

Os bydd lleoliad gwaith y gweithiwr yn newid yn sgil newid sefydliadol, ac mae hyn yn arwain at filltired ychwanegol o'r cartref i'r gweithle, gellir hawlio'r milltiroedd ychwanegol yn ôl.

Bydd milltired gormodol yn cael ei ad-dalu yn unol â'r Gyfradd Filltired Wrth Gefn am gyfnod o hyd at 4 blynedd. Neu, gall staff hawlio cyfandaliad sy'n gyfwerth â dwy flynedd o daliadau teithiau gormodol.

Os bydd y gweithiwr yn symud ei breswylfa/cartref yn nes at ei weithle newydd yn ystod y cyfnod hawlio, bydd y milltired/teithio gormodol yn cael ei leihau yn unol â

hynny. Os bydd yr unigolyn yn symud ei breswylfa/cartref yn bellach o'i weithle newydd, ni fydd milltired/teithio ychwanegol yn cael ei dalu.

Ar gyfer gweithwyr sydd â cheir prydles, bydd unrhyw ad-daliad yn amodol ar ddiwydiadau yswiriant gwladol a threth.

Gall staff gadw eu hawliau teithio gormodol os byddant yn gwneud cais ac yn cael dyrchafiad neu drosglwyddiad i rôl newydd ar yr un band yn ei weithle newydd.

Os bydd y gweithiwr yn gwirfoddoli i ddechrau swydd arall mewn lleoliad gwahanol, bydd y taliadau milltired gormodol yn dod i ben o'r dyddiad penodi ymlaen.

Bydd gweithwyr nad ydynt yn gyrru yn cael ad-daliad am y costau trafndiaeth gyhoeddus ychwanegol sy'n codi am gyfnod o bedair blynedd, neu mae ganddynt hawl i dderbyn dwy flynedd o filltired gormodol wedi'i dalu fel un cyfandaliad.

Bydd ffioedd parcio yn cael eu had-dalu pan fydd gweithiwr yn cael ei adleoli dan y polisi hwn i safle lle mae ffioedd o'r fath yn orfodol ac, felly, bydd y ffioedd yn codi fel mater o raid. Yn yr amgylchiadau hyn, bydd ffioedd parcio'n cael eu had-dalu am gyfnod o bedair blynedd (dylai'r sefydliad a'r gweithiwr gytuno ar drefniadau parcio o flaen llaw, gan gynnwys lleoliad a chyfradd). Fel dewis arall, gall sefydliad y GIG gynnig talu gwerth dwy flynedd o ffioedd parcio fel cyfandaliad. Bydd cyfandaliadau'n destun cymal 'cymryd yn ôl' pro rata, os bydd y gweithiwr yn gadael ei swydd cyn diwedd y cyfnod o ddwy flynedd.

12. Treuliau adleoli / symud

Dylai sefydliadau feddu ar bolisi treuliau adleoli/symud tŷ, sy'n darparu ar gyfer talu treuliau symud tŷ pan fydd angen i weithwyr symud lleoliad eu cartref ac mae'r sefydliad wedi'i fodloni bod y trefniadau a gynigir yn rhesymol dan yr amgylchiadau.

Dylai gweithwyr sy'n ystyried symud tŷ yn sgil proses newid sefydliadol neu gan wybod bod newid sefydliadol ar y gweill, gael cadarnhad o'u hawl i dderbyn treuliau adleoli/symud, cyn cytuno i unrhyw drefniadau terfynol.

13. Trefniadau adolygu, gwerthuso a monitro

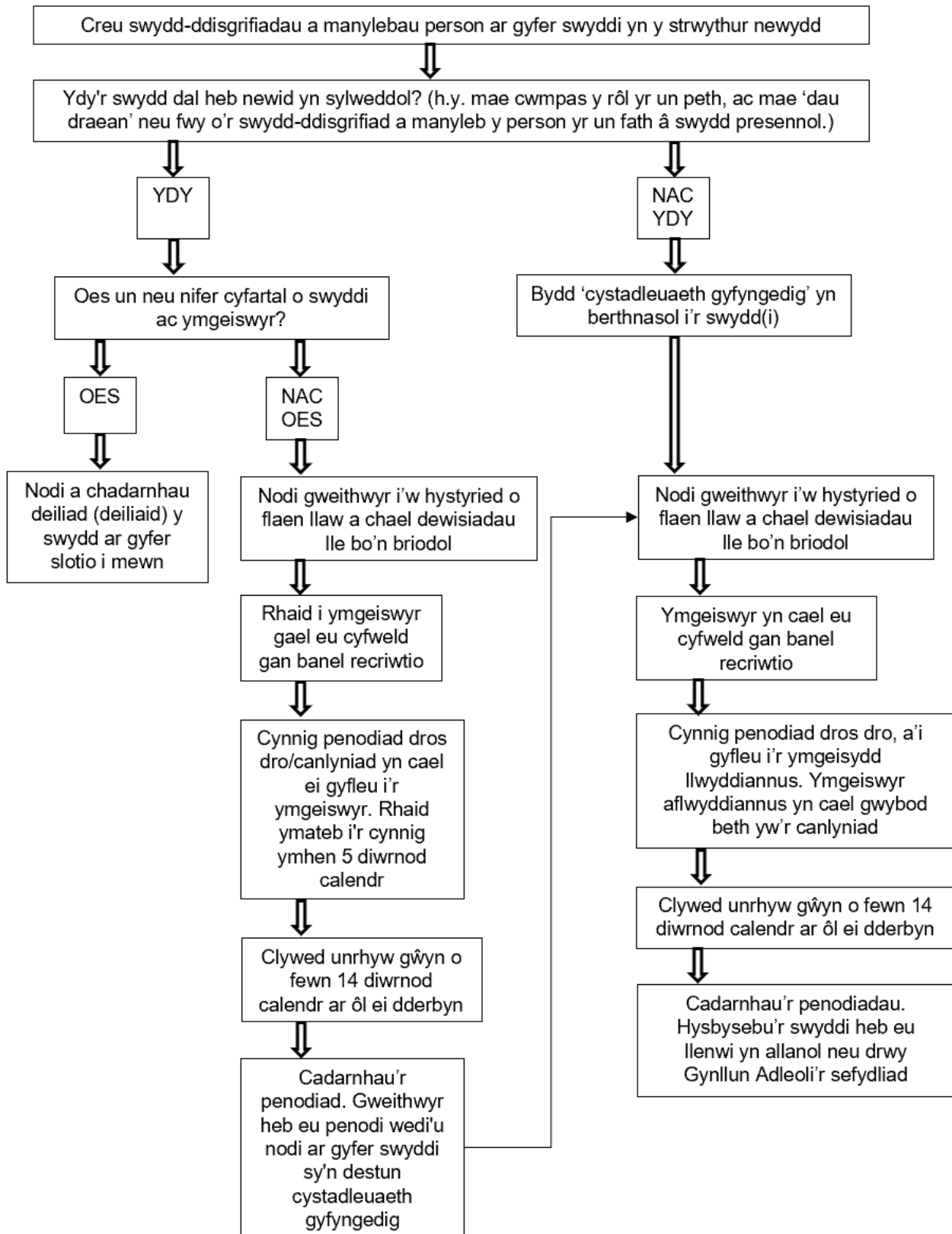
13.1 Gwerthuso

Bydd y polisi hwn yn cael ei werthuso'n barhaus gyda'r undebau llafur, gweithwyr a sefydliadau'r GIG, yn enwedig yng nghyd-destun asesiadau effaith cydraddoldeb.

13.2 Monitro

Bydd profforma monitro'n cael ei ddatblygu a bydd y polisi'n cael ei fonitro, mewn partneriaeth, ar ôl pob achos o newid sefydliadol, i sicrhau y dilynwyd yr egwyddorion.

Atodiad 1 – Gweithdrefn ar gyfer llenwi swyddi yn ystod newid sefydliadol – siart lif



Atodiad 2 – Polisi Dileu Swyddi

1. Datganiad o Fwriad

1.1 Diffiniad Dileu Swyddi

Gellir diffinio dileu swyddi (*redundancy*) fel diswyddo, y gellir ei briodoli yn llwyr neu yn rhannol i:

- Y ffaith fod y gweithiwr wedi rhoi'r gorau i barhau'r busnes, neu'n bwriadu rhoi'r gorau iddi, at y dibenion y cyflogwyd y gweithiwr ganddynt, neu wedi rhoi'r gorau i barhau'r busnes yn y lleoliad y cyflogwyd y gweithiwr, neu'n bwriadu rhoi'r gorau i hynny; neu
- Y ffaith fod gofynion y busnes hwnnw i weithwyr wneud gwaith o fath penodol, neu i weithwyr wneud gwaith o fath penodol yn y lleoliad y cyflogwyd nhw, wedi dod i ben neu leihau, neu disgwylir iddo ddod i ben neu leihau. (Adran 139 (1), Deddf Hawliau Cyflogaeth 1996).

Mae sefydliadau GIG Cymru yn ymrwymo cymaint â phosibl i ddarparu cyflogaeth barhaus i weithwyr parhaol presennol. Felly, gofynnir i'r sefydliadau hyn gymryd yr holl gamau rhesymol, ymarferol a fforddiadwy i gadw sgiliau, gwybodaeth a phrofiad gwerthfawr ac osgoi dileu swyddi gweithwyr yn orfodol.

Mae'r polisi hwn yn nodi'r holl fesurau y mae'n rhaid i sefydliadau eu harchwilio i osgoi dileu swyddi gweithwyr yn orfodol, a'r weithdrefn i'w dilyn, os bydd rhaid dileu swyddi yn orfodol.

Bydd y sefydliadau yn:

- annog ymgynghori llawn ac agored gyda gweithwyr a'u cynrychiolwyr yn ystod cyfnod o newid, a allai arwain at ddileu swyddi;
- hwyluso adleoli gweithwyr;
- sicrhau y dilynr prosesau priodol a theg; ac
- ymdrechu i sicrhau, lle bo hynny'n bosibl neu'n fforddiadwy, y cyflawnir gostyngiadau niferoedd gweithwyr trwy golled naturiol, neu trwy ymddeoliadau cynnar gwirfoddol neu ryddhau yn gynnar o wirfodd.

2. Gweithdrefnau

2.1 Ymgynghori

Os yw'n amlwg neu'n cael ei ystyried yn gryf y bydd y newidiadau a gynllunnir yn cael effaith sylweddol ar gcontractau gweithwyr neu'n arwain at adleoli neu ddileu swyddi, dilynr y gofynion statudol ynghylch darparu gwybodaeth i undebau llafur cydnabyddedig/cynrychiolwyr staff, ac ymgynghori â nhw, yn unol ag adran 5.3 y Polisi Newid Sefydliadol – Ymgynghori ar Ddileu Swyddi Arfaethedig ar y Cyd.

Bydd gan weithwyr sydd mewn perygl o golli eu swydd hawl i gael eu cynrychioli trwy gydol y broses.

Rhaid i weithwyr wneud eu gorau glas ym mhob sefyllfa i sicrhau bod y broses ymgynghori'n dechrau ar y cam cynharaf posibl.

2.2 Mesurau i'w cymryd i leihau neu osgoi dileu swyddi

Lle bynnag bo'n ymarferol, cymerir yr holl gamau posibl i leihau neu osgoi dileu swyddi yn unol â'r darpariaethau a nodir yn y Polisi Newid Sefydliadol.

Dylid gwneud unrhyw gynnig cyflogaeth amgen sy'n cael ei ystyried i fod yn addas yn ysgrifenedig, gan ddarparu digon o fanylion am y swydd a chaniatáu amser rhesymol i'r gweithiwr ei ystyried, cyn i'r cyfnod hysbysu ddod i ben. Dylai'r swydd arall a gynigir fod ar gael ddim hwyrach na phedair wythnos ar ôl dyddiad terfyn yr hen contract. Lle bo'n briodol, dylai'r cynnig geisio dangos y prif ffyrdd y mae'r swydd newydd yn wahanol i'r hen swydd. Os dilynrir y weithdrefn hon, ond nid yw'r gweithiwr yn ymateb i gynnig o'r fath, ystyrir bod y gweithiwr wedi gwrthod cyflogaeth amgen addas.

Wrth dderbyn unrhyw gyflogaeth amgen sy'n cael ei ystyried yn addas, gellir cytuno iddo fod yn amodol ar gyfnod prawf o bedair wythnos. Dylid cytuno ar drefniadau'r cyfnod prawf, gan gynnwys dulliau asesu ac adolygu rhwng y rheolwr a'r gweithiwr cyn i'r cyfnod prawf ddechrau.

Os bydd hi'n dod i'r amlwg yn ystod y cyfnod prawf nad yw adleoli'n addas mewn gwirionedd, ni fydd hyn yn effeithio ar hawl y gweithiwr i dderbyn unrhyw daliadau dileu swydd sy'n ddyledus dan ei hen contract parhaol. Bydd taliadau dileu swydd yn cael eu peryglu os bydd gweithiwr yn tynnu yn ôl o drefniant prawf cytunedig heb reswm.

2.3 Dulliau Dewis

Bydd dulliau dewis yn cael eu cytuno'n lleol yn unol ag amgylchiadau'r gostyngiad swyddi, y grwpiau staff perthnasol a gofynion y gwasanaeth a'r sefydliad ar ôl y newid. Gellir ystyried unrhyw un o'r canlynol, neu bob un ohonynt, wrth ddewis, gan gofio bod rhaid gwneud y dewis ar sail meini prawf:

- hyd y gwasanaeth;
- cofnod presenoldeb;
- cofnod salwch (rhaid rheoli'r maen prawf hwn yn ofalus yn unol â'r Ddeddf Cydraddoldeb (2010));
- cofnod disgyblu;
- cymwysterau;
- sgiliau;
- cymwyseddau;
- profiad gwaith; a
- chofnodion perfformiad (yn seiliedig ar dystiolaeth ddogfennol a gwrthrychol e.e. dogfennau adolygiad datblygu/rheoli perfformiad.)

Rhaid i'r sefydliad fod yn ofalus wrth ddylunio'r meini prawf dewis a'u rhoi ar waith, i osgoi defnyddio ffactorau a allai wahaniaethu yn erbyn unrhyw weithiwr, yn

uniongyrchol neu'n anuniongyrchol, ar sail rhywedd, hil, anabledd, crefydd neu gred, oedran, cyfeiriadedd rhywiol, beichiogrwydd a mamolaeth neu oherwydd ei fod yn drawsryweddol, yn briod neu mewn partneriaeth sifil. Dylid rhoi'r un ystyriaeth i statws cyflogaeth ran-amser ac aelodaeth o undeb llafur. Rhaid i sefydliadau gynnal asesiad effaith cydraddoldeb ar y dull dewis a ddewisir.

2.4 Amser i ffwrdd i chwilio am waith

Rhoddir amser rhesymol i ffwrdd i weithwyr, gyda thâl ac ad-daliad am eu treuliau, i ymgynghori â rheolwyr, undeb llafur a chynrychiolwyr staff i ymweld ag unrhyw leoliadau newydd maen nhw'n chwilio am swydd arall ynddynt, i fynychu cyfweiliad ac i fynychu hyfforddiant ac ailhyfforddiant.

2.5 Ailhyfforddiant

Darperir hyfforddiant paratoadol, sefydlu neu hyfforddiant wrth weithio i alluogi gweithwyr i symud i feysydd gwaith nad ydynt yn cael eu cwmparu'n llawn gan eu hyfforddiant gwreiddiol neu brofiad diweddar. Bydd hyn yn cynnwys mynychu unrhyw gyrsiau neu seminarau a allai fod yn berthnasol i swyddi gwag presennol.

2.6 Cymorth ychwanegol

Bydd pob gweithiwr sy'n cael ei ddadleoli neu sydd mewn perygl o golli ei swydd yn cael cyfle i gael cwnsela unigol, gan gynnwys darparu gwybodaeth e.e. hawliau a chymorth penodol, fel yr amlygwyd yn adran 8.6 trefniadau cymorth y polisi newid sefydliadol.

2.7 Cyfnodau hysbysu

Dylid rhoi rhybudd contractiol i unrhyw weithwyr sy'n cael eu hysbysu bod eu cyflogaeth yn cael ei therfynu oherwydd dileu swyddi.

Bydd yr amgylchiadau'n pennu a all y sefydliad gynnig cyfnod hysbysu hwy na chyfnod hysbysu contractiol y gweithiwr. Gellir ehangu cyfnodau hysbysu i roi mwy o gyfle i ganfod cyflogaeth amgen addas i'r gweithiwr.

Yn amodol ar gytuno ar y cyd, gall gweithiwr adael cyn i'w gyfnod hysbysu ddod i ben yn yr achosion canlynol:

- mae'n cael swydd arall y tu hwnt i'r GIG. Mewn amgylchiadau o'r fath, y dyddiad terfynu newydd fydd dyddiad diwygiedig y diswyddo, at ddibenion cyfrifiadau dileu swydd; neu
- mae'r gweithiwr, ar ôl cael ei hysbysu gan y sefydliad sy'n ei gyflogi, yn rhoi gwrthrybudd ysgrifenedig, a all fod yn llai na'r cyfnod contractiol, â chytundeb, heb golli hawliau taliadau dileu swydd.

Hefyd, efallai y bydd angen i weithiwr adael os:

- bydd yn ymddwyn mewn ffordd sy'n arwain at reswm arall dros ei ddiswyddo, yn ystod ei gyfnod hysbysu dileu swydd.

Mewn perthynas â'r uchod, mae'r sefydliad yn cadw'r hawl i wneud taliad llawn o ran hysbysu a'r hawl i dâl dileu swydd, trwy gyfrwng setliad llawn a therfynol, yn amodol ar reoliadau statudol.

2.8 Cydraddoldeb

Wrth roi'r polisi dileu swyddi hwn ar waith, bydd sefydliadau'n sicrhau nad oes unrhyw drefniadau arfaethedig yn gwahaniaethu ar sail anabledd, ailbennu rhywedd, priodas a phartneriaeth sifil, aelodaeth o undeb llafur, oedran (ac eithrio'r modd yr effeithir arno gan y polisi ymddeol) ac ati. Dylid trin gweithwyr rhan-amser yn yr un modd â gweithwyr amser llawn bob amser.

3. Hawliau gweithwyr y mae eu swyddi wedi'u dileu

- 3.1 Cyfrifir a thelir hawl pob gweithiwr GIG sy'n gymwys i dderbyn taliad dileu swydd yn unol ag adran 16 (tâl dileu swydd) Llawlyfr Telerau ac Amodau Gwasanaeth GIG yr Agenda ar gyfer Newid.
- 3.2 Hefyd, mae darpariaeth ar gael i weithwyr GIG cymwys ymddeol yn gynnar heb ostwng eu buddion pensiwn, yn amodol ar y meini prawf penodol a nodir yn rheolau aelodaeth Cynllun Pensiwn y GIG a darpariaethau Adran 16 (tâl dileu swydd) Llawlyfr Telerau ac Amodau Gwasanaeth GIG yr Agenda ar gyfer Newid.
- 3.3 Dylid nodi bod y darpariaethau taliadau dileu swydd yn berthnasol i holl weithwyr y GIG, nid y rhai sydd wedi'u cwmpasu gan Delerau ac Amodau Gwasanaeth GIG yr Agenda ar gyfer Newid yn unig.

4. Hawl i apelio

4.1 Cwynion am y broses ddileu swyddi

Os bydd anghydfod ynghylch y broses ddileu swyddi, sy'n gysylltiedig â newid sefydliadol, gall gweithiwr gyflwyno cwyn yn unol â Pholisi Parch a Datrys Cymru Gyfan.

- 4.2 Rhaid i weithwyr sy'n cael eu hysbysu am ddileu eu swydd gael gwybod am eu hawl i apelio. Dylid cyflwyno unrhyw apêl o'r fath o fewn 21 diwrnod ar ôl dyddiad y llythyr hysbysu. Bydd unrhyw apeliadau o'r fath yn cael eu rheoli a'u cynnal yn unol â gweithdrefn ddiswyddo'r sefydliad perthnasol.

Atodiad 3 – Trefniadau ar gyfer rheoli gweithwyr ar secondiad, wedi'u dyrchafu dros dro a thymor penodol.

1. Gweithwyr ar secondiad ac wedi'u dyrchafu dros dro

Ni fydd y weithdrefn ar gyfer llenwi swyddi yn ystod newid sefydliadol, a amlinellir yn adran 9 y polisi hwn, yn berthnasol i rolau 'secondiad' neu 'ddyrchafiad dros dro', yr effeithir arnynt gan y broses newid sefydliadol, oni bai bod y gweithiwr wedi bod yn y swydd am gyfnod o bedair blynedd barhaus, ar y dyddiad y mae'n cael ei ddadleoli.

Fodd bynnag, efallai y bydd gweithiwr 'ar secondiad' neu 'wedi'i ddyrchafu dros dro' yn cael ei gynnwys yn narpariaethau adran 9, os oes ganddo rôl barhaol sy'n destun newid sefydliadol. Yn yr amgylchiadau hyn, gall y secondiad neu'r dyrchafiad dros dro ddod i ben os yw'n briodol, lle gall y gweithiwr gael ei slotio i mewn neu gael hawliau ystyriaeth o flaen llaw o ran ei rôl barhaol.

1.1 Gweithiwr ar secondiad neu wedi'i ddyrchafu dros dro, gyda llai na phedair blynedd o wasanaeth parhaus

Os bydd gweithiwr ar secondiad neu wedi'i ddyrchafu dros dro mewn swydd ers cyfnod o lai na phedair blynedd barhaus, ar y dyddiad y mae'n cael ei ddadleoli, defnyddir bandio/graddio a thelerau amodau gwasanaeth ei swydd barhaol er mwyn pennu cynigion o gyflogaeth amgen addas, os na fydd yn gallu dychwelyd i'w rôl barhaol.

Os bydd gweithiwr ar secondiad neu wedi'i ddyrchafu dros dro i swydd heb gytuno ar ddychwelyd i'w **swydd barhaol**, cyfrifoldeb y sefydliad sy'n ei gyflogi'n barhaol fydd canfod swydd amgen addas iddo lle bo'n bosibl, ar ddiwedd cyfnod y secondiad/dyrchafiad dros dro. Dylai'r swydd hon fod ar yr un band/gradd ac ar delerau ac amodau tebyg i'r rhai y cyflogwyd y gweithiwr arnynt, cyn dechrau ei secondiad.

