

Shaping our Future

Community Health Services

Information for staff

May 2010

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Introduction

This information pack sets out the implications of the Shaping our Future proposals for staff employed by NHS Rotherham.

The proposals are described in *Community Health Services: Proposals for the future organisational arrangements for community health services in Rotherham*.

The proposals have implications for staff currently employed by NHS Rotherham, including all those who work for Rotherham Community Health Services and many of those who work in shared services with NHS Rotherham at Oak House.

We have tried to address the questions you have already asked of us in this document and in *Shaping our Future – questions and answers*, which summarises all the questions discussed at staff briefing meetings earlier in 2010.

As this is a proposed transfer of services under the Transfer of Undertakings (Protection of Employment) Regulations you have the right to be consulted about the changes through your trade union representative. This information pack forms part of the consultation for staff and trade union and staff organisation representatives.

We strongly encourage you to discuss the proposed transfer with your manager and your trade union representatives. You will also have the opportunity to attend a meeting with other staff, representatives of the proposed future employer and representatives of NHS Rotherham and Rotherham Community Health Services to discuss these issues over the coming weeks.

The consultation period will run from 24 May 2010 until 23 August 2010. The proposed transfer of staff will occur no earlier than 1 December 2010 and no later than 31 March 2011. It is possible that some services and staff may transfer earlier than others.

Scope

This consultation deals with the proposed transfer to new employers of staff who work for Rotherham Community Health Services and some staff who work in a shared support service with NHS Rotherham and who work on behalf of Rotherham Community Health Services, for example financial services.

The proposals for the transfer of staff include all staff who will be employed at the time of the proposed transfer.

If the proposals are agreed, most of the clinical services and their staff will transfer to their new host employer largely as they are now. For managerial and support services staff the position is less straightforward; this document provides more information about this.

If there are any changes required directly as a result of the proposed transfer, for example changes of work location, we have tried to cover them in this document. Any other immediate changes arising from a transfer will be discussed with staff before transfers take place.

Who will be my future employer?

Clinical staff

Clinical staff currently working for Rotherham Community Health Services will transfer to a new employer:

- Staff from Canklow and Gate surgeries will transfer to the proposed social enterprise if this is established or to a newly procured provider if it is not.
- Children and young people's services staff, with the possible exception of child and adolescent mental health services staff, will transfer to the Rotherham NHS Foundation Trust.
- Child and adolescent mental health services staff, including the Support Therapy Education and Prevention Service, single point of access and learning disabilities specialist support, may transfer to Rotherham, Doncaster and South Humber Mental Health NHS Foundation Trust.
- Primary care mental health staff will transfer to Rotherham, Doncaster and South Humber Mental Health NHS Foundation Trust.
- People with learning disability services staff, including those working in the three South Yorkshire Housing Association residential homes and learning disability occupational therapy, physiotherapy, speech and language therapy and art therapy staff will transfer to Rotherham, Doncaster and South Humber Mental Health NHS Foundation Trust.
- Palliative and end of life care services staff, including specialist palliative care physiotherapy and occupational therapy staff, will transfer to the Rotherham Hospice.

Separate discussions will be held with all staff working at Rosehill Medical Centre about the implications of the proposal to invite patients to register with other GPs.

All other clinical staff will transfer to the Rotherham NHS Foundation Trust. This includes staff working in staying healthy services, planned care services, and long-term conditions, intermediate care and urgent care services:

Staying Healthy Services include stop smoking, the health trainers and the Rotherham Occupational Health Advisory Service.

Planned Care Services include contraception and sexual health, community dental, continence advice, general practitioners with a special interest in dermatology and minor surgery, orthopaedic triage, phlebotomy, physiotherapy, podiatry and podiatry surgery, primary ear care, speech and language therapy for adults, tissue viability and tuberculosis.

Long Term Conditions, Intermediate Care And Urgent Care Services include adult nursing management, advanced nurse practitioners, care homes and care homes liaison, community matrons, consultant community physician, diabetes centre and specialist nurse team, district nursing, domiciliary physiotherapy, fast response team/community assessment rehabilitation and treatment services, heart failure, integrated falls, long-term conditions team, occupational therapy, Rotherham Equipment & Wheelchair Service, lymphoedema and cardiac rehabilitation.

Corporate and support services staff

Senior management and support services staff, not referred to or included elsewhere, who work entirely or mainly for Rotherham Community Health Services in a corporate role, will mostly transfer to the Rotherham NHS Foundation Trust. Further discussions will be held with staff, staff side organisations and potential new employers to decide which staff should remain with NHS Rotherham, and which should transfer to new employers.

All support services staff (including clerical and administrative staff, and domestic, porters and catering staff) who work entirely for a particular clinical service will transfer to the same new employer as the clinical staff.

Financial services staff presently work for both NHS Rotherham and Rotherham Community Health Services. Further discussions will be held with staff, staff organisations and potential new employers to decide which staff should remain with NHS Rotherham, and which should transfer to new employers.

Information technology services staff work presently for NHS Rotherham and provide services to NHS Rotherham, Rotherham Community Health Services and other providers. Further discussions will be held with staff, staff organisations and potential new employers to decide which staff should remain with NHS Rotherham, and which should transfer to new employers.

Some organisational development services staff work presently for both NHS Rotherham and Rotherham Community Health Services. Further discussions will be held with staff, staff organisations and potential new employers to decide which of these staff should remain with NHS Rotherham, and which should transfer to new employers.

Human resources and learning and development services staff based in Rotherham Community Health Services currently provide some services to NHS Rotherham, and human resources service staff based in commissioning provide some services to Rotherham Community Health Services. It is proposed that most Rotherham Community Health Services human resources staff who mainly support Rotherham Community Health Services should transfer to the Rotherham NHS Foundation Trust. Three staff in the NHS Rotherham human resources team who work mainly for Rotherham Community Health Services are likely to transfer to the Rotherham NHS Foundation Trust. Further discussions will be held with staff, staff organisations and potential new employers to decide which of these staff should remain with NHS Rotherham, and which should transfer to new employers.

The hotel services management team will transfer to the Rotherham NHS Foundation Trust. Hotel services staff who work in GP premises, health centres, the Rotherham Community Health Centre, and the seamstress, will transfer to the Rotherham NHS Foundation Trust. Hotel services staff based at Oak House will continue to be employed by NHS Rotherham.

The Fire and Security officer will transfer to the Rotherham NHS Foundation Trust.

All other staff will continue to