Os yw gweithiwr ar gyfnod secondiad neu wedi'u ddyrchafu dros dro i swydd heb gytundeb i ddychwelyd i'r **sefydliad sy'n ei gyflogi'n barhaol**, cyfrifoldeb y sefydliad oedd yn ei gyflogi'n barhaol fydd canfod cyflogaeth addas iddo o hyd. Lle bo'n bosibl, dylai'r swydd hon fod ar yr un band/gradd ac ar delerau ac amodau tebyg i'r rheiny y cyflogwyd y gweithiwr arnynt, cyn dechrau ei secondiad.

Os na fydd y sefydliad sy'n cyflogi'r gweithiwr yn barhaol yn bodoli mwyach, bydd y sefydliad sy'n dilyn y sefydliad cyflogi gwreiddiol yn gyfrifol am anrhydeddu ei ddychweliad i'w swydd barhaol, lle bydd yn dal i fod ar gael, neu ganfod cyflogaeth addas lle bo'n bosibl, os nad yw'r swydd yn bodoli nac ar gael mwyach. Lle bo'n bosibl, dylai'r swydd fod ar yr un band/gradd ac ar delerau ac amodau tebyg i'r rheiny y cyflogwyd y gweithiwr arnynt, cyn dechrau ei secondiad.

Os oes gan weithiwr sydd ar secondiad contract parhaol, ond ni fu ganddo swydd barhaol â'r sefydliad a'i cyflogodd, e.e. mae ei contract yn un wedi'i letya, a chyfrifoldeb y sefydliad sy'n ei gyflogi yw canfod cyflogaeth addas iddo lle bo'n bosibl. Dylai'r swydd fod ar yr un band/gradd ac ar delerau ac amodau tebyg i'r rhai yr oedd y gweithiwr yn eu mwynhau yn ei swydd secondiad, os yw hynny'n bosibl.

1.2 Gweithiwr ar secondiad ac wedi'i ddyrchafu dros dro gyda phedair blynedd neu fwy o wasanaeth parhaus

Os yw gweithiwr ar gyfnod secondiad neu wedi'i ddyrchafu dros dro mewn swydd ers cyfnod o bedair blynedd barhaus neu fwy, ar y dyddiad y caiff ei ddadleoli, ystyrir mai hon yw ei swydd barhaol.

Yn yr amgylchiadau hyn, bydd band/gradd secondiad/dyrchafiad dros dro a thelerau ac amodau'r gweithiwr yn cael eu defnyddio i bennu cynigion cyflogaeth amgen addas, os na fydd yn cael ei benodi i swydd gan ddefnyddio'r egwyddorion slotio i mewn neu ystyriaeth o flaen llaw.

2. Gweithwyr tymor penodol

Dan Reoliadau Gweithwyr Tymor Penodol (Atal Triniaeth Lai Ffafirol) 2002, mae hawl gan weithiwr ar contract tymor penodol (e.e. mae'r gweithiwr wedi'i benodi i weithio mewn swydd tymor penodol neu dros dro hyd nes dyddiad gorffen, digwyddiad neu dasg benodedig) dderbyn triniaeth gyfartal. Mae'r driniaeth gyfartal hon yn berthnasol i gyflog, buddion, cyfleoedd cyfartal ar gyfer dyrchafu, hyfforddiant a datblygiad pellach, gan gynnwys yr hawl i gael gwybod am yr holl swyddi gwag addas, a mynediad cyfartal at y cynllun pensiwn galwedigaethol, oni bai y gellir cyfiawnhau triniaeth lai ffafirol gan y cyflogwr yn wrthrychol.

Os penodwyd gweithiwr ar contract tymor penodol ac effeithir arno gan newid sefydliadol, dylai'r rheolwr gysylltu ag adran y Gweithlu a Datblygu Sefydliadol. Os cyflogwyd gweithiwr yn benodol er mwyn cymryd lle rhywun sydd ar e.e. absenoldeb mamolaeth, absenoldeb salwch neu i gyflawni prosiect penodol, mae'n annhebygol y bydd ganddo hawl i'r darpariaethau a amlinellir yn adran 9 y polisi hwn.

Os bydd gweithiwr yn cynnig diswyddo gweithiwr ar contract tymor sefydlog, dylid ymgynghori'n llawn â'r gweithiwr dan sylw, ac ystyried cyflogaeth amgen yn drylwyr cyn gwneud y penderfyniad hwn.

Atodiad 4 – Trosglwyddo i gyflogwr newydd

1. Rheoliadau Dileu Swyddi a Throsglwyddo Ymgymeriadau ar y Cyd (Diogelu Cyflogaeth) (Diwygio) 2014

2. The Caiff Rheoliadau Dileu Swyddi a Throsglwyddo Ymgymeriadau ar y Cyd (Diogelu Cyflogaeth) (Diwygio) 2014 eu hadnabod fel Rheoliadau TUPE. Mae'r Rheoliadau hyn yn darparu hawliau cyflogaeth i weithwyr pan fydd eu cyflogwr yn newid yn sgil trosglwyddo ymgymeriad. Effaith y Rheoliadau hyn yw cynnal parhad cyflogaeth a telerau ac amodau'r gweithwyr hynny sy'n cael eu trosglwyddo i gyflogwr newydd, pan fydd trosglwyddiad perthnasol yn digwydd. Mae hyn yn golygu y bydd gweithwyr sy'n cael eu cyflogi gan y cyflogwr blaenorol pan fydd y trosglwyddiad yn cael ei roi ar waith yn cael eu cyflogi gan y cyflogwr newydd yn awtomatig, ar yr un telerau ac amodau gwasanaeth. Hefyd, mae'r Rheoliadau'n cynnwys darpariaethau penodol i ddiogelu gweithwyr rhag cael eu diswyddo cyn neu ar ôl y trosglwyddiad.

Felly, mae'r Rheoliadau'n sicrhau nad yw gweithwyr yn cael eu cosbi pan fyddant yn cael eu trosglwyddo, trwy gael eu gosod ar delerau ac amodau israddol. Felly, nid yn unig y mae eu telerau ac amodau cyfredol yn cael eu trosglwyddo i'r swydd newydd ar eu diwrnod cyntaf gyda'r cyflogwr newydd, mae'r Rheoliadau hefyd yn gosod cyfyngiadau ar allu'r cyflogwr newydd a'r gweithwyr a drosglwyddwyd i gytuno ar amrywio telerau ac amodau ar ôl hynny.

3. Cytundeb Partneriaeth a Rheoli Newid

Mae'r Cytundeb Partneriaeth a Rheoli Newid a ddosberthir gan Fforwm Gweithlu Llywodraeth Cynulliad Cymru ym mis Chwefror 2008 yn darparu rhagor o ddiogelwch i weithwyr, gan ei fod yn mynnu bod y sector cyhoeddus yn trin TUPE yn berthnasol yn ystod unrhyw newid cyflogwr yn sgil ad-drefnu yn y sector cyhoeddus.

4. Hawliau gwybodaeth

Mae'r Rheoliadau'n mynnu bod y gweithiwr presennol yn darparu gwybodaeth i'r cyflogwr newydd ynghylch trosglwyddo gweithwyr, cyn y dyddiad trosglwyddo perthnasol. Mae'r Rheoliadau'n nodi y dylid rhoi'r wybodaeth hon o leiaf 28 diwrnod cyn cwblhau'r trosglwyddiad neu, os oes amgylchiadau arbennig yn golygu nad yw hyn yn ymarferol yn rhesymol, cyn gynted ag sy'n rhesymol ymarferol.

Felly, mae angen i'r cyflogwr presennol ddarparu gwybodaeth benodol i'r cyflogwr newydd (yn ysgrifenedig neu ar ffurfiau eraill sy'n hygyrch i'r cyflogwr newydd) a fydd yn ei gynorthwyo i ddeall ei hawliau, ei ddyletswyddau a'i rymedigaethau o ran trosglwyddo gweithwyr.

5. Ymgynghori â gweithwyr a effeithir

Mae Rheoliadau TUPE yn gosod dyletswydd ar y cyflogwyr presennol a'r rhai newydd i roi gwybodaeth i weithwyr a all fod wedi'u heffeithio gan y trosglwyddiad, ac ymgynghori â nhw. Nid yw'r Rheoliadau'n nodi amserlen ar gyfer ymgynghoriadau o'r fath, ac eithrio nodi y dylai ymgynghoriadau o'r fath ddigwydd "mewn da bryd cyn trosglwyddiad perthnasol er mwyn galluogi cyflogwr unrhyw weithwyr yr effeithir arnynt i ymgynghori â'r cynrychiolwyr priodol".

5.1 Gweithwyr sy'n aelodau o undeb llafur

Mae GIG Cymru'n annog pob gweithiwr i ymuno ag undeb llafur. Os bydd gweithiwr yr effeithir arno/arni gan drosglwyddiad TUPE wedi'i gynrychioli gan undeb(au) llafur cydnabyddedig, rhaid i'r cyflogwr presennol roi gwybodaeth i swyddog awdurdodedig cydnabyddedig, ac ymgynghori ag ef/hi, hynny yw swyddog lleol neu amser llawn yn yr undeb(au) hwnnw/hynny.

5.2 Gweithwyr nad ydynt yn aelodau o undeb

Os nad yw gweithwyr y mae'r trosglwyddo'n effeithio arnynt wedi'u cynrychioli gan undeb llafur cydnabyddedig, mae angen i'r gweithiwr roi gwybodaeth i gynrychiolydd priodol i'r gweithwyr hyn, ac ymgynghori ag ef/hi.

Bydd y cyflogwr yn galluogi gweithwyr sy'n dymuno ethol cynrychiolydd i wneud hynny, a bydd yn ei lywio ac yn ymgynghori gyda nhw fel sy'n briodol.

6. Gwrthod trosglwyddo

Derbynnir y bydd rhai gweithwyr yn cael trafferth derbyn newid, ac efallai na fyddant yn llwyddo i addasu ac, felly, efallai y bydd angen eu cynghori ynghylch eu hopsiynau. Safle cyfreithiol y gweithwyr hynny sy'n dymuno peidio â throsglwyddo yw y byddant yn gadael eu cyflogaeth yn wirfoddol heb unrhyw hawl i rybudd neu iawndal diswyddo arall.

Dylai cyflogwyr trin gweithwyr o'r fath â chydymdeimlad a threfnu cwrdd â nhw i roi archwiliad llawn i'w rhesymau dros wrthod derbyn trosglwyddiad a thrafod cyfleoedd adleoli eraill os oes rhai ar gael.

7. Ail-gysylltu ar ôl dileu swydd

At ddibenion Telerau ac Amodau Gwasanaeth y GIG, mae sefydliadau'r GIG yn 'gyflogwyr cysylltiedig'. Felly, os bydd swydd gweithiwr yn cael ei ddileu, ac mae'n derbyn ac yn dechrau swydd newydd yn y GIG o fewn pedair wythnos ar ôl gadael y swydd flaenorol, nid oes hawl ganddo dderbyn tâl dileu swydd dan y rheoliadau. Felly, dylai sefydliadau'r GIG gymryd camau i amlygu a mynd ar drywydd swyddi gwag/wedi'u hysbysebu, er mwyn osgoi achos o weithiwr y dilëwyd ei swydd yn derbyn tâl dileu swydd a/neu ddiswyddo sylweddol, ac yna'n dechrau swydd arall yn rhywle arall yn y GIG ar ôl y cyfnod pedair wythnos. Felly,

efallai y bydd angen cyngor cyfreithiol manwl yn ôl amgylchiadau unigol, yn ogystal â chydymffurfio â pholisïau a chyfarwydddebau Llywodraeth Cymru.

8. Cynllunio gyrfa a chymorth i weithwyr wedi'u dadleoli

Sefydlir mecanweithiau lleol i roi cymorth i weithwyr sydd wedi'u dadleoli neu y mae angen cymorth arnynt i addasu i amgylchedd gwaith newydd. Nodau datblygu cynllun o'r fath yw:

- cadw sgiliau a phrofiad o fewn GIG Cymru;
- osgoi colli staff yn ddiangen a lleihau costau dileu swyddi;
- rhoi cymorth effeithiol i unigolion y mae eu gyrfaedd yn cael eu trawsnewid;
- sicrhau bod gweithwyr ar draws GIG Cymru'n cael eu trin yn deg a chyfartal; a
- rhoi cymorth personol i weithwyr efallai nad ydynt wedi'u dadleoli ond sydd â phryderon cyffredinol am effaith y newid sefydliadol arnynt.

Atodiad 5 – Newid Sefydliadol o Fewn GIG Cymru – Polisi Adleoli

1. Cyflwyniad

Mae'r Gwasanaeth Iechyd Gwladol (GIG) yng Nghymru wedi ymrwymo i ddenu a chadw staff rhagorol ac ymroddedig ac yn gwerthfawrogi dyfnder a lled y profiad, yr wybodaeth a'r sgiliau sydd ganddynt ac y maent yn cyfrannu at y gwasanaeth.

Mae anghenion newidiol GIG Cymru, o ganlyniad i newid sefydliadol parhaus a'r gofyniad i reoli'r newidiadau hyn yn rhagweithiol, yn golygu y gallai fod angen adleoli rhai gweithwyr i swyddi eraill, pe baent yn cael eu dadleoli o'u swydd bresennol a/neu pe bai eu swydd wedi'i nodi fel un sydd mewn perygl o ddiswyddo. Yn yr amgylchiadau hyn, cydnabyddir y bydd gan y gweithwyr yr effeithir arnynt brofiad, gwybodaeth, sgiliau ac arbenigedd, a fydd yn eu galluogi i barhau i gyfrannu at lwyddiant Bwrdd Iechyd (BILI) / Ymddiriedolaeth GIG, os rhoddir cyfleoedd addas iddynt wneud hynny.

Cyfrifoldeb pob un o'r Byrddau Iechyd Lleol a'r Ymddiriedolaethau yw gwneud pob ymdrech resymol i gynorthwyo gweithwyr, lle bo angen, i ddod o hyd i gyflogaeth amgen addas, er mwyn eu galluogi i barhau â'u gyrfaedd o fewn y Gwasanaeth Iechyd Gwladol. Bydd hyn yn cynnwys cefnogi'n llawn y posibilrwydd a'r broses wirioneddol o adleoli staff GIG Cymru o'r tu allan i'w sefydliadau eu hunain, i swyddi gwag addas mewn sefydliadau eraill mewn amgylchiadau lle mae'n briodol a lle mae cytundeb i wneud hynny.

Yn ystod cyfnodau o newid sefydliadol, bydd y Polisi Adleoli canlynol yn cael ei ddefnyddio gan bob Bwrdd Iechyd Lleol ac Ymddiriedolaeth pan fo gofyniad iddynt geisio dod o hyd i gyflogaeth amgen addas i weithwyr sydd wedi cael eu dadleoli o'u swydd bresennol a/neu mae eu swydd wedi'i nodi fel un sydd mewn perygl o ddiswyddo.

Rhaid darllen y Polisi ar y cyd â pholisïau eraill GIG Cymru.

2. Cwmpas

Dim ond mewn achosion lle mae adleoli yn briodol o ganlyniad i newid sefydliadol y bydd y Polisi hwn yn berthnasol.

Bydd y Polisi hwn yn berthnasol i holl weithwyr GIG Cymru sydd â chontract parhaol neu gyfnod penodol sydd wedi cael eu diswyddo o'u swydd bresennol a/neu mae eu swydd wedi'i nodi fel un sydd mewn perygl o ddiswyddo, o ganlyniad i broses newid sefydliadol.

Bydd pob sefydliad GIG Cymru yn sefydlu trefniadau o fewn eu Hadrannau Gweithlu a Datblygu Sefydliadol i gydlynu a rheoli'r broses o reoli gweithwyr sy'n gymwys i gael eu hadleoli. Byddant hefyd yn sicrhau bod trefniadau cydweithredol yn cael eu rhoi ar waith gyda'u cymheiriaid o fewn Byrddau Iechyd Lleol/Ymddiriedolaethau eraill GIG Cymru.

Bydd gweithwyr sydd wedi'u dadleoli yn cael eu dynodi'n Ymgeiswyr ar gyfer Adleoli, ar ôl cael cadarnhad ysgrifenedig eu bod wedi bod yn aflwyddiannus wrth sicrhau swydd addas o fewn y strwythur sefydliadol newydd, h.y. maent wedi cael eu dadleoli'n ffurfiol neu mae eu swydd wedi'i nodi fel un sydd mewn perygl o ddiswyddo a'i bod wedi'i chadarnhau nad yw parhau yn eu swydd bresennol yn gynaliadwy.

Bydd gweithwyr o'r fath yn cadw'r dynodiad fel Ymgeisydd ar gyfer Adleoli am gyfnod o 3 mis ar y mwyaf, oni bai eu bod yn cael swydd barhaol yn y cyfamser. Rhagwelir y bydd Byrddau Iechyd Lleol ac Ymddiriedolaethau, drwy gydweithio, yn gallu dod o hyd i gyflogaeth amgen addas i ymgeiswyr o fewn yr amserlen uchod. Dylid nodi y rhoddir blaenoriaeth i unrhyw staff sydd mewn perygl o gael eu diswyddo wrth nodi cyflogaeth amgen addas dros staff sydd eisoes mewn swydd amgen ac sydd wedi'u diogelu. Yn ogystal, rhaid cynnig swydd wag addas i weithiwr sy'n cael ei ddiswyddo, ac sydd ar absenoldeb fel absenoldeb mamolaeth statudol, cyn unrhyw weithiwr arall. Hefyd, nid oes rhaid iddyn nhw wneud cais amdano. Os oes gan y sefydliad amheuan ynghylch addasrwydd y gweithiwr ar gyfer y swydd, gall ei asesu/ei gyfweld ar gyfer y swydd – a rhaid cynnig y swydd iddo yn gyntaf os canfyddir ei fod yn addas ar ei chyfer. Fodd bynnag, os nad oes swydd addas ar gael, gellir diswyddo'r gweithiwr os nad yw'r penderfyniad o ganlyniad i'w absenoldeb sydd wedi'i ddiogelu'n gyfreithiol, a bod y broses ddiswyddo yn deg.

Bydd holl hawliau cyflogaeth pob Ymgeisydd ar gyfer Adleoli yn cael eu diogelu, fel sy'n ofynnol gan Ddeddf Hawliau Cyflogaeth (1996). Dylid nodi a chyfleu'n benodol yn ysgrifenedig i weithwyr sydd wedi'u hadleoli i swydd o fewn cyflogwr GIG Cymru newydd, y byddant yn cael dyddiad dechrau newydd yn y swydd gyda'r cyflogwr hwnnw, fodd bynnag y byddai eu gwasanaeth parhaus gyda'r GIG yn cael ei gyfrif fel rhywbeth cyfrifadwy o ran tâl salwch, gwyliau blynyddol a chredyd cynyddrannol.

3. Diben

Bydd y Polisi hwn yn cynorthwyo gweithwyr i nodi swyddi amgen addas o fewn GIG Cymru, pan na allant barhau yn eu swydd barhaol bresennol. Bydd yn gwneud hyn drwy ddarparu ymrwymiad a phroses sy'n caniatáu iddynt gael ystyriaeth ffafriol wrth wneud cais am swyddi gwag a nodwyd.

Diben dynodiad Ymgeisydd ar gyfer Adleoli yw:

- sicrhau bod gweithwyr sydd wedi'u dadleoli yn cael gwybod am swyddi gwag cyn iddynt gael eu hysbysebu drwy'r broses gystadleuaeth agored;
- sicrhau bod gweithwyr sydd wedi'u dadleoli yn cael eu paru â swyddi gwag priodol, er mwyn sicrhau cyflogaeth amgen yn unol â'r amserlen 3 mis ac yn unol ag arfer gorau;
- sicrhau bod dull teg, cyfartal a chyson yn cael ei fabwysiadu wrth reoli cyflogaeth amgen addas, o fewn GIG Cymru, yn ystod unrhyw broses newid sefydliadol;
- cynnal parhad gwasanaeth ac effeithlonrwydd ac effeithiolrwydd gwasanaeth yn ystod pob proses newid sefydliadol;

- sicrhau bod yr holl weithwyr yn parhau i gael eu gwerthfawrogi a bod eu cyfraniad parhaus at GIG Cymru yn cael ei gydnabod a'i gefnogi yn ystod unrhyw broses newid sefydliadol;
- darparu cefnogaeth effeithiol a pharhaus i weithwyr sydd wedi cael eu dadleoli o'u swydd bresennol neu y mae eu swydd wedi'i nodi fel un sydd mewn perygl o ddiswyddo ac nad yw'n gynaliadwy iddynt barhau i weithio yn y swydd honno mwyach;
- cynorthwyo a chefnogi gweithwyr i ddod o hyd i gyflogaeth addas a, lle bo modd, darparu ar gyfer eu datblygiad gyrfa a'u dyheadau;
- sicrhau bod sefydliadau GIG Cymru yn bodloni eu holl rwymedigaethau cyfreithiol perthnasol, o ran dod o hyd i gyflogaeth amgen addas i weithwyr sydd mewn perygl o gael eu diswyddo, yn unol â Deddf Hawliau Cyflogaeth (1996).

4. Datganiad Cydraddoldeb

Bydd pob gweithiwr sy'n destun adleoli yn cael ei drin ag urddas a pharch ac yn unol â deddfwriaeth cydraddoldeb a hawliau dynol. Ni fydd yr un unigolyn yn cael ei drin yn llai ffafriol ar sail oedran, anabledd, rhyw, hil, crefydd a chred a diffyg cred, cyfeiriadedd rhywiol, beichiogrwydd a mamolaeth neu oherwydd ei fod yn drawsryweddol, yn briod neu mewn partneriaeth sifil. Ni ddylid trin unrhyw weithiwr yn llai ffafriol oherwydd ei oriau gwaith (amser llawn neu ran-amser) na'i aelodaeth ag undeb llafur.

Bydd cael ei ddewis ar gyfer cyflogaeth amgen addas neu hyfforddiant/ail-hyfforddiant yn seiliedig ar gymwysterau, gwybodaeth, sgiliau a phrofiad perthnasol y gweithiwr, yn erbyn y swydd-ddisgrifiad, meini prawf hanfodol manyleb y person a gofynion y swydd.

5. Rolau a chyfrifoldebau

Mae gweithrediad effeithiol y Polisi Cymru gyfan hwn yn dibynnu ar gydweithrediad llawn holl Fyrddau Iechyd Lleol ac Ymddiriedolaethau GIG Cymru yn gweithio ar y cyd, er mwyn sicrhau bod yr holl swyddi gwag priodol ar gael i Ymgeiswyr ar gyfer Adleoli.

Felly, bydd pob Bwrdd Iechyd Lleol ac Ymddiriedolaeth yn adolygu ac yn ystyried eu holl swyddi gwag newydd, yn erbyn unrhyw Ymgeiswyr ar gyfer Adleoli, er mwyn penderfynu a allent ddarparu cyfleoedd cyflogaeth amgen addas.

Felly, ni fydd Byrddau Iechyd Lleol ac Ymddiriedolaethau GIG Cymru yn trefnu cyfweiliadau cystadleuaeth agored ar gyfer swyddi gwag newydd, nes bod ymgeiswyr cymwys ar gyfer adleoli posibl wedi cael eu hystyried ar gyfer y swyddi hyn, trwy'r broses recriwtio y cytunwyd arni.

5.1 Arweinydd Gweithredol Adleoli o Ganlyniad i Newid Sefydliadol

Cyfarwyddwr y Gweithlu a Datblygu Sefydliadol fydd â chyfrifoldeb sefydliadol cyffredinol am sicrhau adnoddau a gweithrediad effeithiol y polisi hwn.

Ei rôl ef hefyd fydd hwyluso trafodaethau lleol ag uwch reolwyr a phenodi rheolwyr o fewn ei sefydliad ei hun (yn ogystal â thrafodaethau traws-sefydliadol gyda'i gymheiriaid), os nodir bod heriau, a allai fod yn atal gweithiwr rhag cael ei leoli mewn swydd amgen addas, y mae ganddo yn amlwg yr wybodaeth, y sgiliau a'r profiad i'w chyflawni.

Bydd Cyfarwyddwr y Gweithlu a Datblygu Sefydliadol hefyd yn sicrhau bod ei sefydliad yn gweithredu proses ar gyfer rheoli swyddi gwag. Bydd y broses hon yn sicrhau na fydd swyddi gwag yn cael eu hawdurdodi i'w hysbysebu drwy broses gystadleuaeth agored, nes y bydd wedi'i gadarnhau na fydd y swyddi gwag hyn yn cynnig cyfle amgen addas posibl, i unrhyw Ymgeiswyr ar gyfer Adleoli.

5.2 Pennaeth yr Adran

Bydd cyfrifoldeb cychwynnol am ddod o hyd i gyfleoedd cyflogaeth amgen addas i weithiwr, sydd wedi'i ddadleoli o fewn strwythur adrannol, yn nwylo Pennaeth yr Adran*

Bydd gofyn i Bennaeth yr Adran* wneud pob ymdrech i ddechrau i ddod o hyd i swydd amgen addas i'r gweithiwr yr effeithir arno, o fewn ei strwythur newydd.

Rhaid i Bennaeth yr Adran* gysylltu â'i gynrychiolydd Adnoddau Dynol, sy'n cefnogi'r newid sefydliadol o fewn ei strwythur, er mwyn cael a darparu cyngor priodol i'r gweithiwr yr effeithir arno, mewn perthynas â'r Polisi Newid Sefydliadol, adleoli ac ati. Bydd hyn yn angenrheidiol i sicrhau bod unrhyw weithwyr a ddynodwyd yn Ymgeiswyr ar gyfer Adleoli yn cael cefnogaeth a chyngor amserol a phriodol drwy gydol y broses newid.

* **D.S.** Gall hwn fod yn gyfrifoldeb i'r pennaeth adran, y pennaeth swyddogaethol, y rheolwr llinell neu'r arweinydd proffesiynol, yn dibynnu ar strwythur y sefydliad.

5.3 Swyddog/Rheolwr Adnoddau Dynol Enwebedig

Bydd pob Bwrdd Iechyd Lleol ac Ymddiriedolaeth y GIG yn enwebu Swyddog / Rheolwr Adnoddau Dynol, i gefnogi Ymgeiswyr ar gyfer Adleoli i chwilio am gyflogaeth amgen addas. Bydd enwebeion Adnoddau Dynol o'r fath yn gweithredu fel "Rheolwr Achos" ar gyfer pob achos adleoli o'r fath.

Rôl y Rheolwr Achos enwebedig fydd:

- gweithio'n rhagweithiol gydag ymgeiswyr ar gyfer adleoli i'w cynorthwyo i sicrhau cyflogaeth amgen addas lle bo modd, o fewn 3 mis o gael y dynodiad hwnnw;
- Ceisio cwblhau a llofnodi'r Ffurflen Gytundeb i gadarnhau bod y ddwy ochr (y

gweithiwr a'r Bwrdd Iechyd Lleol/Ymddiriedolaeth) wedi ymrwymo i gydweithio, o fewn y cyfnod penodedig i ddod o hyd i swydd addas;

- sicrhau bod gwybodaeth y gweithiwr a nodwyd yn cael ei chofnodi gan y Bwrdd Iechyd Lleol / Ymddiriedolaeth mewn system a all sicrhau bod yr holl weithwyr a ddynodwyd yn Ymgeiswyr ar gyfer Adleoli yn cael eu rheoli'n briodol;
- adolygu'r holl swyddi gwag a gyflwynir drwy'r broses rheoli swyddi gwag, i gadarnhau a allai unrhyw un o'r swyddi hyn gynnig cyfle amgen addas posibl, i ymgeiswyr ar gyfer adleoli.
- cysylltu'n rheolaidd ag ymgeiswyr ar gyfer adleoli;
- yn ôl yr angen, cynorthwyo ymgeiswyr ar gyfer adleoli i gael mynediad at swyddi'r GIG a lawrlwytho gwybodaeth am swyddi gwag;
- sicrhau bod yr holl swyddi gwag priodol a'r ddogfennaeth recriwtio gysylltiedig ar gael i ymgeiswyr ar gyfer adleoli;
- trafod swyddi gwag priodol gydag ymgeiswyr ar gyfer adleoli i'w cynorthwyo i asesu a gwneud penderfyniad ar sail gwybodaeth ynghylch eu haddasrwydd ar gyfer y swydd, gan gyfeirio'n benodol at fanyleb y person, y swydd-ddisgrifiad ac unrhyw wybodaeth arall sydd ar gael, sy'n berthnasol i'r swydd wag;
- yn ôl yr angen, cynorthwyo ymgeiswyr ar gyfer adleoli gyda'u cais am swyddi amgen addas, lle mae wedi'i nodi eu bod yn bodloni'r meini prawf dethol hanfodol ar gyfer swydd;
- sicrhau bod gweithwyr a ddynodwyd yn ymgeiswyr ar gyfer adleoli sy'n bodloni'r meini prawf hanfodol ar gyfer llunio rhestr fer yn cael cynnig y cyfle i drafod y swydd â'r rheolwr sy'n penodi, cyn y broses recriwtio adleoli y cytunwyd arni;
- cysylltu â Rheolwr Adnoddau Dynol uwch, os bydd rheolwr sy'n penodi yn methu ag ystyried gweithiwr sy'n bodloni'r meini prawf hanfodol ar gyfer y swydd, er mwyn sicrhau bod y mater yn cael ei ymchwilio a'i ddatrys yn briodol ac yn amserol;
- cysylltu â Rheolwr Adnoddau Dynol uwch, o ystyried y canlyniadau posibl, pe bai gweithiwr cofrestredig yn gwrthod gwneud cais am swydd amgen addas bosibl, sydd wedi'i dwyn i'w sylw.
- rhoi adborth adeiladol ac amserol *cychwynnol* i'r gweithiwr, ar ôl i'w gais gael ei ystyried am swydd, fel y bo'n briodol;
- yn ôl yr angen, rhoi cefnogaeth i ymgeiswyr ar gyfer adleoli wrth geisio cymeradwyaeth ar gyfer ceisiadau mewn perthynas â chyllid ar gyfer hyfforddiant, i'w galluogi i ddiweddarau eu sgiliau a/neu eu gwybodaeth neu i ailhyfforddi ar gyfer gwaith o fath gwahanol neu mewn disgyblaeth/maes gwahanol;
- sicrhau bod gan weithwyr sydd wedi'u dynodi'n ymgeiswyr ar gyfer adleoli fynediad at wasanaethau cwnsela / cyngor gyrfaoedd, a chyfleu argaeledd y gwasanaethau hynny yn ôl yr angen;
- sicrhau bod manylion ymgeiswyr ar gyfer adleoli yn cael eu cynnal a'u cadw'n gyfredol
- rheoli'r prosesau gweithrediadol sy'n gysylltiedig ag adleoli gweithiwr e.e. unrhyw amddiffyniad cyflog y cytunwyd arno, diogelu telerau ac amodau, a threfniadau ar gyfer taliadau am filltiroedd ychwanegol ac ati.

5.4 Y Rheolwr Penodi

Mae'r rheolwr penodi yn gyfrifol am y canlynol;

- sicrhau bod ymgeiswyr ar gyfer adleoli sy'n mynegi diddordeb mewn swydd wag ac sy'n bodloni'r meini prawf hanfodol yn y fanyleb y person ar gyfer y swydd yn cael cynnig cyfle i gael trafodaeth anffurfiol am y swydd, cyn y cyfweiliad adleoli;
- sicrhau, pan fo ymgeiswyr ar gyfer adleoli yn bodloni meini prawf hanfodol manyleb y person ar gyfer y swydd (yn seiliedig ar gynnwys eu cais ffurfiol am y swydd), y cynigir cyfweiliad ffurfiol iddynt, cyn unrhyw broses recriwtio gystadleuol agored;
- ceisio cyngor gan y Rheolwr Achos Adnoddau Dynol pan fo cais gan ymgeisydd ar gyfer adleoli ar gyfer ei swydd y mae o'r farn nad ydyw'n bodloni holl elfennau hanfodol manyleb y person ac yn darparu rhesymau ysgrifenedig.
- Ni roddir cymeradwyaeth i hysbysebu'r swyddi ar gyfer cystadleuaeth agored nes bod yr wybodaeth hon wedi'i rhoi gan y rheolwr sy'n penodi;
- hysbysu'r Rheolwr Achos Adnoddau Dynol sy'n cefnogi'r ymgeisydd adleoli o ganlyniadau cyfarfodydd/cyfweiliadau a rhoi adborth cychwynnol iddynt;
- hysbysu'r ymgeisydd am ei benderfyniad recriwtio a rhoi adborth adeiladol, yn dilyn cyfweiliad recriwtio, os na ellir penodi'r gweithiwr; a
- rhoi copi o'r ddogfennaeth recriwtio i'r Rheolwr Achos Adnoddau Dynol, er mwyn sicrhau bod y rhesymau dros beidio â phenodi yn rhesymol ac wedi'u dogfennu.

5.5 Gweithiwr

Bydd pob gweithiwr sy'n cael ei ddadleoli o'i swydd barhaol a/neu y mae ei swydd wedi'i nodi fel un sydd mewn perygl o ddiswyddo, o ganlyniad i broses newid sefydliadol, yn cael ei ddynodi gan ei Fwrdd Iechyd Lleol a'i Ymddiriedolaeth fel Ymgeisydd ar gyfer Adleoli.

Gall yr Ymgeiswyr ar gyfer Adleoli hyn hefyd ofyn i'w manylion gael eu rhoi i Fyrddau Iechyd Lleol/Ymddiriedolaethau eraill GIG Cymru er mwyn iddynt gael eu hystyried ar gyfer swyddi gwag. Bydd y Rheolwr Achos Adnoddau Dynol penodedig yn sicrhau bod manylion y gweithiwr yn cael eu hanfon ymlaen at Rheolwr Achos Adnoddau Dynol y Bwrdd Iechyd Lleol/Ymddiriedolaeth, i gael ei ystyried ar gyfer swyddi gwag o fewn y sefydliad hwnnw.

Cyfrifoldeb yr Ymgeiswyr ar gyfer Adleoli hyn fydd:

- cynnal cyswllt rheolaidd â Rheolwr Achos Adnoddau Dynol eu Bwrdd Iechyd Lleol/Ymddiriedolaeth (a Rheolwyr Achos Adnoddau Dynol unrhyw Fwrdd Iechyd Lleol/Ymddiriedolaeth allanol y maent wedi gofyn i gael eu hystyried ar eu cyfer), gan gynnwys eu hysbysu o unrhyw gyfnodau hir o absenoldeb, megis absenoldeb estynedig boed yn absenoldeb blynyddol, absenoldeb mamolaeth,

absenoldeb oherwydd salwch ac ati, er mwyn sicrhau y gellir parhau i ddarparu gwybodaeth am swyddi gwag iddynt;

- llenwi a llofnodi'r Ffurflen Gofrestru ar gyfer Adleoli, a darparu'r holl wybodaeth/dogfennaeth berthnasol mewn perthynas â manylion cyswllt, cofnod cyflogaeth, cymwysterau, profiad a rôl/dewisiadau swydd;
- cyflwyno eu Ffurflen i'w Rheolwr Achos Adnoddau Dynol, er mwyn cadarnhau eu lefelau sgiliau a'u cymwyseddau sylfaenol;
- llenwi a llofnodi Ffurflen Cytundeb Gweithiwr y Cynllun Adleoli i gydymffurfio â thelerau'r cynllun adleoli a gweithio'n rhagweithiol gyda'r Bwrdd Iechyd Lleol/ Ymddiriedolaeth i sicrhau cyflogaeth arall, o fewn yr amserlen benodedig o 3 mis;
- cyrchu ac adolygu'r wefan NHS Jobs yn ddyddiol a chyfryngau recriwtio perthnasol eraill yn rheolaidd i gynorthwyo i nodi swyddi gwag mewnol ac allanol y GIG a allai fod yn addas;
- ystyried a mynd ar drywydd pob cyfle cyflogaeth amgen rhesymol addas o fewn GIG Cymru, a mynegi diddordeb yn y swyddi gwag hynny y gallent fod yn addas ar eu cyfer (gan gyfeirio at eu gwybodaeth, eu sgiliau, eu cymwysterau a'u profiad) a chyflwyno cais;
- cysylltu â'u Rheolwr Achos Adnoddau Dynol, os bydd angen unrhyw wybodaeth ychwanegol arnynt ynghylch swydd wag addas bosibl, er mwyn eu galluogi i wneud penderfyniad ar sail gwybodaeth ynghylch addasrwydd y swydd wag;
- ystyried swyddi eraill, a fyddai'n cael eu hystyried yn addas ac eithrio'r gyfradd gyflog, y telerau ac amodau gwasanaeth, y lleoliad ac ati. Mewn amgylchiadau o'r fath, bydd y Bwrdd Iechyd Lleol / Ymddiriedolaeth sy'n cyflogi yn rhoi ystyriaeth lawn a theg i gynnig cyflog a/neu delerau ac amodau diogelu cyflogaeth a/neu dreuliau teithio ychwanegol ac ati yn unol â'r darpariaethau a nodir yn y Polisi Newid Sefydliadol;
- cydweithredu'n llawn ac arfer hyblygrwydd rhesymol wrth ystyried a chael eu hystyried ar gyfer swyddi amgen addas, er mwyn sicrhau lle bo modd eu bod yn gallu sicrhau cyflogaeth barhaol, cyn i'w statws fel Ymgeisydd ar gyfer Adleoli ddod i ben. Er y gwneir ymdrechion rhesymol i ddiwallu dyheadau gweithwyr, ni ddylent wrthod swydd o fewn pellter teithio rhesymol neu ar fand is yn afresymol, gan y rhoddir amddiffyniad cyflog yn unol â'r telerau a nodir yn y Polisi Newid Sefydliadol. Os bydd gweithiwr yn gwrthod swydd yn afresymol sydd wedi'i asesu fel un a allai ddarparu cyflogaeth amgen addas, bydd y mater yn cael ei drin yn unol ag Adran 6.6 o'r polisi hwn, sef "Gwrthod Cynnig o Gyflogaeth Amgen Addas";
- cysylltu â'u Rheolwr Achos Adnoddau Dynol, os ydynt am ystyried gwneud cwrs hyfforddi, i'w galluogi i ddiweddarau eu sgiliau a/neu eu gwybodaeth neu i ailhyfforddi ar gyfer gwaith o fath gwahanol neu mewn disgyblaeth / maes gwahanol;
- cwblhau'r broses ymgeisio mewn perthynas â'r holl swyddi amgen addas a nodwyd a mynd i'r holl gyfarfodydd a chyfweliadau cysylltiedig a drefnwyd;
- mynd at eu rheolwr i ofyn am amser rhesymol i ffwrdd o'r gwaith i ddod o hyd i gyflogaeth amgen addas, yn cynnwys mynd i gyfweliadau a chyfarfodydd mewn perthynas â'u hadleoliad a digwyddiadau hyfforddi;
- cwrdd ag uwch Rheolwr Adnoddau Dynol os yw eu Rheolwr Achos Adnoddau Dynol yn credu eu bod wedi gwrthod cynnig o gyflogaeth amgen addas yn afresymol.

Bydd gan bob ymgeisydd ar gyfer adleoli hawl i ddod â chynrychiolydd undeb llafur neu gydweithiwr gydag ef, os dymuna, yn ystod unrhyw gyfarfodydd sy'n ymwneud ag adleoli.

5.6 Cynrychiolydd Undeb Llafur / Sefydliad Proffesiynol

Ar gais y gweithiwr sydd wedi'i ddadleoli, mae'r cynrychiolydd undeb llafur/sefydliad proffesiynol yn gyfrifol am y canlynol;

- Cefnogi'r gweithiwr a mynd i gyfarfodydd mewn perthynas â'i adleoliad gydag ef. **Ni fydd hyn yn cynnwys** mynd i gyfarfodydd ffurfiol gyda rheolwr sy'n penodi i drafod swydd benodol neu gyfweiliadau recriwtio;
- Gweithio gyda chynrychiolwyr y Bwrdd Iechyd/Ymddiriedolaeth i fynd i'r afael â phryderon a allai fod ganddo ynghylch y sefydliad a/neu gydymffurfiaeth y gweithiwr â darpariaethau'r polisi hwn, a cheisio datrys unrhyw faterion sy'n peri pryder, yn anffurfiol, lle bo modd.

6. Y broses gyfweld a phenodi

6.1 Y broses ar gyfer nodi swyddi gwag ar gyfer cyflogaeth amgen addas

Rhaid recriwtio i bob swydd wag amgen addas yn unol â Phroses a Gweithdrefnau Recriwtio Cydwasanaethau GIG Cymru.

Manyleb y person a'r swydd-ddisgrifiad ar gyfer swydd fydd y prif ddogfennau a ddefnyddir gan y Rheolwr Achos Adnoddau Dynol a'r Ymgeisydd ar gyfer Adleoli wrth nodi a phennu swyddi amgen addas posibl.

Er mwyn bod yn gymwys i gael ei ystyried ar gyfer swyddi gwag, rhaid i'r gweithiwr allu dangos ei fod yn bodloni holl feini prawf hanfodol manyleb y person y swydd.

Er y bydd ystyried addasrwydd yn anrffod yn canolbwyntio ar wybodaeth, sgiliau, profiad a chymwysterau, bydd hefyd angen ystyried unrhyw amgylchiadau personol a allai wneud y swydd yn anaddas megis cyfrifoldebau gofalu ac oriau gwaith. Yn ogystal, rhaid rhoi sylw dyledus i'r gofyniad i wneud addasiadau rhesymol i swyddi yn unol â'r Deddf Cydraddoldeb (2010) a'r gofyniad i beidio â gwahaniaethu'n anghyfreithlon yn erbyn staff anabl sy'n ceisio cyfleoedd adleoli, drwy roi blaenoriaeth i staff sydd mewn perygl o gael eu diswyddo.

Ni fydd gan weithiwr hawl i fwy nag un cynnig o gyflogaeth amgen addas, oni bai y gellir profi nad oedd y cynnig mewn gwirionedd yn darparu swydd amgen addas iddo.

6.2 Swyddi gwag ar gyfer cyflogaeth amgen addas wedi'u nodi

Pan fo swydd wedi'i nodi fel swydd addas bosibl i Ymgeisydd ar gyfer Adleoli, bydd y Rheolwr Achos Adnoddau Dynol yn hysbysu'r rheolwr sy'n penodi ei bod yn ofynnol iddo ystyried y gweithiwr a chynnig cyfweiliad iddo. Ni fydd swyddi gwag o'r fath yn

destun proses recriwtio cystadleuaeth agored, oni bai na ellir penodi Ymgeiswyr ar gyfer Adleoli cymwys.

Os nad oes cyfatebiaeth sgiliau lawn yn bodoli ar y cychwyn, gellir ystyried bod y swydd wag yn addas o hyd os, ar ôl cyfnod prawf (gweler 6.6 isod) a/neu gyfnod o hyfforddiant, y caiff ei asesu bod sicrwydd y byddai'r gyfatebiaeth sgiliau lawn yn cael ei chyflawni.

6.3 Y broses benodi

Pan nodwyd a chytunwyd bod gweithiwr ar y rhestr o Ymgeiswyr ar gyfer Adleoli yn gallu dangos, trwy ei gais am swydd, ei fod yn bodloni'r meini prawf hanfodol ym manyleb y person y swydd wag, rhaid i'r rheolwr sy'n penodi gyfarfod ag ef i drafod gofynion y swydd a'r rôl, cyn y broses gyfweld ar gyfer swydd.

Pwrrpas y cyfarfod fydd cadarnhau a oes posib penodi'r gweithiwr i'r swydd. Bydd hyn yn sicrhau bod y ddwy ochr yn hyderus wrth fynd i mewn i'r broses recriwtio y gallai'r swydd ddarparu cyflogaeth amgen addas ac y gellid o bosibl ei llenwi gan y gweithiwr a nodwyd.

Pan mai dim ond un unigolyn sy'n gysylltiedig, bydd y penderfyniad i gynnig swydd yn dal i fod yn seiliedig ar a ellid disgwyl yn rhesymol i'r unigolyn gyflawni'r dyletswyddau i'r safon ofynnol drwy gyfweliad recriwtio ffurfiol fel yr unig ymgeisydd.

Os penderfynir y byddai'r swydd yn golygu newid sylweddol i gyfrifoldebau a band cyflog y gweithiwr, byddai angen cynnal cyfweliad recriwtio ffurfiol o dan y trefniadau cystadleuaeth agored arferol, er mwyn sicrhau nad oedd unrhyw fantais annheg wrth sicrhau dyrchafiad.

Pan fydd mwy nag un ymgeisydd ar gyfer adleoli yn mynegi diddordeb mewn swydd wag ac yn bodloni'r meini prawf hanfodol ym manyleb y person y swydd, byddant i gyd yn cael eu cyfweld ar gyfer y swydd. Bydd y penderfyniad dethol yn seiliedig ar allu'r unigolyn a benodir, fel y dangoswyd drwy'r broses gyfweld, i ymgymryd â'r rôl a'i chyflawni i'r safonau gofynnol.

Lle bo'n briodol, ystyrir adleoli i swydd cyfnod penodol neu dros dro ar sail interim os ystyrir bod hynny er budd gorau gweithiwr a'r gwasanaeth. Mewn achosion o'r fath, bydd dynodiad y gweithiwr fel Ymgeisydd ar gyfer Adleoli yn cael ei atal, tra y bydd yn ymgymryd â'r swydd hon. Bydd ei ddynodiad yn ailddechrau unwaith y bydd y swydd cyfnod penodol / dros dro yn dod i ben. O dan amgylchiadau o'r fath, ac i baratoi ar gyfer diwedd y swydd hon, bydd y gweithiwr yn gallu gwneud cais am swyddi gwag fel ymgeisydd adleoli 3 mis cyn diwedd y trefniant cyfnod penodol/dros dro.

Pan fydd gweithiwr wedi'i nodi fel rhywun addas ar gyfer swydd a'i fod yn gall dangos ei fod yn bodloni'r meini prawf hanfodol ym manyleb y person, ac mai ef yw'r unig ymgeisydd, ond nad ydyw'n cael ei ystyried yn addas gan y rheolwr sy'n penodi (naill ai yn y cyfarfod ffurfiol neu'r cyfweliad), bydd gofyn i'r rheolwr sy'n penodi roi rhesymau gwrthrychol ysgrifenedig i'r Rheolwr Achos Adnoddau Dynol sy'n cefnogi'r gweithiwr sydd wedi'i ddisodli, gyda chopi i'r Cyfarwyddwr Gweithlu a Datblygu Sefydliadol. Diben y ddogfennaeth ysgrifenedig hon fydd cadarnhau'r rheswm/rhesymau dros ei benderfyniad, yn seiliedig ar ei ystyriaethau yn erbyn meini prawf hanfodol manyleb y

person y swydd, y swydd-ddisgrifiad a gwybodaeth, sgiliau, cymwysterau a phrofiad yr ymgeisydd.

Mewn sefyllfa o'r fath, ni chaniateir i'r rheolwr sy'n penodi fwrw ymlaen i benodi i'r swydd, drwy broses cystadleuaeth agored, nes iddo gyfarfod ag uwch Reolwr y Gweithlu a Datblygu Sefydliadol a/neu arweinydd gweithredol (yn dibynnu ar lefel awdurdod y swydd). Pwrpas y cyfarfod hwn fydd trafod y penderfyniad, archwilio pryderon a, lle bo modd, dod i gasgliad terfynol ynghylch a fyddai'r swydd yn cynnig cyflogaeth amgen addas i'r gweithiwr.

Os daw i'r casgliad y gall y rheolwr sy'n penodi gyfiawnhau'n wrthrychol beidio ag ystyried y gweithiwr ar gyfer ei swydd, bydd yr uwch Reolwr Gweithlu a Datblygu Sefydliadol / arweinydd gweithredol yn cysylltu â'r Rheolwr Achos Adnoddau Dynol, i'w hysbysu o'r penderfyniad hwn.

Os nad oes yr un Ymgeisydd ar gyfer Adleoli arall yn gymwys/addas i gael ei benodi i'r swydd, dylai'r Rheolwr Achos Adnoddau Dynol hysbysu'r rheolwr sy'n penodi, er mwyn iddo allu rhoi'r swydd wag drwy'r Broses Swyddi Gwag i gael cymeradwyaeth i hysbysebu'r swydd drwy broses gystadleuaeth agored.

6.4 Penodi i'r swydd

Os bydd rheolwr sy'n penodi yn argymhell bod Ymgeisydd ar gyfer Adleoli yn addas i'w benodi yn dilyn proses gyfweld, dylai hysbysu'r Rheolwr Achos Adnoddau Dynol perthnasol o'r canlyniad, y telerau ac amodau gwasanaeth cysylltiedig a, lle bo'n berthnasol, y dyddiad dechrau y cytunwyd arno. Bydd y rheolwr yn cadarnhau'r penderfyniad recriwtio mewn llythyr at y gweithiwr, ac yna anfonir y llythyr penodi swyddogol a'r contract ato.

Cyfrifoldeb y Rheolwr Achos Adnoddau Dynol perthnasol fydd sicrhau bod statws y gweithiwr fel Ymgeisydd ar gyfer Adleoli yn cael ei newid.

6.5 Yr ymgeisydd ddim yn cael ei argymhell ar gyfer penodiad i'r swydd

Os bydd rheolwr sy'n penodi yn dod i'r casgliad nad yw Ymgeisydd ar gyfer Adleoli yn addas ar gyfer ei benodi yn dilyn proses gyfweld, ni ddylai hysbysu'r ymgeisydd o'r canlyniad nes iddo drafod ei benderfyniad â'r Rheolwr Achos Adnoddau Dynol (yn dibynnu ar lefel awdurdod y swydd). Bydd y cyswllt cychwynnol ynghylch y mater hwn drwy'r Rheolwr Achos Adnoddau Dynol a fydd yn cyfeirio'r mater at uwch Reolwr Adnoddau Dynol/Arweinydd Gweithredol, yn dibynnu ar lefel awdurdod y swydd.

Cyn cysylltu â'r Rheolwr Achos Adnoddau Dynol, dylai'r rheolwr sy'n penodi sicrhau ei fod wedi cynhyrchu rhesymau gwrthrychol ysgrifenedig, yn cefnogi ei benderfyniad. Dylid mapio'r rhesymau hyn yn ôl meini prawf manyleb y person y swydd, cynnwys y swydd-ddisgrifiad a gwybodaeth, sgiliau, cymwysterau a phrofiad yr ymgeisydd ac egluro'n llawn pam na lwyddodd y gweithiwr yn y cyfweiliad.

Bydd yr wybodaeth hon yn cael ei defnyddio at y dibenion canlynol:

1. i gynorthwyo'r drafodaeth rhwng y rheolwr sy'n penodi a'r uwch Reolwr Gweithlu a Datblygu Sefydliadol / neu eu harweinydd gweithredol (yn dibynnu ar lefel awdurdod y swydd);
2. i alluogi'r Rheolwr Achos Adnoddau Dynol i roi adborth adeiladol cychwynnol i'r gweithiwr aflwyddiannus.

Cyfrifoldeb y Rheolwr sy'n penodi fydd rhoi adborth manwl ac adeiladol ar y cyfweiliad i'r gweithiwr aflwyddiannus.

Diben y cyfarfod rhwng y Rheolwr Penodi a'r uwch Reolwr Adnoddau Dynol / neu'r arweinydd gweithredol (yn dibynnu ar lefel awdurdod y swydd), fydd trafod y penderfyniad, archwilio pryderon a, lle bo'n bosibl, dod i gasgliad terfynol, ynghylch a yw'r gweithiwr yn addas i'w benodi i'r swydd.

Yn dibynnu ar y rhesymau a roddir dros beidio â phenodi'r gweithiwr, gellir gofyn i'r Rheolwr Penodi ystyried cynnig cyfnod prawf o bedair wythnos o leiaf i'r gweithiwr, yn unol â'r darpariaethau statudol a nodir yn Neddf Hawliau Cyflogaeth (1996), er mwyn rhoi hyfforddiant iddo ac amser iddo addasu i'r swydd newydd.

Os bydd y rheolwr sy'n penodi yn cytuno i ganiatáu i'r gweithiwr ymgymryd â'r swydd am gyfnod prawf, rhaid ei hysbysu yn ystod y cyfarfod hwnnw y byddai'n ofynnol iddo gadarnhau penodiad y gweithiwr fel un parhaol, ar ddiwedd y cyfnod cytunedig hwn, pe bai'r cyfnod prawf yn llwyddiannus.

Dylid ei hysbysu hefyd, pe bai'r cyfnod prawf yn aflwyddiannus, oherwydd rhesymau ymarferol a rhesymol, y byddai'r gweithiwr yn dychwelyd, lle bo'n ymarferol, i'w swydd flaenorol ar sail ychwanegol. Os nad yw dychwelyd i'w swydd flaenorol yn bosibl, bydd cyn-reolwr y gweithiwr yn dyrannu gwaith ystyrlon iddo ei wneud, yn unol â'r darpariaethau a nodir yn **Adran 7** o'r polisi hwn.

Os deuir i'r casgliad bod penderfyniad y rheolwr i beidio â phenodi'r gweithiwr yn gyfiawn ac na fyddai'n briodol o dan yr amgylchiadau i gynnig cyfnod prawf, bydd yr uwch Reolwr Gweithlu a Datblygu Sefydliadol / arweinydd gweithredol (yn dibynnu ar lefel awdurdod y swydd) yn cysylltu â'r Rheolwr Achos Adnoddau Dynol i'w hysbysu o'r penderfyniad hwn.

6.6 Cyfnod Prawf

Yn unol â hawliau statudol y gweithiwr, fel y'u nodir yn narpariaethau diswyddo Deddf Hawliau Cyflogaeth (1996), mae ganddo hawl i gyfnod prawf o bedair wythnos, i roi rhywfaint o amser iddo benderfynu a ydyw'n ystyried y swydd newydd yn addas. Gellir defnyddio cyfnod prawf hefyd pan fo anghydfod ynghylch addasrwydd y swydd neu os nad yw'n glir i'r Bwrdd Iechyd Lleol/Ymddiriedolaeth neu'r gweithiwr. Gall y rheolwr penodi a'r gweithiwr gytuno ar gyfnod prawf hirach, mewn amgylchiadau cyfyngedig, er enghraifft i ddarparu hyfforddiant neu ail-hyfforddi.

Pan gytunir ar gyfnod prawf, dylai'r rheolwr penodi a'r gweithiwr gadarnhau hyd y cyfnod prawf yn ysgrifenedig a nodi sut y bydd y ddau barti yn asesu addasrwydd y swydd yn ystod a/neu ar ddiwedd y cyfnod hwn.

Ar ddiwedd y cyfnod prawf, cyfrifoldeb y rheolwr penodi yw hysbysu'r gweithiwr a'r Rheolwr Achos Adnoddau Dynol a yw'r penodiad i'r swydd wedi'i ystyried yn llwyddiannus ai peidio. Pan fydd y gweithiwr yn profi ei fod yn gymwys yn y swydd newydd yn gynnar, gellir cadarnhau'r penodiad ar unrhyw adeg cyn diwedd y cyfnod o 4 wythnos.

Pan ystyrir nad oedd y penodiad yn llwyddiannus ar ddiwedd y cyfnod prawf y cytunwyd arno, rhaid rhoi'r rheswm/rhesymau gwrthrychol ysgrifenedig i'r Rheolwr Achos Adnoddau Dynol perthnasol trwy ddefnyddio'r Ffurflen Cofnod o Gyfnod Adleoli Prawf.

Os yw'r rheolwr yn dod i'r casgliad bod y penodiad prawf wedi bod yn aflwyddiannus ac nad yw'r gweithiwr yn addas ar gyfer y swydd, byddant yn gyfrifol am roi'r rheswm/rhesymau yn ysgrifenedig i'r gweithiwr trwy ddefnyddio'r Ffurflen Cofnod o Gyfnod Adleoli Prawf, a rhoi copi i'r Rheolwr Achos Adnoddau Dynol.

Os daw'r gweithiwr i'r casgliad bod y penodiad prawf wedi bod yn aflwyddiannus ac nad yw'r swydd yn addas iddo, bydd yn gyfrifol am roi'r rheswm/rhesymau yn ysgrifenedig i'r rheolwr sy'n Penodi a'r Rheolwr Achos Adnoddau Dynol perthnasol trwy ddefnyddio'r Ffurflen Cofnod Cyfnod Adleoli Prawf.

Bydd y rhesymau ysgrifenedig yn cael eu hadolygu gan y Rheolwr Achos Adnoddau Dynol a'u trafod gyda'r uwch Reolwr Adnoddau Dynol/Arweinydd Gweithredol (yn dibynnu ar lefel awdurdod y swydd), er mwyn penderfynu pa gamau dilynol a allai fod yn ofynnol.

Os deuir i'r casgliad bod gweithiwr wedi gwrthod cynnig o gyflogaeth amgen addas **yn afresymol**, yn dilyn cyfnod prawf, bydd ei hawl i daliad diswyddo yn cael ei golli a bydd y Bwrdd Iechyd Lleol / Ymddiriedolaeth yn cadw'r hawl i derfynu ei gyflogaeth.

Pan gadarnheir bod gweithiwr wedi gwrthod cynnig o gyflogaeth amgen addas yn **rhesymol**, yn dilyn cyfnod prawf, bydd gofyn iddo barhau i chwilio am gyflogaeth amgen addas yn unol â'r darpariaethau a nodir yn y polisi hwn.

6.7 Gwrthod cynnig o gyflogaeth amgen addas

Pan fydd yr uwch Reolwr AD/arweinydd gweithredol yn dod i'r casgliad bod cynnig o gyflogaeth amgen addas wedi'i wrthod **yn afresymol**, cynhelir cyfarfod ffurfiol gyda'r gweithiwr.

Bydd gan y gweithiwr yr hawl i gael cwmni cynrychiolydd undeb llafur/sefydliad proffesiynol neu gydweithiwr. Pwrpas y cyfarfod hwn fydd archwilio a thrafod y rhesymau dros y gwrthodiad yn llawn a chadarnhau a yw'r rhesymau'n ddilys ac yn rhesymol o dan yr amgylchiadau.

Pan gadarnheir bod y gweithiwr wedi gwrthod cynnig o gyflogaeth amgen addas yn afresymol, bydd ei hawl i daliad diswyddo yn cael ei golli a gall y Bwrdd Iechyd/ Ymddiriedolaeth sy'n ei gyflogi gadw'r hawl i derfynu ei gontract cyflogaeth. Gall

gweithiwr apelio yn erbyn y penderfyniad hwn yn uniongyrchol trwy Gam 3 o Bolisi a Gweithdrefn Cwynion Cymru Gyfan.

Pan gadarnheir bod gweithiwr wedi gwrthod cynnig o gyflogaeth amgen addas yn rhesymol, yn dilyn cyfnod prawf, bydd gofyn iddo barhau i chwilio am gyflogaeth amgen addas yn unol â'r darpariaethau a nodir yn y polisi hwn.

6.8 Methiant i sicrhau swydd gyflogaeth amgen addas

Os nad yw Ymgeisydd ar gyfer Adleoli wedi sicrhau cyflogaeth amgen addas ar ddiwedd y cyfnod adleoli o 3 mis, fel dewis olaf, efallai y bydd angen i'r sefydliad Bwrdd Iechyd Lleol / Ymddiriedolaeth ystyried terfynu contract cyflogaeth y gweithiwr oherwydd diswyddiad, yn unol â'r ddarpariaeth a nodir yn Neddf Hawliau Cyflogaeth (1996), Adran 16 o Lawlyfr Telerau ac Amodau Gwasanaeth Agenda ar gyfer Newid y GIG a'i contract cyflogaeth.

Ni fydd taliad diswyddo yn cael ei wneud pan fo cyflogaeth amgen addas wedi'i nodi a'r gweithiwr sydd wedi'i ddadleoli wedi gwrthod y swydd honno yn afresymol.

6.9 Swyddi a hysbysebir o dan gystadleuaeth agored

Os na fydd yr un Ymgeisydd ar gyfer Adleoli yn bodloni'r meini prawf hanfodol ym manyleb y person ac nad ystyrir bod y swydd wag yn darparu cyfle cyflogaeth amgen addas, yna bydd y swydd yn cael ei hysbysebu drwy'r broses gystadleuaeth agored. Yn yr amgylchiadau hyn, gall Ymgeiswyr ar gyfer Adleoli wneud cais am y swydd, yn unol â pholisi recriwtio a dethol y Bwrdd Iechyd Lleol/Ymddiriedolaeth. Bydd yr ymgeiswyr hyn felly yn cael eu hystyried ar gyfer y swydd, mewn cystadleuaeth ag ymgeiswyr eraill.

Pan fydd Ymgeisydd ar gyfer Adleoli yn sicrhau swydd drwy broses gystadleuaeth agored, mae'n ofynnol iddo hysbysu ei Reolwr Achos Adnoddau Dynol cyn gynted ag y bo modd, er mwyn sicrhau bod y ffaith nad yw'n Ymgeisydd ar gyfer Adleoli mwyach yn cael ei gofnodi'n briodol.

7. Dyrannu gwaith ystyrlon

Lle y bo modd, bydd gweithwyr sydd wedi cael eu dadleoli a/neu wedi'u nodi fel rhai sydd mewn perygl o gael eu diswyddo yn aros yn eu swydd wreiddiol, ac yn parhau i adrodd i'r rheolwr priodol.

Os nad yw'n bosibl i weithiwr aros yn ei swydd wreiddiol ac na ellir ei adleoli yn syth i swydd barhaol addas, bydd ei reolwr ar y cyd â Phennaeth yr Adran / Swyddogaeth yn dod o hyd i waith dros dro ystyrlon i'r gweithiwr ac yn ei ddyrannu iddo.

Mewn achosion o'r fath, disgwylir i'r gweithiwr, drwy drafodaeth a chytundeb â'i Bennaeth Adran/ Swyddogaeth, fod yn hyblyg ynghylch y math o waith a natur y gwaith y caiff ei neilltuo i'w wneud, er mwyn sicrhau y gall y Bwrdd Iechyd/ Ymddiriedolaeth ddarparu parhad gwasanaeth a diwallu ei anghenion gweithredol, yn ystod y cyfnod o newid sefydliadol.

Mewn trafodaethau o'r fath, byddai'r gweithiwr yn cael cynnig gwaith dros dro rhesymol, a fyddai'n gymesur yn fras â'i fand/ gradd cyflog parhaol ac a fyddai'n defnyddio ei wybodaeth, ei sgiliau, ei brofiad a'i arbenigedd orau. Byddai amgylchiadau personol y gweithiwr a'i ymrwymadau y tu allan i'r gwaith hefyd yn cael eu hystyried yn ystod trafodaethau o'r fath.

Byddai gan y gweithiwr hawl i gael cwmni cynrychiolydd undeb llafur neu gydweithiwr, pe bai'n dymuno hynny yn ystod unrhyw gyfarfodydd i drafod y mater hwn.

8. Secondiadau a swyddi cyfnod penodol

Bydd statws Ymgeisydd ar gyfer Adleoli sy'n ymgymryd â secondiad neu swydd cyfnod penodol yn cael ei statws wedi'i ddisodli / mewn perygl wedi'i atal, nes bod y contract yn dod i ben.

Os yw'r secondiad neu'r swydd cyfnod penodol am lai na 12 mis, byddai gweddill ei gyfnod o 3 mis fel Ymgeisydd ar gyfer Adleoli yn cael ei hadfer a byddai'r chwilio am gyflogaeth amgen addas yn parhau o ddyddiad terfynu'r swydd cyfnod penodol/dros dro.

Os yw'r secondiad neu'r swydd cyfnod penodol am fwy na 12 mis yna bydd y gweithiwr yn cael ei ddadleoli 3 mis cyn i'r secondiad neu'r swydd dros dro ddod i ben a bydd ei statws fel Ymgeisydd ar gyfer Adleoli yn cael ei ail-ddechrau am 3 mis arall ar y cam hwnnw.

9. Diogelu cyflog

Os bydd gweithiwr yn derbyn swydd amgen addas, sydd â chyflog is, bydd ei dâl yn cael ei warchod yn unol â'r **Trefniadau ar gyfer Diogelu Cyflog** a amlinellir yn **adran 10** o'r **Polisi Newid Sefydliadol**.

10. Cwynion a'r hawl i apelio

Pan fydd gan weithiwr gŵyn, mewn perthynas â chymhwyso'r Polisi Adleoli o Ganlyniad i Newid Sefydliadol neu reoli ei achos, gall gyflwyno cwyn yn unol â'r darpariaethau a nodir ym Mholisi Parch a Datrys Cymru Gyfan.

Os bydd gweithiwr yn gwneud cwyn nad yw o fewn rheolaeth lwyr ei Fwrdd Iechyd Lleol/ Ymddiriedolaeth (*er enghraifft; methiant Bwrdd Iechyd Lleol/ Ymddiriedolaeth allanol i ystyried cais gan weithiwr cymwys sydd wedi'i ddadleoli*), dylai ei sefydliad drin y mater yn yr un modd ag unrhyw gŵyn fewnol arall.

Mewn amgylchiadau o'r fath, bydd yn ofynnol i'r Bwrdd Iechyd Lleol / Ymddiriedolaeth sy'n cyflogi roi gwybod i'r sefydliad trydydd parti am y gŵyn a'u hangen i ymgysylltu, cymryd rhan a chyfrannu'n llawn at y broses ymchwilio. Lle bo'n briodol, bydd y Bwrdd Iechyd Lleol / Ymddiriedolaeth sy'n cyflogi hefyd yn hysbysu'r sefydliad trydydd parti

o'u rhwymedigaeth i fod yn rhan o weithredu unrhyw ddatrysiad, penderfyniad neu argymhellion y cytunwyd arnynt.

Ar ôl i'r broses hon gael ei chwblhau, ni fydd gan y gweithiwr hawl bellach i ddefnyddio Polisi Parch a Datrys Cymru Gyfan.

11. Monitro ac adolygu

Bydd y Polisi hwn yn dod i rym ar Rhagfyr 2025 a chaiff ei ddefnyddio at ddiben rheoli gweithwyr sydd wedi cael eu dadleoli/ mewn perygl o hynny yn ystod gweithredu proses newid sefydliadol yn unig.

Bydd Llywodraeth Cymru, ar y cyd â Bwrdd Iechyd Lleol / Ymddiriedolaeth GIG Cymru, yn monitro ac yn adolygu effeithiolrwydd ac unrhyw faterion sy'n peri pryder yn rheolaidd ynghylch gweithredu'r Polisi hwn a'r trefniadau rheoli lleol ar gyfer cefnogi Ymgeiswyr Adleoli.

The image features a stylized map of Wales, colored in a light teal shade, set against a darker teal background. The map includes white outlines for the internal county boundaries. The text "All Wales" is positioned on the left side of the map, and "Employment Break Scheme" is located in the lower-left area, both in a bold, white, sans-serif font. The entire graphic is framed by decorative curved borders at the top and bottom, consisting of a dark blue outer layer and a thin gold inner line.

All Wales

**Employment Break
Scheme**

Sections

01

**All Wales
Employment
Break Scheme**

02

**Appendix A:
Employment Break
Scheme**

03

**Appendix B
Case Studies –
Application of the
Policy**



01

All Wales Employment Break Scheme

Approved by: Welsh Partnership Forum

Issue Date: December 2025



CONTENTS	PAGE
1. Policy Statement	5
2. Definition	6
3. Benefits to the Employee and the Organisation	6
4. Eligibility	6
5. Length of Break	7
6. Application Procedure	7
7. Professional Registration and Maintenance	7
8. Drafting an Agreement	7
9. Taking up Employment Elsewhere	9
10. Return to Work at the end of the Employment Break	9
11. Appeals	10
12. Training and Awareness Raising	10
13. Equality	10
14. General Data Protection Regulation 2018	11
15. Freedom of Information Act 2000	11
16. Records Management	11
17. Review	11
18. Discipline	11
19. Appendix A – Employment Break Scheme Form	12
20. Appendix B - Case Studies – Application of the Policy	17



1. The Core Principles of NHS Wales:

- **We put patients and users of our services first:** We work with the public and patients/service users through co-production, doing only what is needed, no more, no less and trying to avoid harm. We are honest, open, empathetic and compassionate. We ensure quality and safety above all else by providing the best care at all times.
- **We seek to improve our care:** We care for those with the greatest health need first, making the most effective use of all skills and resources and constantly seeking to fit the care and services we provide to users' needs. We integrate improvement into everyday working, by being open to change in all that we do, which also reduces harm and waste.
- **We focus on wellbeing and prevention:** We strive to improve health and remove inequities by working together with the people of Wales so as to ensure their wellbeing now and in future years and generations.
- **We reflect on our experiences and learn:** We invest in our learning and development. We make decisions that benefit patients and users of our services by appropriate use of the tools, systems and environments which enable us to work competently, safely and effectively. We actively innovate, adapt and reduce inappropriate variation whilst being mindful of the appropriate evidence base to guide us.
- **We work in partnership and as a team:** We work with individuals including patients, colleagues, and other organisations; taking pride in all that we do, valuing and respecting each other, being honest and open and listening to the contribution of others. We aim to resolve disagreements effectively and promptly and we have a zero tolerance of bullying or victimization of any patient, service user or member of employees.
- **We value all who work for the NHS:** We support all our colleagues in doing the jobs they have agreed to do. We will regularly ask about what they need to do their work better and seek to provide the facilities they need to excel in the care they give. We will listen to our colleagues and act on their feedback and concerns.

They have been developed to help and support employees working in NHS Wales.

NHS Wales is about people, working with people, to care for people. These Core Principles describe how we can work together to make sure that what we do and how we do it is underpinned by a strong common sense of purpose which we all share and understand.

The NHS is continually under pressure to deliver more services, with better outcomes and maintain and increase quality against the backdrop of significant financial challenge, high levels of public expectation and with a population which is getting older and with increased levels of chronic conditions.

These principles have been developed to help address some of the pressures felt by employees in responding to these demands. They will re-balance the way we work together so we are less reliant on process and are supported to do the right thing by being guided by these principles when applying policies and procedures to the workforce.

As people working within the health service, we will all use them to support us to carry out our work with continued dedicated commitment to those using our services, during times of constant change.

The Principles are part of an ongoing commitment to strengthen the national and local values and behaviour frameworks already established across Health Boards and Trusts.

They have been developed in partnership with representatives from employers and staff side.

The Principles will be used to create a simpler and consistent approach when it comes to managing workplace employment issues.

This policy recognises that employees may wish to take a break from their substantive employment for specific reasons and provides a means of facilitating this. This break may be longer than that provided by other flexible working policies. All applications will be considered subject to the needs of the Service, and as a consequence, approval cannot be guaranteed.

2. Definition

An employment break is an opportunity to leave the work place for a specific period of unpaid leave and to return to the same or a similar position inside

at the end of that period. It should however be recognised that all NHS Wales

organisations are subject to internal and external change, over which there may be little or no control. The All Wales Organisational Change Policy covers this issue. For this reason, it may not be possible to guarantee in all instances, a return to the same or a similar post.

The employee does not have to resign from their post but their contract will be suspended for the duration of the employment break.

Employment breaks are intended for childcare, elder care, care for another dependant, training, study leave or to undertake voluntary work. Other reasons will be considered, on their merits.

This policy excludes sabbatical leave for consultants.

The principles, timescales and parameters included in this policy are derived from Section 36 of the NHS Terms and Conditions of Service Handbook.

3. Benefits to the Employee and the Organisation

3.1 The Employee

- Although the period of the break should count towards continuous employment for statutory purposes, the employee's contract of employment is suspended for the duration of the break. The period of leave is unpaid. The period of absence will not be regarded as a break in service. The period of the break itself will not be reckonable in accordance with the NHS Terms and Conditions of Service.
- Other provisions dependent on length of service, e.g. contractual redundancy payments, will be suspended for the period of the break.
- Normal incremental progression will be suspended for the duration of the



employment break, but the salary on return will include any annual pay awards that have occurred during the absence.

- Healthcare professionals may be given incremental credit for service in a developing country (for doctors and dentists this will be subject to the provisions of WPM (81) 30).
- An employment break can avoid the situation of an employee having to begin their career again, when they are able to return to work.
- A break can help reduce stress in those trying to balance work and home commitments.

3.2 The Organisation

- It can provide an opportunity to retain a high level of skill and experience which might otherwise be lost to the Organisation, with the departure of an employee.
- It can provide development opportunities for other staff in the Organisation who may be able to acquire new skills and knowledge, during the absence of those on an employment break.

4. Eligibility

All permanent employees who have accrued a minimum of 12 months' service with NHS Organisation are eligible to apply for an employment break.

5. Length of Break

The minimum duration which an employment break will be approved for is 3 months. The maximum duration should be 5 years. Approved employment breaks may be taken as a single period or more than one period.

The length of an employment break must balance the needs of the individual

employee with the needs of the service. Employment breaks may be extended with appropriate notice, subject to the agreement of the manager. The employee may also request to return to work earlier than the agreed date.

If any individual circumstances change and an earlier return to work is desired, this will be fully considered by the line manager, but this cannot be guaranteed.

6. Application Procedure

Applicants should apply for an employment break at least three months in advance. This may be relaxed in the case of urgent and unforeseen situations where a break is required.

The attached application (Appendix 1) for an employment break should be completed and submitted to the line manager, detailing the reason(s) for the request and outlining when they would like the break to start and end.

7. Professional Registration and Maintenance

The employee should maintain their professional registration in line with their professional regulatory body's requirements.

8. Drafting an Agreement

All breaks should be subject to a signed agreement between the employer and applicant before the break begins. The agreement should cover the following elements:

- the length of the break (and the criteria by which the decision will be made in relation to whether an employee can return early);
- the employee will not receive any salary from the

for the duration of the employment

- break;
- any outstanding entitlement for annual leave must be taken before commencement of the employment break;
- the employee will be required to return all equipment (laptop computers, mobile telephones etc.) keys, uniforms etc. These will be returned upon their return from their employment break. Any payments received for e.g. telephone rental will also be suspended for the period of the employment break;
- the effect of the break on various entitlements related to length of service;
- a guarantee that, if the applicant returns to work within one year, the same job will be available, as far as is reasonably practicable;
- if the break is longer than one year, the applicant may return to as similar a job as possible (include parameters for identifying these posts);
- return to work at the equivalent previous salary point, reflecting increases awarded during the break;
- arrangements for keeping in touch during the break, the employee will be requested to attend an annual meeting in person with their manager (unless abroad) and six monthly by phone;
- requirements on the applicant to keep up to date with their relevant professional registration needs, including attendance at specified training courses and conferences, and any assistance the employer may give in the support of this;
- notice periods for return to work;
- training arrangements for re-induction to work;
- during the employment break the employee maybe required to undertake work for the organisation. This should be agreed with their manager, prior to the commencement of the employment break. Any work undertaken will be paid at the appropriate rate for the work undertaken;
- employees that have a lease car should contact the Finance Department to discuss the implications of their employment break on the lease hire agreement. These will vary depending on the duration of the agreed employment break;
- NHS pension arrangements during the break. Further information for Scheme members in England and Wales can be obtained from the NHS Pensions website at www.nhsbsa.nhs.uk/pensions; n.b. the NHS organisation will pay the employer contributions during the first six months of the employment break.

After six months, the employee may continue to contribute to the pension scheme for a further 18 months. During this period, the employee must pay the employee and employer contributions. It is essential that contributions are paid on time and arrears are not permitted to accrue. It should be noted that if pension contributions are not made, the pension record is closed 364 days after the break commences. These provisions apply to members of both the 1995, 2008 and 2015 sections of the pension scheme. (Employees are responsible for contacting the Pensions Agency to check how the employment break will affect their pension rights);

- consideration of the inclusion of a time limited claw back clause in the agreement to recover employer pension contributions where an employee leaves within a specified period (e.g. 2 years) following their return;
- an employee commencing an employment break straight after maternity leave will if they fail to return, following the employment break, for the required period of 13 weeks, be expected to repay any occupational maternity pay received;



advice on qualifying periods for maternity/adoption provisions (sought from the Workforce & OD team); any other conditions required either by the employer or the applicant.

Please see appendix B for case studies to support the implementation of the policy and agreements.

9. Taking up Employment Elsewhere

- The employee will not normally be allowed to take up employment with another employer, except where, for example, to work overseas or undertake charitable work, which could broaden their experience, and/or for the purposes of maintaining their professional registration (on a short term basis). In such circumstances, written authorisation from the

would be required, as part of the approval process.

- Individuals may register to work on a NHS Bank and whilst undertaking “Bank” duties will remain a “worker” and not an employee.

10. Return to Work at the End of the Employment Break

Prior to the employee’s expected date of return, it is the manager’s responsibility to arrange a meeting to discuss their return to work. This is particularly important when the employee’s post has not been held open and there is a need to identify a suitable alternative post, into which they can return.

Arrangements for the meeting should ensure sufficient time is allowed to begin a process of discussion with the employee and to allow suitable roles to be identified.

During the pre-return to work meeting, the manager and employee should discuss the employee’s departmental induction/training needs and their position in relation to their KSF outline and potential objectives, linked to the objectives.

Return to work is subject to medical clearance depending on the nature / period of the employment break and the type of employment that the individual is returning to. Managers should seek advice from their Occupational Health team. A renewed DBS check may also be required along with appropriate departmental re-induction. Depending on the outcome of these discussions and necessary clearances the employer has the right to delay a return to work.

In such circumstances the reasons and duration of the delay must be clearly outlined, noting the basis on which a return would be approved, and a decision would need to be made in relation to whether the employee receives pay during the period. There is no automatic entitlement.

If the employee wishes to return to work on less than their contracted hours, they must complete the appropriate flexible working request application form. This request may be refused if there are business reasons for doing so.

The same arrangements as outlined above will be in place should an employee request to return early from an employment break. However, it may not be possible to accede to such a request and employees should be realistic in their expectations when requesting an early return, particularly if alternative time limited arrangements have been put in place to cover the post.

10.1 Notice Periods

The employee will be required to provide with the following notice of their proposed return to work date:

Duration of the Employment Break	Notice Period
----------------------------------	---------------

3 – 6 months	1 months
--------------	----------

6 – 12 months	2 months
---------------	----------

1 – 2 years	3 months
-------------	----------

2 – 5 years	6 months
-------------	----------

An employee may return from their employment break before the agreed date of return, providing there is a suitable vacancy.

11. Appeals

Employees may contact their next in line manager as a means of appeal against their application being rejected.

Employees have the right to be represented by a Trade Union representative or work colleague.

Employees should submit written notification highlighting reasons for their appeal, within 2 weeks of receiving the written decision.

A discussion meeting will take place within 2 weeks of receipt of the appeal notification.

12. Training and awareness raising

All staff will be made aware of this policy upon commencement with the NHS Organisation. Copies can also be viewed on Intranet or obtained via the Workforce and OD department. Training will be provided as appropriate depending on the complexity of the policy.

13. Equality

recognises the diversity of the local community and those that it employs; and the requirements placed on the organisations by the Equality Act 2010 and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. Our aim is therefore to provide a safe environment free from discrimination and a place where all individuals are treated fairly, with dignity and appropriately to their need.

recognises that equality impacts on all aspects of its day to day operations.

This policy was assessed using the NHS Centre for Equality and Human Rights Equality Impact Assessment Tool and the results published on the website and monitored centrally.

This policy was originally impact assessed on 22 March 2013, and a decision was taken by the review group not to undertake a further impact assessment on an All Wales basis but to recommend that individual organisations monitor their application against the protected characteristics and report to their Workforce and OD committees.



14. General Data Protection Regulations 2018

All documents generated under this policy that relate to identifiable individuals are to be treated as confidential documents, in accordance with the

Data Protection Policy.

15. Freedom of Information Act 2000

All NHS organisation's records and documents, apart from certain limited exemptions, can be subject to disclosure under the Freedom of Information Act 2000. Records and documents exempt from disclosure would, under most circumstances, include those relating to identifiable individuals arising in a personnel or staff development context.

Details of the application of the Freedom of Information Act within the NHS organisation may be found in the NHS organisation's publications scheme.

16. Records Management

All documents generated under this policy are official records of the NHS organisation and will be managed and stored and utilised in accordance with the

Records Management Policy.

17. Review

This policy will be reviewed in two years time. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation or guidance.

18. Discipline

Breaches of this policy will be investigated and may result in the matter being treated as a disciplinary offence under the

disciplinary procedure.

02

Appendix A: Employment Break Scheme

2

Appendix A: Employment Break Scheme

Please answer the following questions and return this application to your line manager.	
Name:	
Address (for contact during break)	
Phone no. (for contact during break)	
Email (for contact during break)	
Current Post:	
Grade:	
Department:	
Extension No:	
Line Manager:	
Start Date with NHS Organisation (12 months minimum required)	
Are you a member of the NHS Pension Scheme:	
If yes, please indicate if you wish to preserve continuity	

Why have you applied for an Employment Break Scheme?	
Childcare	
Care of elderly / dependent relatives	
Study leave / Training	
Voluntary service overseas	
Travel Other (please state below)	
Other (please state below)	

What is the proposed length of the Employment Break?

.....

.....

.....

When do you intend to start the Employment Break?

.....

.....

.....

Please outline in detail why you want to take the Employment Break Scheme, indicating any likely outcomes and benefits for the NHS Organisation?

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Please outline your employment history to date within the NHS and within the NHS Organisation (you may attach your CV if appropriate)

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What are your long-term career plans? How does this Employment Break fit in with your long term career plans?

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What training / study leave have you had during your employment during the last 3 years of your employment in the *NHS Organisation*?

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What training / development or other support would you need to maintain your skills during the Employment Break or on your return to work?

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How do you intend to maintain your professional qualification whilst on the Employment Break? (Please detail all requirements of your relevant profession and how you intend to comply with these).

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Are there any constraints on when you could undertake this work?

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Would you be able to attend work for e.g. briefings and seminars that may be relevant to maintain contact during your break?

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Is there any other information you would like to put forward in support of your application?

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Signed:	
Date:	

Approved:	Yes/No
Signed by manager:	
Date:	



03

Appendix B: Case Studies – Application of the Policy

Scenario 1 – A member of staff develops a chronic illness/long term condition/becomes pregnant during the employment break and wishes to return to work

In this case the Equality Act 2010 would apply and any detrimental treatment could be discriminatory. In order to avoid discrimination, the employee would need to be considered for return against a set of non discriminatory criteria/parameters (it may be useful if these were included in the original agreement) and be considered in the same way as any other employee wishing to return early from an employment break.

If there is work available the employer may then have to consider reasonable adjustments but this should be carried out after the non discriminatory decision has been made.

Scenario 2 – A member of staff wishes to retire and takes a 6 month employment break, to take advantage of the fact that the employer will pay the pension contributions, before retiring.

Employers may want to consider including a claw back clause in the original agreement, if is possible/likely that an employee will give notice to retire at the end (or within 6 months of returning from an employment break).

Scenario 2 – A member of staff wishes to retire and takes a 6 month employment break, to take advantage of the fact that the employer will pay the pension contributions, before retiring.

Employers may want to consider including a claw back clause in the original agreement, if is possible/likely that an employee will give notice to retire at the end (or within 6 months of returning from an employment break).

Scenario 3 – A member of staff refuses the offer of an alternative role on return to work

As long as the original agreement includes reference to this issue, then the employee is agreeing to a variation in contract. If an employee does not accept an alternative post as outlined in the agreement on return to work, then it is their choice and non acceptance can be considered in effect a resignation.

However, if alternative posts were not properly defined in advance and they were offered a significantly different post which was not equivalent then there could be an argument by the employee of constructive dismissal / breach of contract.





Cynllun Seibiant Cyflogaeth

01

Cynllun Seibiant
Cyflogaeth

02

Atodiad A:
Cynllun Seibiant
Cyflogaeth

03

Atodiad B:
Astudiaethau
Achos –
Cymhwyso’r Polisi

01

Cynllun Seibiant
Cyflogaeth

Cymeradwywyd gan: Fforwm Partneriaeth Cymru

Dyddiad Cyhoeddi: Rhagfyr 2025



CYNNWYS

1.	Datganiad Polisi	5
2.	Diffiniad	6
3.	Manteision i'r Gweithiwr ac i'r Sefydliad	6
4.	Cymhwysra	6
5.	Hyd y Seibiant	7
6.	Y Drefn Ymgeisio	7
7.	Cofrestriad Proffesiynol a Chadw Cofrestriad	7
8.	Drafftio Cytundeb	7
9.	Derbyn Cyflogaeth yn Rhywle Arall	9
10.	Dychwelyd i'r Gwaith ar ddiwedd y Seibiant Cyflogaeth	9
11.	Apeliadau	10
12.	Hyfforddiant a Chodi Ymwybyddiaeth	10
13.	Cydraddoldeb	10
14.	Rheoliadau Diogelu Data Cyffredinol 2018	11
15.	Deddf Rhyddid Gwybodaeth 2000	11
16.	Rheoli Cofnodion	11
17.	Adolygiad	11
18.	Disgyblu	11
19.	Atodiad A – Ffurflen Cynllun Seibiant Cyflogaeth	12
20.	Atodiad B – Astudiaethau Achos – Cymhwyso'r polisi	17

TUDALEN

01 Datganiad Polisi

1. Egwyddorion Craidd GIG Cymru yw:

- Rydym yn rhoi ein cleifion a defnyddwyr ein gwasanaethau yn gyntaf:** Rydym yn gweithio gyda'r cyhoedd a chleifion/defnyddwyr gwasanaethau drwy gyd-gynhyrchu, gan wneud yr hyn sydd ei angen yn unig, dim mwy, dim llai a pheidio â gwneud dim niwed. Rydym yn onest, yn agored, yn llawn empathi ac yn dosturiol. Rydym yn sicrhau ansawdd a diogelwch yn fwy na dim arall drwy ddarparu'r gofal gorau posibl ar bob achlysur.
- Rydym yn ceisio gwella'n gofal:** Rydym yn gofalu am y rhai sydd â'r angen iechyd mwyaf yn gyntaf, gan wneud y defnydd mwyaf effeithiol posibl o'r holl sgiliau ac adnoddau a gan wneud ymdrech barhaus i sicrhau bod y gofal a'r gwasanaethau yr ydym yn eu darparu'n addas ar gyfer anghenion y defnyddwyr. Rydym yn gwella ein gwaith bob dydd, drwy fod yn agored i newid ym mhopeth yr ydym yn ei wneud, gan leihau niwed a gwastraff.
- Rydym yn canolbwyntio ar lesiant ac atal:** Rydym yn ceisio gwella iechyd a chael gwared ag anghydraddoldebau drwy gydweithio gyda phobl Cymru i sicrhau eu llesiant heddiw ac ar gyfer y blynyddoedd a'r cenedlaethau i ddod.
- Rydym yn ystyried ein profiadau ac yn dysgu oddi wrthynt:** Rydym yn buddsoddi mewn dysgu a datblygu. Rydym yn gwneud penderfyniadau sy'n fanteisiol i gleifion a defnyddwyr ein gwasanaethau drwy ddefnyddio

adnoddau, systemau ac amgylcheddau sy'n caniatáu i ni weithio'n fedrus, yn ddiogel ac yn effeithiol. Rydym yn ddyfeisgar, yn addasu ac yn lleihau amrywiadau amhriodol gan ystyried y sylfaen briodol o dystiolaeth i'n harwain.

- Rydym yn gweithio mewn partneriaeth ac fel tîm:** Rydym yn gweithio gydag unigolion gan gynnwys cleifion, cydweithwyr a sefydliadau eraill; gan ymfalchïo yn ein gwaith, gwerthfawrogi a pharchu ein gilydd, bod yn onest ac yn agored a gwrando ar gyfraniad eraill. Rydym yn ceisio datrys anghytundeb yn effeithiol ac yn gyflym, ac nid ydym yn goddef bwlio neu erledigaeth o unrhyw glaf, defnyddiwr gwasanaeth neu aelod o staff.
- Rydym yn gwerthfawrogi pawb sy'n gweithio i'r GIG:** Rydym yn cefnogi'n holl gydweithwyr wrth iddynt wneud y swyddi y maent wedi cytuno i'w gwneud. Byddwn yn gofyn yn rheolaidd beth sydd ei angen arnynt i wneud eu gwaith yn well, ac yn ceisio darparu'r cyfleusterau angenrheidiol i ragori yn y gofal y maent yn ei roi. Byddwn yn gwrando ar ein cydweithwyr ac yn gweithredu ar eu hadborth a'u pryderon.

Maent wedi cael eu datblygu er mwyn helpu a chefnogi staff sy'n gweithio yn y GIG yng Nghymru.

Mae GIG Cymru yn ymwneud â phobl, a gweithio gyda phobl, i ofalu am bobl. Mae'r Egwyddorion Craidd hyn yn disgrifio



sut y gallwn weithio gyda’n gilydd i wneud yn siŵr bod yr hyn rydym yn ei wneud a sut rydym yn ei wneud yn seiliedig ar ymdeimlad cyffredin cryf o bwrpas y mae pob un ohonom yn ei rannu ac yn ei ddeall.

Mae’r GIG dan bwysau o hyd i ddarparu rhagor o wasanaethau, â gwell canlyniadau, ac i gynnal a gwella ansawdd er gwaethaf her ariannol sylweddol, lefelau uchel o wariant cyhoeddus a phoblogaeth sy’n heneiddio ac sydd â lefelau cynyddol o gyflyrau cronig.

Datblygwyd yr egwyddorion hyn i helpu i fynd i’r afael â’r pwysau y mae’r galwadau hyn yn ei achosi i staff. Byddant yn sicrhau’r cydbwysedd cywir o ran y ffordd rydym yn gweithio gyda’n gilydd i’n gwneud yn llai dibynnol ar broses a’n helpu i wneud y peth iawn drwy gael ein harwain gan yr egwyddorion hyn wrth gymhwyso polisïau a gweithdrefnau i’r gweithlu.

Fel pobl sy’n gweithio yn y gwasanaeth iechyd, byddwn i gyd yn eu defnyddio i’n helpu i wneud ein gwaith ag ymrwymiad parhaus i’r rhai sy’n defnyddio’n gwasanaethau, mewn cyfnod pan mae pethau’n newid o hyd.

Mae’r Egwyddorion yn rhan o ymrwymiad parhaus i gryfhau’r fframweithiau gwerthoedd ac ymddygiad cenedlaethol a lleol sydd wedi’u sefydlu’n barod mewn Byrddau ac Ymddiriedolaethau Iechyd.

Datblygwyd yr Egwyddorion mewn partneriaeth â chynrychiolwyr o blith y cyflogwyr a’r staff.

Defnyddir yr Egwyddorion i greu dull symlach a chyson o reoli materion cyflogaeth yn y gweithle.

Mae’r polisi hwn yn cydnabod y gallai gweithwyr fod eisiau cymryd seibiant o’u prif gyflogaeth am resymau penodol ac mae’n darparu ffordd o hwyluso hyn. Gallai’r seibiant hwn fod yn hwy

nag sy’n cael ei ddarparu gan bolisïau gweithio’n hyblyg eraill. Bydd pob cais yn cael ei ystyried yn amodol ar anghenion y Gwasanaeth, ac o ganlyniad, ni ellir gwarantu y bydd yn cael ei gymeradwyo.

2. Diffiniad

Mae seibiant cyflogaeth yn gyfle i adael y gweithle am gyfnod penodol o absenoldeb di-dâl a dychwelyd i’r un swydd neu swydd debyg yn ar ddiwedd y cyfnod hwnnw. Dylid nodi fodd bynnag bod holl sefydliadau GIG Cymru yn wynebu newid mewnol ac allanol, nad oes ganddynt lawer o reolaeth drosto os o gwbl. Mae Polisi Newid Sefydliadol Cymru Gyfan yn ymdrin â’r mater hwn. Oherwydd hyn, mae’n bosibl na ellir gwarantu ym mhob achos y bydd modd i’r gweithiwr ddychwelyd i’r un swydd neu i swydd debyg.

Nid oes rhaid i’r gweithiwr ymddiswyddo o’i swydd ond bydd ei gontract yn cael ei atal dros dro am gyfnod y seibiant cyflogaeth.

Bwriedir seibiant cyflogaeth ar gyfer gofal plant, gofal henoed, gofal am ddibynnydd arall, hyfforddiant, absenoldeb astudio neu waith gwirfoddol. Ystyrir rhesymau eraill yn ôl eu haeddiant.

Nid yw’r polisi hwn yn cynnwys absenoldeb sabothol i ymgynghorwyr.

Mae’r egwyddorion, y graddfeydd amser a’r paramedrau sydd wedi’u cynnwys yn y polisi hwn yn deillio o Adran 36 o Lawlyfr Telerau ac Amodau Gwasanaeth y GIG.

3. Manteision i’r Gweithiwr ac i’r Sefydliad

3.1 Y Gweithiwr

- Er y dylai cyfnod y seibiant gyfrif tuag at gyflogaeth ddi-dor at ddibenion statudol, bydd contract cyflogaeth y gweithiwr yn cael ei atal dros dro am gyfnod y seibiant. Bydd y cyfnod o

seibiant yn ddi-dâl. Ni fydd y cyfnod o absenoldeb yn cael ei ystyried fel toriad mewn gwasanaeth. Ni fydd cyfnod y seibiant ei hun yn cael ei gyfrif yn unol â Thelerau ac Amodau Gwasanaeth y GIG.

- Bydd darpariaethau eraill sy’n ddibynnol ar hyd gwasanaeth, e.e. taliadau diswyddo mewn contract, yn cael eu hatal dros dro am gyfnod y seibiant.
- Bydd datblygiad cyflog cynyddrannol arferol yn cael ei atal dros gyfnod y seibiant cyflogaeth, ond bydd cyflog y gweithiwr pan fydd yn dychwelyd i’r gwaith yn cynnwys unrhyw ddyfarniadau cyflog blynyddol sydd wedi digwydd yn ystod ei absenoldeb.
- Gallai gweithwyr gofal iechyd proffesiynol gael credyd cynyddrannol am wasanaeth mewn gwlad sy’n datblygu (yn achos meddygon a deintyddion bydd hyn yn amodol ar ddarpariaethau WPM (81) 30).
- Gall seibiant cyflogaeth osgoi’r sefyllfa lle mae gweithiwr yn gorfod cychwyn ei yrfa eto, pan fydd yn gallu dychwelyd i’r gwaith
- Gall seibiant helpu i leihau straen i’r rhai hynny sy’n ceisio sicrhau cydbwysedd rhwng ymrwymïadau gwaith a chartref.

3.2 Y Sefydliad

- Gall ddarparu cyfle i gadw lefel uchel o sgiliau a phrofiad y gallai’r Sefydliad eu colli fel arall pe bai gweithiwr yn gadael.
- Gall ddarparu cyfleoedd datblygu i staff eraill yn y Sefydliad a allai feithrin sgiliau a gwybodaeth newydd yn absenoldeb y rhai sydd ar seibiant cyflogaeth.

4. Cymhwystro

Mae pob gweithiwr parhaol sydd ag o leiaf 12 mis o wasanaeth gyda Sefydliad y GIG yn gymwys i ymgeisio am seibiant cyflogaeth.

5. Hyd y Seibiant

Y cyfnod lleiaf o seibiant cyflogaeth y gellir ei gymeradwyo yw 3 mis. Y cyfnod mwyaf fydd 5 mlynedd. Gellir cymryd seibiant cyflogaeth sydd wedi’i gymeradwyo fel un cyfnod neu fel mwy nag un cyfnod.

Rhaid i hyd seibiant cyflogaeth sicrhau cydbwysedd rhwng anghenion y gweithiwr unigol ac anghenion y gwasanaeth. Gellir ymestyn seibiant cyflogaeth drwy roi rhybudd priodol, os yw’r rheolwr yn cytuno. Gall y gweithiwr hefyd ofyn am gael dychwelyd i’r gwaith yn gynharach na’r dyddiad y cytunwyd arno.

Os bydd unrhyw amgylchiadau unigol yn newid a bod gweithiwr yn dymuno dychwelyd i’r gwaith yn gynharach, bydd y rheolwr llinell yn ystyried hyn yn ofalus, ond ni all warantu dim.

6. Y Drefn Ymgeisio

Dylai ymgeiswyr wneud cais am seibiant cyflogaeth o leiaf dri mis ymlaen llaw. Gellir llacio’r rheol hon mewn achosion brys a sefyllfaoedd na ellir eu rhagweld lle mae ar weithiwr angen seibiant.

Dylai’r ffurflen gais ynghlwm (Atodiad 1) ar gyfer seibiant cyflogaeth gael ei llenwi a’i chyflwyno i’r rheolwr llinell, gan nodi’r rheswm/rhesymau dros ymgeisio ac amlinellu pryd y byddai’r ymgeisydd yn hoffi i’r seibiant ddechrau a dod i ben.

7. Cofrestriad Proffesiynol a Chadw Cofrestriad

Dylai’r gweithiwr gadw ei gofrestriad



proffesiynol yn unol â gofynion ei gorff rheoleiddio proffesiynol.

8. Drafftio Cytundeb

Dylai pob seibiant fod yn amodol ar gytundeb wedi'i lofnodi rhwng y cyflogwr a'r ymgeisydd cyn i'r seibiant gychwyn. Dylai'r cytundeb ymdrin â'r elfennau a ganlyn:

- hyd y seibiant (a'r meini prawf a ddefnyddir i benderfynu a all gweithiwr ddychwelyd yn gynnar);
- ni fydd y gweithiwr yn derbyn cyflog gan am gyfnod y seibiant cyflogaeth;
- rhaid i'r gweithiwr gymryd unrhyw wyliau blynyddol dyledus y mae ganddo hawl iddo cyn cychwyn y seibiant cyflogaeth;
- bydd yn ofynnol i'r gweithiwr ddychwelyd holl offer

(gliniaduron, ffonau symudol ac ati) allweddi, dillad gwaith ac yn y blaen. Bydd yn cael y rhain yn ôl pan fydd yn dychwelyd i'r gwaith ar ôl ei seibiant cyflogaeth. Bydd unrhyw daliadau a dderbynnir e.e. rhent ffôn hefyd yn cael eu hatal am gyfnod y seibiant cyflogaeth;

- effaith y seibiant ar hawliadau amrywiol yn ymwneud â hyd gwasanaeth;
- sicrwydd, os bydd yr ymgeisydd yn dychwelyd i'r gwaith cyn pen blwyddyn, y bydd yr un swydd ar gael, i'r graddau y mae hynny'n rhesymol ymarferol;
- os yw'r seibiant am fwy na blwyddyn, gall yr ymgeisydd ddychwelyd i swydd mor debyg ag sy'n bosibl (cynnwys paramedrau ar gyfer nodi'r swyddi hyn);
- dychwelyd i'r gwaith ar bwynt cyflog sy'n cyfateb i'r un blaenorol, gan adlewyrchu codiadau cyflog a ddyfarnwyd yn ystod y seibiant;
- trefniadau ar gyfer cadw mewn cysylltiad yn ystod y seibiant; gofynnir i'r gweithiwr ddod i gyfarfod blynyddol gyda'i reolwr (oni bai ei fod dramor)

a chadw mewn cysylltiad dros y ffôn bob chwe mis;

- gofyn i'r ymgeisydd gadw i fyny ag anghenion perthnasol ei gofrestrriad proffesiynol, gan gynnwys mynd ar gyrsiau hyfforddiant penodol a mynychu cynadleddau, ac unrhyw gymorth y gall y cyflogwr ei roi i gefnogi hyn;
- cyfnodau rhybudd ar gyfer dychwelyd i'r gwaith;
- trefniadau hyfforddi ar gyfer ail gynefino â'r gwaith;
- yn ystod y seibiant cyflogaeth mae'n bosibl y gofynnir i'r gweithiwr gyflawni gwaith i'r sefydliad. Dylai hyn gael ei gytuno gyda'r rheolwr, cyn cychwyn y seibiant cyflogaeth. Telir am unrhyw waith a wneir ar y gyfradd briodol am y gwaith a wneir;
- dylai gweithwyr sydd â char prydles gysylltu â'r Adran Gyllid i drafod goblygiadau eu seibiant cyflogaeth ar y cytundeb prydles. Bydd y rhain yn amrywio gan ddibynnu ar hyd y seibiant cyflogaeth cytunedig;
- trefniadau pensiwn y GIG yn ystod y seibiant. Gellir cael rhagor o wybodaeth i aelodau'r cynllun yng Nghymru a Lloegr ar wefan Pensiynau'r GIG yn www.nhsbsa.nhs.uk/pensions Bydd sefydliad y GIG yn talu cyfraniadau'r cyflogwr yn ystod chwe mis cyntaf y seibiant cyflogaeth.

Ar ôl chwe mis, gall y gweithiwr ddal i gyfrannu i'r cynllun pensiwn am 18 mis arall. Yn ystod y cyfnod hwn, rhaid i'r gweithiwr dalu cyfraniadau'r gweithiwr a'r cyflogwr. Mae'n hanfodol bod cyfraniadau'n cael eu talu mewn pryd ac nad oes ôl-ddyledion yn crynhoi. Os na fydd cyfraniadau pensiwn yn cael eu talu, bydd y cofnod pensiwn yn cael ei gau 364 diwrnod ar ôl i'r seibiant gychwyn. Mae'r darpariaethau hyn yn gymwys i aelodau adrannau 1995, 2008 a 2015 o'r cynllun pensiwn. (Cyfrifoldeb y gweithwyr yw cysylltu â'r Asiantaeth Bensiynau i holi sut bydd y seibiant cyflogaeth yn effeithio ar eu hawliau pensiwn);

- ystyried cynnwys cymal cymryd yn ôl am gyfnod penodol yn y cytundeb i adennill cyfraniadau pensiwn cyflogwr os bydd gweithiwr yn gadael o fewn cyfnod penodol (e.e. 2 flynedd) ar ôl iddo ddychwelyd i'w waith;
- os bydd gweithiwr sy'n cychwyn seibiant cyflogaeth yn syth ar ôl absenoldeb mamolaeth yn penderfynu nad yw am ddychwelyd i'r gwaith, yn dilyn y seibiant cyflogaeth, disgwylir iddi ad-dalu unrhyw dâl mamolaeth galwedigaethol a dderbyniwyd am y cyfnod gofynnol o 13 wythnos;
- cyngor am gyfnodau cymhwyso ar gyfer darpariaethau mamolaeth/ma bwysiadu (gan dîm y Gweithlu a Datblygu Sefydliadol);
- unrhyw amodau eraill a all fod yn ofynnol gan y cyflogwr neu'r ymgeisydd.

9. Derbyn Cyflogaeth yn Rhywle Arall

- Ni chaniateir i'r gweithiwr dderbyn cyflogaeth gyda chyflogwr arall fel arfer, ac eithrio, er enghraifft, i weithio dramor neu i wneud gwaith elusennol, a allai ehangu ei brofiad, a/neu at ddibenion cadw ei gofrestrriad proffesiynol (am gyfnod byr). Mewn amgylchiadau o'r fath, byddai angen caniatâd ysgrifenedig gan

fel rhan o'r broses gymeradwyo.

- Gall unigolion gofrestru i weithio mewn Banc GIG a thra byddant yn cyflawni dyletswyddau "Banc" byddant yn parhau'n "weithiwr" ac nid yn weithiwr cyflogedig.

10. Dychwelyd i'r Gwaith ar Ddiwedd y Seibiant Cyflogaeth

Cyn dyddiad dychwelyd disgwylidig y gweithiwr, cyfrifoldeb y rheolwr yw trefnu cyfarfod i drafod ei ddychweliad i'r gwaith.

Mae hyn yn arbennig o bwysig pan nad yw swydd y gweithiwr wedi cael ei chadw'n agored a phan mae angen canfod swydd arall addas i'r gweithiwr ddychwelyd iddi. Dylai'r trefniadau ar gyfer y cyfarfod sicrhau bod digon o amser i allu cychwyn proses drafod gyda'r gweithiwr a dod o hyd i swydd addas. Yn ystod y cyfarfod cyn dychwelyd i'r gwaith, dylai'r rheolwr a'r gweithiwr drafod anghenion hyfforddi/cynefino adrannol y gweithiwr a'i sefyllfa mewn perthynas â'i Fframwaith Gwybodaeth a Sgiliau amlinellol ac amcanion posibl, yn gysylltiedig ag amcanion

Mae dychwelyd i'r gwaith yn amodol ar basio prawf meddygol gan ddibynnu ar natur / cyfnod y seibiant cyflogaeth a'r math o swydd y mae'r unigolyn yn dychwelyd iddi. Dylai'r rheolwyr ofyn am gyngor gan eu tîm Iechyd Galwedigaethol. Mae'n bosibl hefyd y bydd angen gwiriad DBS newydd a hyfforddiant ailgynefino adrannol priodol. Gan ddibynnu ar ganlyniad y trafodaethau hyn a phroffion angenrheidiol mae gan y cyflogwr hawl i ohirio dychwelyd i'r gwaith. Mewn amgylchiadau o'r fath, rhaid amlinellu'r rhesymau a hyd yr oedi'n glir, gan nodi ar ba sail y byddai dychwelyd i'r gwaith yn cael ei gymeradwyo, a byddai angen penderfynu a fydd y gweithiwr yn derbyn tâl yn ystod y cyfnod. Nid oes hawl awtomatig i dâl.

Os yw'r gweithiwr yn dymuno dychwelyd i'r gwaith, ond gweithio llai o oriau nag sydd yn ei contract, rhaid iddo lenwi'r ffurflen gais briodol i wneud cais i gael gweithio oriau hyblyg. Gall y cais hwn gael ei wrthod os oes rhesymau busnes dros wneud hynny. Bydd yr un trefniadau ag sy'n cael eu hamlinellu uchod yn berthnasol pe bai gweithiwr yn gofyn am gael dychwelyd yn gynnar o seibiant cyflogaeth. Fodd bynnag, mae'n bosibl na fydd modd caniatáu cais o'r fath a dylai gweithwyr fod yn realistig o ran eu disgwyliadau wrth ofyn am gael dychwelyd yn gynnar, yn enwedig os oes trefniadau eraill â therfynau amser wedi'u gwneud ar gyfer y swydd.



10.1 Cyfnodau Rhybudd

Bydd yn ofynnol i’r gweithiwr roi rhybudd i fel a ganlyn ynglŷn â’r dyddiad y mae’n bwriadu dychwelyd i’r gwaith:

Hyd y Seibiant Cyflogaeth Cyfnod Rhybudd

3 – 6 mis	1 mis
6 – 12 mis	2 mis
1 – 2 flynedd	3 mis
2 – 5 mlynedd	6 mis

Gall gweithiwr ddychwelyd o’i seibiant cyflogaeth cyn y dyddiad dychwelyd cytunedig, cyn belled bod swydd wag addas ar gael.

11. Apeliadau

Gall gweithwyr gysylltu â’u rheolwr llinell agosaf fel ffordd o apelio os yw eu cais wedi’i wrthod.

Mae gan weithwyr hawl i gael eu cynrychioli gan gynrychiolydd Undeb Llafur neu gydweithiwr.

Dylai gweithwyr gyflwyno hysbysiad ysgrifenedig yn nodi rhesymau dros eu hapêl, cyn pen pythefnos ar ôl derbyn y penderfyniad ysgrifenedig.

Cynhelir cyfarfod i drafod y mater cyn pen pythefnos ar ôl derbyn yr hysbysiad apêl.

12. Hyfforddiant a chodi ymwybyddiaeth

Sicrhair bod pob aelod o’r staff yn ymwybodol o’r polisi hwn pan fyddant yn dechrau gweithio i

Gellir gweld copi ohono hefyd ar Fewnrrwyd Sefydliad y GIG neu gellir cael copi gan Adran y Gweithlu a Datblygu Sefydliadol. Darperir hyfforddiant fel y bo’n briodol gan ddibynnu ar gymhlethdod y polisi.

13. Cydraddoldeb

Mae yn cydnabod amrywiaeth y gymuned leol a’r bobl y mae’n eu cyflogi; a’r gofynion a roddwyd i’r sefydliadau gan Ddeddf Cydraddoldeb 2010 a Rheoliadau Deddf Cydraddoldeb 2010 (Dyletswyddau Statu-dol) (Cymru) 2011. Ein nod felly yw darparu amgylchedd diogel heb unrhyw wahaniaethu a man lle mae pob unigolyn yn cael ei drin yn deg, ag urddas ac yn briodol i’w angen.

Mae yn cydnabod bod cydraddoldeb yn effeithio ar bob agwedd ar ei waith o ddydd i ddydd. Aseswyd y polisi hwn gan ddefnyddio Pecyn Cymorth Asesu Effaith Canolfan Cydraddoldeb a Hawliau Dynol y GIG a chyhoeddwyd y canlyniadau ar y wefan a’u monitro’n ganolog.

Aseswyd effaith y polisi hwn yn wreiddiol ar 22 Mawrth 2013, a phenderfynodd y grŵp adolygu beidio â gwneud asesiad effaith arall ar sail Cymru Gyfan, ond argymhell yn hytrach bod sefydliadau unigol yn monitro ei gymhwysiad ar sail y nodweddion gwarchodedig ac yn adrodd i’w pwyllgorau Gweithlu a Datblygu Sefydliadol.

14. Rheoliadau Diogelu Data Cyffredinol 2018

Dylid trin pob dogfen sy’n cael ei chynhyrchu dan y polisi hwn, sy’n ymwneud ag unigolion y gellir eu hadnabod, fel dogfen gyfrinachol, yn unol â Pholisi Diogelu Data

15. Deddf Rhyddid Gwybodaeth 2000

Gall holl gofnodion a dogfennau Sefydliad y GIG, â rhai eithriadau cyfyngedig, gael eu datgelu dan Ddeddf Rhyddid Gwybodaeth 2000. Byddai cofnodion a dogfennau sydd wedi’u heithrio rhag cael eu datgelu, yn y rhan fwyaf o’r amgylchiadau, yn cynnwys y rhai sy’n ymwneud ag unigolion y gellir eu hadnabod sy’n codi mewn cyd-destun personél neu ddatblygu staff.

Mae gwybodaeth am gymhwyso’r Ddeddf Rhyddid Gwybodaeth yn Sefydliad y GIG i’w gweld yng nghynllun cyhoeddiadau Sefydliad y GIG.

16. Rheoli Cofnodion

Mae’r holl gofnodion a gynhyrchir dan y polisi hwn yn gofnodion swyddogol

a byddant yn cael eu rheoli, eu storio a’u defnyddio yn unol â Pholisi Rheoli Cofnodion Sefydliad y GIG.

17. Adolygiad

Bydd y polisi hwn yn cael ei adolygu ymhen dwy flynedd. Mae’n bosibl y bydd angen adolygiad cynharach mewn ymateb i amgylchiadau eithriadol, newid sefydliadol neu newidiadau perthnasol mewn deddfwriaeth neu ganllawiau.

18. Disgyblu

Bydd achosion o weithredu’n groes i’r polisi hwn yn cael eu hymchwilio a gallant arwain at drin y mater fel trosedd yn arwain at gamau disgyblu dan drefn ddisgyblu



02

Atodiad A: Cynllun Seibiant Cyflogaeth

2 Atodiad A: Cynllun Seibiant Cyflogaeth

Atebwch y cwestiynau a ganlyn a dychwelwch y ffurflen gais hon i'ch rheolwr llinell.	
Enw:	
Cyfeiriad (ar gyfer cysylltu yn ystod seibiant)	
Rhif ffôn (ar gyfer cysylltu yn ystod seibiant)	
Ebost (ar gyfer cysylltu yn ystod seibiant)	
Swydd Bresennol:	
Gradd:	
Adran:	
Rhif Estyniad:	
Rheolwr Llinell:	
Dyddiad Cychwyn gyda Sefydliad y GIG (mae angen o leiaf 12 mis)	
A ydych yn aelod o Gynllun Pensiwn y GIG?	
Os ydych, nodwch a ydych yn dymuno parhau â'r cynllun	



Beth yw eich rheswm dros ymgeisio am Gynllun Seibiant Cyflogaeth?	
Gofal plant	
Gofalu am berthnasau oedrannus / dibynnol	
Absenoldeb astudio / Hyfforddiant	
Gwasanaeth gwirfoddol dramor	
Teithio	
Arall (rhowch fanylion isod)	

Beth yw hyd arfaethedig y Seibiant Cyflogaeth?

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Pryd ydych chi’n bwriadu cychwyn y Seibiant Cyflogaeth?

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Eglurwch yn fanwl pam eich bod yn dymuno cymryd Seibiant Cyflogaeth, gan nodi unrhyw ganlyniadau a manteision tebygol i Sefydliad y GIG

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Amlinellwch eich hanes cyflogaeth hyd yn hyn yn y GIG ac yn Sefydliad y GIG (cewch gynnwys eich CV os yw’n briodol)

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Beth yw eich cynlluniau gyrfao! hirdymor? Sut mae’r Seibiant Cyflogaeth hwn yn ffitio i mewn i’ch cynlluniau gyrfao! hirdymor?

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Pa hyfforddiant / absenoldeb astudio rydych chi wedi’i gael yn ystod 3 blynedd diwethaf eich cyflogaeth yn Sefydliad y GIG?

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Pa hyfforddiant / datblygiad neu gefnogaeth arall fydddech chi ei hangen er mwyn cynnal eich sgiliau yn ystod y Seibiant Cyflogaeth neu ar ôl dychwelyd i’r gwaith?

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Sut ydych chi’n bwriadu cynnal eich cymhwyster proffesiynol pan fyddwch ar y Seibiant Cyflogaeth? (Nodwch holl ofynion eich proffesiwn perthnasol a sut rydych yn bwriadu cydymffurfio â’r rhain).

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A oes unrhyw gyfyngiadau o ran ble y gallech wneud y gwaith hwn?

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A fydddech yn gallu dod i’r gwaith ar gyfer, er enghraifft, cyfarfodydd briffio a seminarau a allai fod yn berthnasol er mwyn cadw mewn cysylltiad yn ystod eich seibiant?

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A oes unrhyw wybodaeth arall y byddech yn hoffi ei chyflwyno i gefnogi eich cais?

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Llofnodwyd:	
Dyddiad:	

Cymeradwywyd:	Do/Naddo
Llofnodwyd gan y rheolwr:	
Dyddiad:	

03

Atodiad B: Astudiaethau Achos – Cymhwyso’r Polisi



3 Atodiad B: Astudiaethau Achos – Cymhwyso'r Polisi

Senario 1 – Mae aelod o'r staff yn datblygu salwch cronig / cyflwr hirdymor / yn beichiogi yn ystod y seibiant cyflogaeth ac yn dymuno dychwelyd i'r gwaith

Yn yr achos hwn byddai Deddf Cydraddoldeb 2010 yn gymwys a gallai unrhyw driniaeth anafanteisiol gael ei hystyried yn wahaniaethu. Er mwyn osgoi gwahaniaethu, byddai angen ystyried y posibilrwydd o ddychwelyd i'r gwaith ar sail set o feini prawf/paramedrau nad ydynt yn gwahaniaethu (efallai y byddai'n fuddiol pe bai'r rhain yn cael eu cynnwys yn y cytundeb gwreiddiol) a dylid ystyried y gweithiwr yr un fath yn union ag unrhyw weithiwr arall sy'n dymuno dychwelyd i'r gwaith yn gynnar o seibiant cyflogaeth.

Os oes gwaith ar gael mae'n bosibl y bydd yn rhaid i'r cyflogwr ystyried addasiadau rhesymol ond dylid gwneud hyn ar ôl gwneud penderfyniad nad yw'n gwahaniaethu yn erbyn yr unigolyn.

Senario 2 – Mae aelod o'r staff yn dymuno ymddeol ac yn cymryd seibiant cyflogaeth 6 mis, i fanteisio ar y ffaith y bydd y cyflogwr yn talu'r cyfraniadau pensiwn, cyn ymddeol.

Efallai y bydd cyflogwyr eisiau ystyried cynnwys cymal cymryd yn ôl yn y cytundeb gwreiddiol, os yw'n bosibl/tebygol y bydd gweithiwr yn rhoi rhybudd y bydd yn ymddeol ar y diwedd (neu o fewn 6 mis ar ôl dychwelyd o seibiant cyflogaeth).

Senario 3 – Mae aelod o'r staff yn gwrthod y cynnig o swydd arall pan fydd yn dychwelyd i'r gwaith

Cyn belled bod y cytundeb gwreiddiol yn cynnwys cyfeiriad at y mater hwn, yna mae'r gweithiwr yn cytuno i amrywiad yn y contract. Os nad yw gweithiwr yn derbyn swydd arall fel sy'n cael ei amlinellu yn y cytundeb pan fydd yn dychwelyd i'r gwaith, yna ei ddewis ef yw hynny a gall peidio â derbyn y swydd gael ei ystyried i bob pwrpas yn ymddiswyddiad.

Er hyn, os nad oedd swyddi priodol wedi'u diffinio'n briodol ymlaen llaw a bod y swydd a gynigiwyd i'r gweithiwr yn un wahanol iawn a heb fod yn cyfateb i'r swydd wreiddiol yna gallai'r gweithiwr ddadlau achos o ddiswyddo deongliadol / torri amodau contract.

Dyluniwyd gan Dîm Cyfathrebu PCGC



From: Alex Payne (Welsh Ambulance Service NHS Trust - 020)
Sent: Tue, 12 May 2026 12:55:24 +0000
To: Andy Swinburn (Welsh Ambulance Service NHS Trust - 020 - Director of Paramedicine); Angela Lewis (Welsh Ambulance Service NHS Trust - 020); Bethan Evans (Welsh Ambulance Service NHS Trust - 020); Carl Kneeshaw (Welsh Ambulance Service NHS Trust - 020); Ceri Jackson (Welsh Ambulance Service NHS Trust - 020); Chris Turley (Welsh Ambulance Service NHS Trust - 020 - Director of Finance); Christian Fox (Welsh Ambulance Service NHS Trust - 020 Swansea PCS (CW)); Damon Turner (Welsh Ambulance Service NHS Trust - 020 Porthcawl EMS (CW)); Estelle Hitchon (Welsh Ambulance Service NHS Trust - 020); Hannah Rowan (Welsh Ambulance Service NHS Trust - 020); Hayley Hutchings (Welsh Ambulance Service NHS Trust - 020); James Houston - (Welsh Ambulance Service NHS Trust - 020); Jo Kelso (Welsh Ambulance Service NHS Trust); Lee Brooks (Welsh Ambulance Service NHS Trust - 020); Liam Williams (Welsh Ambulance Service NHS Trust - 020); Lizzie O'Shea (Welsh Ambulance Service NHS Trust - 020); Marcus Viggers (Welsh Ambulance Service NHS Trust - 020 Pembroke Dock EMS (CW)); Mark Marsden (Welsh Ambulance Service NHS Trust - 020 EMT 3); Penny Durrant (Welsh Ambulance Service NHS Trust); Trish Mills (Welsh Ambulance Service NHS Trust - 020)
Cc: Sarah Harland (Welsh Ambulance Service NHS Trust - 020); Lisa Trounce (Welsh Ambulance Service NHS Trust - 020)
Subject: RE: People and Culture Committee request for Chair's action: four policy approvals (request for response by 12 May 2026)

Dear all

Please accept this as confirmation that the following four policies have been approved, in line with the below request:

1. **Disciplinary Policy** (in English and Welsh), plus Equality Impact Assessment (docs 1a 1b 1c)
2. **Improving Performance at Work Policy** (in English and Welsh), plus Equality Impact Assessment (docs 2a 2b 2c)
3. **Occupational Change Policy** (in English and Welsh), docs 3a 3b
4. **All Wales Employment Break Scheme** (in English and Welsh), docs 4a 4b

This chair's action will be ratified at the next meeting of the committee in August and the date of approval recorded as today, **Tuesday 12 May 2026**.

Cofion Caredig / Kind Regards,
Alex

Alex Payne
Rheolwr Llywodraethu Corfforaethol I
Corporate Governance Manager
Ymddiriedolaeth Brifysgol GIG Gwasanaethau Ambiwlans Cymru I
Welsh Ambulance Services University NHS Trust

E-bost/Email: Alex.Payne2@wales.nhs.uk





Mae'r Ymddiriedolaeth yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg – byddwn yn ymateb yn gyfartal i'r ddwy ac yn ateb yn eich dewis iaith heb oedi.

The Trust welcomes correspondence in Welsh or English – we will respond equally to both and will reply in your language of choice without delay.

From: Alex Payne (Welsh Ambulance Service NHS Trust - 020) <Alex.Payne2@wales.nhs.uk>

Sent: 06 May 2026 14:29

To: Andy Swinburn (Welsh Ambulance Service NHS Trust - 020 - Director of Paramedicine) <Andy.Swinburn@wales.nhs.uk>; Angela Lewis (Welsh Ambulance Service NHS Trust - 020) <Angela.Lewis@wales.nhs.uk>; Bethan Evans (Welsh Ambulance Service NHS Trust - 020) <Bethan.Evans24@wales.nhs.uk>; Carl Kneeshaw (Welsh Ambulance Service NHS Trust - 020) <Carl.Kneeshaw@wales.nhs.uk>; Ceri Jackson (Welsh Ambulance Service NHS Trust - 020) <Ceri.Jackson@wales.nhs.uk>; Chris Turley (Welsh Ambulance Service NHS Trust - 020 - Director of Finance) <Chris.Turley2@wales.nhs.uk>; Christian Fox (Welsh Ambulance Service NHS Trust - 020 Swansea PCS (CW) <Christian.Fox@wales.nhs.uk>; Damon Turner (Welsh Ambulance Service NHS Trust - 020 Porthcawl EMS (CW) <Damon.Turner@wales.nhs.uk>; Estelle Hitchon (Welsh Ambulance Service NHS Trust - 020) <Estelle.Hitchon2@wales.nhs.uk>; Hannah Rowan (Welsh Ambulance Service NHS Trust - 020) <Hannah.Rowan@wales.nhs.uk>; Hayley Hutchings (Welsh Ambulance Service NHS Trust - 020) <Hayley.Hutchings@wales.nhs.uk>; James Houston - (Welsh Ambulance Service NHS Trust - 020) <James.Houston@wales.nhs.uk>; Jo Kelso (Welsh Ambulance Service NHS Trust) <Jo.Kelso@wales.nhs.uk>; Lee Brooks (Welsh Ambulance Service NHS Trust - 020) <Lee.Brooks1@wales.nhs.uk>; Liam Williams (Welsh Ambulance Service NHS Trust - 020) <Liam.Williams2@wales.nhs.uk>; Lizzie O'Shea (Welsh Ambulance Service NHS Trust - 020) <lizzie.o'shea@wales.nhs.uk>; Marcus Viggers (Welsh Ambulance Service NHS Trust - 020 Pembroke Dock EMS (CW) <Marcus.Viggers@wales.nhs.uk>; Mark Marsden (Welsh Ambulance Service NHS Trust - 020 EMT 3) <Mark.Marsden@wales.nhs.uk>; Penny Durrant (Welsh Ambulance Service NHS Trust) <Penny.Durrant@wales.nhs.uk>; Trish Mills (Welsh Ambulance Service NHS Trust - 020) <Trish.Mills@wales.nhs.uk>

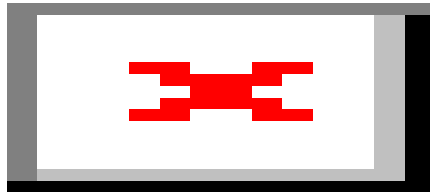
Cc: Sarah Harland (Welsh Ambulance Service NHS Trust - 020) <sarah.harland@wales.nhs.uk>; Lisa Trounce (Welsh Ambulance Service NHS Trust - 020) <Lisa.Trounce@wales.nhs.uk>

Subject: People and Culture Committee request for Chair's action: four policy approvals (request for response by 12 May 2026)

Dear Chair and committee members,

Your support for four Chair's Actions for the People and Culture Committee is sought. The documents were not available for the meeting of the committee earlier this week and need to be approved urgently; waiting for the August 2026 committee is therefore not practical. It is asked that the committee **review and approve for adoption** the following four policies (further detail is provided in the image below):

1. Disciplinary Policy (in English and Welsh), plus Equality Impact Assessment (docs 1a 1b 1c)
2. Improving Performance at Work Policy (in English and Welsh), plus Equality Impact Assessment (docs 2a 2b 2c)
3. Occupational Change Policy (in English and Welsh), docs 3a 3b
4. All Wales Employment Break Scheme (in English and Welsh), docs 4a 4b



I would be grateful if you could review and respond to the request **by midday on Tuesday 12 May 2026**, confirming your approval (or otherwise). If you have any questions in relation to the request, please direct them to us by sending a 'reply all' email to this email request, so that everyone is sighted on the response. If anything is unclear, please let me know.

Cofion Caredig / Kind Regards,
Alex

Alex Payne
Rheolwr Llywodraethu Corfforaethol I
Corporate Governance Manager
Ymddiriedolaeth Brifysgol GIG Gwasanaethau Ambiwlans Cymru I
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Mae'r Ymddiriedolaeth yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg – byddwn yn ymateb yn gyfartal i'r ddwy ac yn ateb yn eich dewis iaith heb oedi.

The Trust welcomes correspondence in Welsh or English – we will respond equally to both and will reply in your language of choice without delay.

Annex 4 – Board Assurance Framework

Risk ID 680	Failure to prioritise people capability and organisational culture could result in deteriorating Employee Experience, reduced wellbeing and absence			Date of Review:	07/05/26	TREND	16
				Date of Next Review:	07/06/26		(4x4)
IF insufficient focus on people capability and organisational culture	THEN will lead to a poor employee experience, low morale, burnout, fatigue, reduced wellbeing and increased sickness absence	RESULTING IN Adversely impacted workforce capacity, patient safety and the Trust’s ability to deliver safe and effective ambulance services.		Likelihood	Consequence	Score	
			Inherent				
			Current	4	4	16	
			Target	3	4	12	
Strategic Objective: 2 – Enabling our people to be the best that they can be							
EXECUTIVE OWNER:		Director of People	ASSURANCE COMMITTEE:		People & Culture Committee		
Risk Commentary							
This risk remains significant due to ongoing pressures affecting employee experience, wellbeing, and overall workforce capacity. The current score reflects the combined impact of sustained organisational strain, increasing service demand and the variability in leadership capacity, cultural practices, and people process consistency across the organisation. Together these factors continue to influence morale, sickness absence and the Trust's ability to maintain safe and effective service delivery. Although a broad set of controls in in place – such as leadership development, cultural improvement activity, wellbeing support, strengthened people processes, and mechanisms that encourage staff voice – their maturity and consistency vary across services, meaning the overall risk remains above tolerance. While many teams benefit from supportive local cultures and effective management practice, others continue to experience challenges linked to workload, change fatigue and uneven access to development or limited confidence in speaking up or raising concerns.							
The programme of work underway aims to improve consistency, strengthen leadership behaviours, enhance visibility or culture and capacity pressures and modernise people processes. Initiatives focusing on compassionate leadership, improving the quality of conversations, embedding organisational values, strengthening recruitment approaches, and promoting psychological safety are expected to improve assurance overt time.							
CONTROLS			ASSURANCES				
MONITOR			Monitor outcomes and provide regular reports to stakeholders. This ensures while external factors may impact the risk it is monitored and managed effectively.				
CULTURE							
1. Working Well Together (CEWS)			Deployment of cultural reviews, listening exercises and team development where early issues are identified, or where teams experience conflict, high sickness or declining morale. CEWS used as an internal, team-level diagnostic to spot early cultural risks, stressors, fatigue indicators or team dysfunction. Team-level monitoring of CEWS status and progress against agreed co-created actions, with periodic internal reporting to relevant Heads of Service or Senior Leadership Teams on interventions, themes and improvements CEWS deployment across teams generates measurable indicators of cultural risk, conflict, fatigue and team functioning. Internal reports summarise findings, interventions, and improvements, providing assurance that emerging risks are identified early and acted upon. Heads of Service oversight ensures accountability for local action.				
2. PADR			Strengthening the quality of PADR conversations, with explicit focus on wellbeing, workload, personal development and local team culture. Manager guidance and development to improve the depth, openness and value of PADR conversations. Monitor PADR quality through staff survey feedback rather than compliance-only measures. Assurance drawn from staff survey metrics, thematic evaluation of PADR quality, and feedback mechanisms assessing depth and value of wellbeing-focused discussions. Regular monitoring reports highlight improvements, variability, and targeted support needs to strengthen consistency.				
3. Culture Champions Network			Active Culture Champions network providing local visibility of Our WAST Way, supporting wellbeing and encouraging open, safe conversations. Champions act as early eyes and ears for cultural concerns and promote supportive behaviours. Ongoing development sessions strengthen Champion capability and provide a two-way mechanism for feedback, enabling concerns and opportunities for improvement to be surfaced. Regular activity reports from the Culture Champions network provide assurance of local cultural insight, early escalation of concerns, and the effectiveness of peer-led cultural interventions. Feedback loops demonstrate that insights are acted upon by senior leaders.				
4. Speaking Up Safely Process			Ensure all staff are confident speaking up to line managers and where this is not possible are confident using the speaking up safely pathways. Speaking Up Safely data, themes and case handling outcomes provide assurance on psychological safety and accessibility of speaking-up pathways. Trends and thematic analysis are reviewed regularly to ensure issues are addressed and escalated appropriately.				
5. Improving Working Environment			Seek opportunities to improve the working environment, including where and how people work including flexible working opportunities. Feedback from staff engagement activity, data on flexible working, and local team action plans provide assurance that environmental issues are identified and mitigated, with tangible improvements monitored over time.				

Risk ID 680	Failure to prioritise people capability and organisational culture could result in deteriorating Employee Experience, reduced wellbeing and absence	Date of Review:	07/05/26	TREND	16
		Date of Next Review:	07/06/26		(4x4)
6. Improving Wellbeing	Sustain a focus on improving the wellbeing of staff through implementing the Health and Wellbeing Plan predominantly led by the Occupational Health and Wellbeing Department supported by various health and wellbeing initiatives including access to internal and external support, TRiM and targeted workshops (Suicide Risk Training etc.). Assurance derived from the implementation progress of the Health & Wellbeing Plan, utilisation of wellbeing services, TRiM activity monitoring, and thematic insights from support interventions. Regular reports demonstrate effectiveness and identify gaps.				
7. Staff Survey programme of work	Increased response rates; greater organisational focus on the survey and using the feedback effectively; demonstrable connections between staff feedback and actions taken. Completed actions: Update 09/03/26: 2025 data analysis commenced, high level summary presented to ELT in early March.				
8. Fairness and Equality	Encouraging inclusive practices to ensure that people who may face additional challenges or discrimination due to a protected characteristic or vulnerability are supported at work and have the opportunity to explore reasonable adjustment to support them in the workplace				
9. People Networks	Range of wellbeing support provided to staff via our people networks. This includes safe space conversations, input into Trust programmes to ensure that they are inclusive, staff initiatives to reduce inequalities, and expert advice and support from external organisations and training providers. This is provided alongside a range of staff benefits and wellbeing support such as financial wellbeing, physical and mental health wellbeing activities available to our workforce. Completed actions: Update 06/05/26: Disability Confidence status renewed				
CAPACITY					
1. Workforce Capacity Pressures	Completed actions: Update 09/03/26: OCP Detailed documentation and process flow chart created.				
2. Improving Internal People Processes	Focus on getting the basics right by improving the effectiveness and application of internal people processes. Process performance indicators, audit outcomes, and compliance monitoring provide assurance of improvements in the effectiveness and consistency of internal people processes. Completed actions: Update 09/03/26: Collectively defined and agreed programme deliverables at the People Services Away Day end of Jan. Programme deliverables mapped.				
3. Attracting and Retaining a Diverse Workforce	Develop and implement a recruitment and attraction plan that supports all roles in the organisation, including targeted recruitment plans, allyship and active bystander training. Recruitment metrics, diversity data, and evaluation of targeted outreach or allyship programmes provide assurance that workforce diversity and equity targets are progressing. Reports highlight trends, risks and areas requiring further focus.				
4. Managing Attendance	Continue the Managing Attendance programme to ensure staff attendance is effectively managed. Sickness absence data, trend analysis, and effectiveness reviews of the Managing Attendance programme provide assurance that attendance is being actively monitored and managed, with clear improvement trajectories. Ensuring managers are familiar with and comfortable using the policy and processes.				
CAPABILITY					
1. Our Change Management Approach	Change Management Workstream established as an enabling workstream within the CMT Programme, growing recognition of the importance of the people aspects of change Completed actions: Update 09/03/26: 2 x accredited Change Management courses scheduled for March, training a further 24 colleagues.				
2. Our WAST Way	Embedding compassionate leadership behaviours, <i>Essential Conversations</i> , routine <i>Check-ins</i> , and <i>Crucial Conversations</i> as core expectations of everyday leadership practice. Strengthening leaders' capability to identify early signs of pressure, conflict, burnout or workload concerns through high-quality conversations. Provide periodic summary reports to stakeholders on leadership development activity, participation and impact.				

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		Date of Next Review:	07/06/26		(4x4)
	Evidence of compassionate leadership behaviours demonstrated through staff survey indicators, feedback from leadership development activity, and quality insights from Essential Conversations and routine check-ins. Regular reports to People & Culture Committee provide assurance on consistency, behavioural alignment, and leadership practice maturity.				
3. Improving Digital Capability	Enhance digital capability and improve the digital experience for all staff. Digital capability assessments, usage analytics, and training evaluations provide assurance that digital development activities are improving confidence and capability across the workforce.				
GAPS IN CONTROLS		GAPS IN ASSURANCE			
CULTURE					
Working Well Together (CEWS)	Although tools such as CEWS, cultural reviews and team development interventions exist, their deployment it uneven resulting in: - Some teams receiving early cultural support while others do not. - Limited visibility of cultural risks in areas not routinely engaging with CEWS or development support. - Variable leadership confidence in recognising cultural deterioration early.				
PADR	Inconsistent application of compassionate practices, Essential Conversations, routine check-ins and Crucial Conversations across leadership levels, alongside variation in the quality of PADR conversations. Managers demonstrate inconsistent capability in conducting meaningful wellbeing-focused discussions, and PADR continues to be perceived in some areas as a compliance exercise rather than a valuable developmental conversation.				
Culture Champions	The Culture Champions network is active, but: - The consistency of Champion engagement varies across geographical areas and departments. - There is no fully standardised mechanism for monitoring Champion activity, reach, or outcomes. - Insight generated locally does not always feed systematically into strategic decision-making.				
Speaking Up Safely	While the Speaking Up Safely process exists, there are ongoing gaps in: - Confidence across all staff groups to use the process, especially in operational and hierarchical environments. - Manager capability to create psychologically safe, blame-free team climates where local speaking-up is normalised. - Consistency of feedback loops ensuring staff understand how concerns are acted upon.				
Improving Wellbeing	Insufficient capacity to bridge any identified gaps.				
Staff Survey programme of work	Although we have seen a signification improvement in the NHS Staff Survey (42.1% in 2025 / 35.2% in 2024 / 23.2% in 2023) further participation is required.				
Fairness and Equality	Difficult to release staff, particularly from operational duties, to attend training to broaden understanding of the challenges faced by those with a protected characteristic or a vulnerability.				
People Networks	Capacity to have meaningful engagement with Network Members, alongside work commitments.				
CAPACITY					
Insufficient Visibility of Workforce Capacity Pressures	- No real-time, systematic way to surface local capacity pressures early (e.g., workload imbalance, chronic understaffing, high demand on specific roles). - Variation in leaders’ ability to recognise capacity-related risks across dispersed teams				
Inconsistent application of people processes across departments	Although improving internal processes is a priority: - Line managers apply processes differently depending on experience, workload, or interpretation. - Inconsistent compliance and quality reduce the ability to ensure fair, timely, and effective decision-making.				
Recruitment and Attraction Interventions not fully embedded	While recruitment plans exist: - Targeted approaches (e.g., outreach, allyship-driven recruitment) are not consistently adopted. - Hiring managers vary in skill and confidence to recruit inclusively. - Recruitment supporting materials (toolkits, guidance) are not fully embedded across the organisation.				
Lack of proactive controls to address Attendance Variation	Managing Attendance remains a key programme, but: Early warning indicators of deteriorating attendance are inconsistently recognised at local level.				

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		- Variation in the quality of return-to-work discussions and support plans. - Limited capacity to address system-wide causes of sickness (workload, fatigue, environment).				
CAPABILITY						
Limited consistency in Change Management Capability		Although the CMT Change Management Workstream is established: - Capability across the organisation is variable, especially among frontline and middle-tier leaders. - Change fatigue in some services limits effective adoption of new behaviours or processes.				
Variable Leadership Capability to embed Our WAST Way		Despite the leadership development work: - Not all leaders have sufficient capability to embed compassion-based behaviours confidently and consistently. - Supervisors and team leaders, in particular, may lack time or training to apply these behaviours. - There is no fully embedded mechanism to evaluate leadership behaviour maturity at scale.				
Digital Capability not consistently developed across the Workforce		Despite digital training and assessments: - Some roles lack protected time to undertake digital development. - Digital literacy remains variable, particularly in remote, operational, and non-desk-based roles. - No organisation-wide baseline for digital competence exists, creating inconsistency in expectations.				
Actions to reduce risk score or address gaps in controls and assurances		Action Owner (Internal only)	Completion / Milestone date		Progress Update	
CULTURE						
CEWS / Cultural Toolkit 1. Increase awareness and meaningful use of the CEWS tool.		Head of Culture & OD	• Launch refreshed CEWS Tool by end of Q1 2026/27		- Update 09/03/26: Refreshed CEWS tool and supporting guidance are being finalised for relaunch by the end of Q1. - Update 05/05/26: Preparatory work to support the launch of the refreshed CEWS tool is underway, including embedding CEWS within the Working Well Together framework and developing clear guidance and operating arrangements to support managers.	
PADR 1. Strengthen accountability by setting clear expectations for leaders on compassionate leadership behaviours, Essential Conversations, and high-quality PADR discussions, reinforced through visible role-modelling from senior leaders. 2. Provide short, focused guidance and refresher support for managers on conducting meaningful wellbeing-focused conversations (inc. PADR), ensuring leaders feel confident and equipped.		Head of Culture & OD	- Pilot by end of Q1 2026/27 - Pilot Evaluation by end of Q2 2026/27 - Full rollout of refreshed process (including comms, training and resources) by end of Q3 2026/27		- Update 09/03/26: Preparation underway to begin pilot in Q1, Socialisation on new approach complete, and pilot teams identified. - Update 05/05/26: Pilot has commenced, supported by manager and employee guidance, tools and scheduled drop-in sessions. Feedback mechanisms are live, and early learning is being captured to shape evaluation and next phase refinements.	
Culture Champion Network		Head of Culture & OD	- Encourage active participation through effective comms with Champion Network by end of Q2 2026/27 - Identify mechanism for sharing insights across the Trust by end Q2 2026/27		- Update 09/03/26: Culture Champions audit underway to identify areas/teams of low representation. Work underway to refine the Culture Champion role. - Update 05/05/26: Audit of Culture Champions membership is underway, alongside agreement of refreshed role expectations aligned to Our WAST Way and civility, to strengthen participation in the network.	
Speaking Up Safely		Lead Guardian	- Detriment Mitigation Tool end of Q3 2026/27 - SUS Booklets by end of Q1 2026/27		Update 09/03/26: Detriment Risk Assessment renamed to ‘Detriment Mitigation Tool’ to better reflect its purpose and to move away from	

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			Date of Next Review:	07/06/26	➡	(4x4)
1. Increase awareness and understanding of a Speaking Up Safely culture. 2. Implement a detriment risk assessment and increase understanding regarding detriment following speaking up.			the perception that risk is defined solely by numerical scoring. The tool has now entered the pilot phase and is being applied to all new cases received by SUS. SUS information booklets are nearing completion at the design stage. Update 05/05/26: Pilot Phase commenced with Detriment Mitigation Tool being applied to all new cases. SUS Booklets have been designed and developed. Awaiting delivery of the product.			
Improving Wellbeing 1. Implement a Stress Management Policy supported by practical tools and resources to help colleagues and managers to identify early signs of stress and maintain sustained wellbeing. 2. Launch the Health & Wellbeing to support personalised wellbeing conversations and reasonable adjustments with long term health conditions	Occupational Health Manager and Head of Workplace Wellbeing Head of Engagement & Inclusion	Stress Management - Digital Risk Assessment developed by end Q2 2026/27 - Policy approved by end Q3 2026/27 - Launch of Digital Risk Assessment and Policy by end of Q3 2026/27 Health & Wellbeing Passport - Launch Health & Wellbeing Passport by end of Q1 2026/27	Update 09/03/26: - Stress Management: Digital Risk Assessment Tool in development, on track for completion for end of Q1. DPIA to be completed. Policy development has concluded and is going through consultation. EQIA to be undertaken. On track for full launch by end of Q3. - Health & Wellbeing Passport: Pilot underway, on track for launch by end of Q1. Update 05/05/26: Stress Management: Digital Risk Assessment Tool finalised, with next steps for testing which will be done in line with the Stress Management Policy throughout Q2. Policy in development and scheduled to go to Policy Group in September 2026.* Health & Wellbeing Passport: Due to launch on the 1st June. Communication Plan developed to support the launch.			
Staff Survey programme of work 1. Increase engagement and response rates through targeted interventions, ensuring all colleague voices are heard, and effectively use data to drive informed decisions and actionable insights	Head of Change & Insights	- Analyse 2025 results by end of Q4 2025/26 - Complete - Publish organisational results for 2025 survey by end of Q1 2026/27 - Preparations and running of 2026 survey by end of Q3 2026/27 - Analyse 2026 results by end of Q4 2026/27	- Update 09/03/26: 2025 data analysis continues, with further detail will be shared with ELT and Trust Board at the end of March. Update 05/05/26: Organisational results have been analysed, with 2 facilitated workshops held with ELT and WASPT. Data shared with PCC. Directorate level data to be issued early May. Preparations to commence for launch of 2026 Staff Survey.			
Fairness and Equality 1. Review current training provision and explore options to develop online modular programme to encourage more uptake from operational staff who will be able to access the training remotely at a more convenient time.	Head of Engagement & Inclusion	- Review attendance and feedback from 2025-2026 in Q1 - Liaise with Culture Change Teams to explore options to develop online modular learning platform Q2 - Develop pilot modules for trial with operational teams Q3 - Review Pilot before project expansion Q4	Update 09/03/26: Started to gather and analyse feedback in preparation for the SEP Annual Report. A summary will be published in the report. Pilot module development to commence in Q1.			
People Networks 1. Explore options for partnership working with 3 rd sector organisations who can provide support to staff at a reduced cost. Encourage people network members to adopt a local coordinator role and arrange for participation in more localised events which aim to connect people with lived experience and improve health and wellbeing.	Head of Engagement & Inclusion	- Review of people network governance to identify more Co-Chair support and review yearly plans Q1 - Carer Confident Level 2 application Q1 - Gold ERS Award submission Q1 - Source funding for partnership working to develop people networks Q1 - SummerPride events to use local staff as volunteer coordinators Q2 - Link in with North Wales 3rd sector organisations to encourage more network activity in North Wales Q3 - Review network activity throughout 2026-2027 and budget for 2027-2028 Q4	Update 09/03/26: - People Networks: Review of network governance underway and meetings scheduled to identify gaps and further support required. Exploring opportunities to hold a people network training conference to increase skills of Chairs and Co-Chairs. - Carer Confident: Application drafted - Gold ERS Award: Application submitted. Awaiting outcome. Update 05/05/26: People Networks: Roles of Chairs and Co-Chairs are being developed. Carer Confident: Application developed, will be submitted following review.			

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				Date of Next Review:	07/06/26		(4x4)
				• Gold ERS Award: Awaiting outcome, decision board on 3 rd June 2026.			
CAPACITY							
Insufficient Visibility of Workforce Capacity Pressures 1. Better use of CEWS where P&C and Teams have identified where this would be good use 2. Embed enhanced OCP guidance documents 3. Pilot Heat Map to change activity across the Organisational by directorate	1. Head of Culture & OD 2. Head of People Services 3. Head of Change & Insights	• CEWS by end of Q2 2026/27 • OCP Guidance by end of Q4 2025/26 • Heat Map by end of Q2 2026/27		Update 09/03/26: • CEWS: Preparations underway for launch. Further socialisation of Working Well Together will take place during Q1. • OCP: Launching on 1 st April 2026. Update 05/05/26: • CEWS: Preparatory work to support the launch of the refreshed CEWS tool is underway. • OCP: Revised OCP process signed off and piloted from 11 May with initial OCP submission form, toolkit and guides on Siren to support a more rounded and collaborative approach to delivering OCP's at WAST.			
Inconsistent application of people processes across departments 1. Brilliant Basics Programme: Establish a structured programme of work designed to build a robust foundation for People Services processes and procedures. This initiative will focus on standardising and streamlining core activities to ensure consistency, efficiency, and clarity to colleagues, whilst reducing administrative burden.	Head of People Services	• Define Programme by end of Q4 2025/26 - Complete • Foundation Phase by end of Q4 2026/27		• Update 09/03/26: On track for programme to commence 1 April 2026. • Update 05/05/26: Programme priorities and deliverables drafted with final review session scheduled end of May. Some deliverables already commenced to strengthen ways of working such as Monthly PS/Safeguarding meeting to deep dive cases etc.			
Recruitment and Attraction Interventions Not Fully Embedded 1. Recruitment Strategy: Design and implementation of an inclusive Recruitment Strategy that attracts, engages, and retains diverse top talent aligned with our organisational values and workforce needs.	Head of Strategic Workforce Planning, Recruitment & Systems	• Stakeholder Engagement by end of Q1 2026/27 • First Draft Document by end of Q3 2026/27 • Approval & Publication by end of Q4 2026/27		• Update 09/03/26: Undertaking engagement with Recruiting Managers across EMS, Integrated Care and Corporate areas, creating process maps and interviewing managers to understand what recruitment currently looks like for them and discussing areas of frustration and ideas. Comparative conversations with the SWAST recruitment team and some academic and industry research on recruitment strategies and models. Engagement is still on course to complete as planned. • Update 05/05/26: Initial proposals, scope and approach have been developed, feedback being collated with stakeholders			
Lack of Proactive Controls to Address Attendance Variation 1. Continuation of proactive People Services / Occupational Team support to reduce sickness absence	Deputy Director(s) of People & Culture	• From Feb-26 the Occupational Health & Wellbeing Team will move into the People Services Team which will result in a Multi-disciplinary Team approach to holistic absence support to managers and employees by end of Q3.		• Update 09/03/26: OH&WB successfully moved into PS in Feb-26. Plan for Mar-26 to review OH&WB priorities and data • Update 05/05/26: - Greater visibility and recording of the data between teams (OH/Wellbeing & PS) to enable earlier identification of sickness trends/hotspots *Digital Risk Assessment Tool finalised, with next steps for testing which will be done in line with the Stress Management Policy throughout Q2. Policy in development and scheduled to go to Policy Group in September 2026Wellbeing commenced implementation of team consultations to understand root cause and common themes of high absence rates within specific localities and provide personalised team interventions.			

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				Date of Next Review:	07/06/26		(4x4)
				○ Review of current TRiM processes to avoid delay in assessment of Trauma related symptoms by implementing electronic self-referral form. ○ Scoping a proactive solution for trauma , stress and anxiety related intervention			
CAPABILITY							
Limited Consistency in Change Management Capability 1. Enhance managers’ ability to lead and navigate change confidently, reinforcing cultural transformation and organisational resilience	Head of Change and People Insights	• Accredited Change Management Training to SROs by end of Q4 2025/26 – Complete. • Further develop change management toolkit by end of Q4 2026/27 • Enhance connections between change management and OWW toolkit by end of Q4 2026/27 • Develop and implement development plan for Change Community, supported by robust comms and engagement plan toolkit by end of Q4 2026/27		• Update 09/03/26: Change Decision Tool created and shared with key stakeholders for review and comment. 1-1s with Change Leads continues, seeking to understand progress to date, current challenges and changes planned over the next 12 months for each CMT workstream. Draft role profiles for SROs and Exec Sponsors shared with key stakeholders for review and comment.			
Variable Leadership Capability to Embed Our WAST Way 1. Embed Our WAST Way Leadership Behaviours and Development Framework (inc. Managers Essentials) and progress the next phase to strengthen leadership and effective management.	Head of Culture & OD	• Engagement & Prioritisation with Phase 2 Design by end of Q1 2026/27 • Pilot Priority Elements for Phase 2 Delivery by end of Q2 2026/27 • Expand Pilots & Ongoing Evaluation of Phase 2 by end of Q3 2026/27 • Embed Our WAST Way into Recruitment by end of Q4 2026/27 • Review, Celebrate & Plan Next Steps (Phase 3) by end of Q4 2026/27		• Update 09/03/26: Phase 2 Engagement complete, proposals endorsed by ELT. Priority elements for delivery in 2026/27 have been identified and costed. Phase 2 Delivery Plan and Communication Plan in development. • Update 05/05/26: Phase 2 scope has been refined in line with financial constraints and agreed with ELT, with delivery now set out in the 2026/27 plan. External partners are confirmed, First Line Leader programme development is underway, and planning for the Leadership Community and Our WAST Way Leadership Conference has commenced.			

Risk ID 163	Maintaining Effective & Strong Trade Union Partnerships			Date of Review:		06/05/2026		TREND		12 (4x3)
				Date of Next Review:		06/08/2026				
IF the response to tensions and challenges in the relationships with TU partners is not effectively and swiftly addressed and trust and (early) engagement is not maintained		THEN there is a risk that TU partnership relationships increase in fragility and the ability to effectively deliver change is compromised	RESULTING IN a negative impact on colleague experience and/or services to patients		Likelihood	Consequence		Score		
				Inherent	5	3		15		
				Current	4	3		12		
				Target	4	3		12		
IMTP Deliverable Numbers: 1, 13, 14, 19, 22, 30, 32										
Strategic Objective: 2 Enabling our people to be the best they can be										
EXECUTIVE OWNER		Director of People		ASSURANCE COMMITTEE		People & Culture Committee				
Risk Commentary A tailored bespoke development programme for managers and Trade Union Partners at all levels has been delivered with further training and activities developed for first line managers for delivery in April and June 2026. The programme of engagement and relationship building will continue. Work continues on improving partnership working through the delivery of the action plan. The engagement structures below WASPT are in place and running. The Deputy Director of People and Head of Culture and OD have delivered workshop sessions for TU partners and managers across the organisation in senior and local roles. Personal relationships with TUPs are generally very good. At a local level there are ongoing discussions on a range of organisational change issues and currently engagement and partnership working is consistent but with an increased degree of tension as there have been difficult issues to discuss, in part driven by the financial challenges. However, conversations and engagement continue as talking is paramount and for this review the score has been maintained at 12 (3x4). There is a recognition that the nature of partnership working and the issues that arise mean that the level of risk fluctuates more regularly than others and will be kept under review. On a national level, TUPs have not confirmed acceptance of the 2026 pay offer of 3.3% and there is a risk for industrial action with one union having undertaken a consultative ballot with an outcome that members would support action.										
CONTROLS			ASSURANCES							
			Internal Management (1 st Line of Assurance)							
Agreed (Refreshed) TU Facilities Agreement developed in partnership			Agreed document which states governance arrangements and the criteria for time off for TU activity etc.							
Go Together Go Far (GTGF) statement and CEO/TU Partners statement			Both parties refer to the documents and are signed up/committed to it							
Trade Union representation at Trust Board, Committees			Committee or Board ask TU representative for feedback or whether they have been consulted. Big issues items progress as planned because of TU partner buy in							
Monthly Informal Lead TU representatives and Chief Executive meetings			Diarised meetings							
TU partners in Task & Finish and Project Groups			Good attendance and commitment are observed at the meetings. TU partners listed as members in terms of reference							
Local Partnership Forums, Corporate Partnership Forums and SLT/TUP and SOT/TUP well established and running and informal monthly meetings between TUPs and Senior Operations Team in place and operating			Consistency of invitation and good attendance/commitment observed at meetings. Trade Union representations on SOT meetings							
Quarterly Report on TU activity to People and Culture Committee			Report at every P& C committee meeting regarding activities TUPs involved with which is noted. Whenever Partnerships are discussed, the value of these is formally minuted in the Board and Committee minutes Triple A reports through to WASPT and to PCC. Any escalations are appropriately noted.							
Ongoing project plan in place to support the improvement in relationships based on the ACAS report from 2022 updated and reported to WASPT			Development of mentoring and training opportunities for TUPs to support their roles.							
AAA report of formal Partnership Forum (WASPT) reported to PCC or Board in future (return to BAU).			Training for managers and TUPs delivered							
AAA from SLT Partnership Forum and Corporate Partnership Forum reported to WASPT			Stability in senior TU team							
Externally facilitated mediation session(s) building on the IPA workshops and specifically to address the thorny issue of what happens when we fail to agree. Completed			Action plan developed and shared with TUPs. Implementation underway. A series of partnership working sessions (5) have been delivered to around 120 colleagues – managers and TU partners. Feedback from the sessions was captured and next steps were reviewed. Completed There is an ACAS action plan which is a live doc and is reported to WASPT to update progress.							
Rhythm of meetings to curate and focus on relationships			AAA, minutes, monthly sessions with CEO, DoP and DoO. Informal sessions with CEO, DoP and Branch Chair and Sec on a quarterly basis. 6 weekly meetings with DoP on other partnership forum arrangements.							

Risk ID 163	Maintaining Effective & Strong Trade Union Partnerships			Date of Review:	06/05/2026	TREND	12
				Date of Next Review:	06/08/2026		(4x3)
Increased mutual respect and TU partner understanding and appreciation of challenges and pressures facing the Trust							
Rollout of partnership training across WAST now to be extended to first line managers				Four Social Partnership training days are scheduled for April and June with capacity for 80 colleagues per session. Complete: Three Social Partnership training days delivered, with last due in June. Initial positive feedback from attendees and good engagement by TUP.			
Observation of partnership forums and development work on embedding partnership training is ongoing. Additional actions have been added to the action plan, and WASPT was updated on 27.01.25.							
Consider how we celebrate success and capture the positive learning				Captured as part of social partnership conference and subsequent comms But BAU in terms of partnership approach			
Task and Finish group to be established to work on mitigating the impact of EAP Band 5 post introduction and wider skill mix discussions.				Complete: Email to TUPs from Director of Strategy and Planning. Meetings completed business case in development for feedback to ELT			
Output from Conference informing next steps in developing maturity of relationship				Under review, gathering feedback from delivered Social Partnership training days			
Learning and Development opportunities for TU partners e.g. shadowing, digital skills, coaching and mentoring, EDI and Speaking up Safely				Complete: 15/01/26: Online learning on 365 published and advertised via Siren. This is now BAU.			
Develop consultation guidance for managers				Complete: 15/01/26: This has been incorporated into the OCP guidance and updated to SharePoint in September.			
Produce a report for ELT with a range of options on Skills Mix				Complete: 15/01/26: 3 rd and final report to ELT 14/01/26. Managers briefing session in the diary prior to WAST Live on 31/01/26			
GAPS IN CONTROLS				GAPS IN ASSURANCE			
In maintenance and further improvement mode				None identified			
Actions to reduce risk score or address gaps in controls and assurances			Action Owner	By When/Milestone	Progress Notes:		
Refresh of engagement programme post Industrial Action and establish work			Deputy Director of People	Q2 2025/26 Revised date Q4-Q1 (26/27)	Plan agreed and being monitored via WASPT. The plan is dynamic with actions being completed and additional actions added to the plan as they arise. Draft training development underway in partnership with TUPs – list of training needs shared from TUPs. Completed Principles on engagement being developed (in part from the training) and as a result the partnership statement will be updated. eLearning courses created by WG Social Partnership Team to be added to Learn365 Further session of partnership training to be scheduled in Q2 2025/6 Development of learning events for first line managers including content in Our WAST Way Task and Finish group to develop a partnership development day for first line managers has been re-established and work is underway. Update 15/01/26: Provisional dates in March and April for session for first line managers. Update 10/03/26 Four sessions booked across Wales and bookings from managers and TU partners being taken. Schedule of the day agreed and sessions developed. 3 sessions in April and one in June 2026 Update 05/05/2026 Three Social Partnership training days delivered, with last due in June. Initial positive feedback from attendees and good engagement by TUP.		
TU Partner development in key areas of EDI, Speaking up Safely and Safeguarding.			Deputy Director of People	Q4 2026/27	Update 10/03/26: A need to offer development to TUPs in key areas of EDI, Speaking Up Safely and Safeguarding have been identified. EDI courses available will be promoted through TUP groups. Speaking Up Safely training is being developed and Safeguarding training opportunities will also be presented later in 2026/27. Update 05/05/2026 currently considering approach in line with identified teams to support delivery of offer.		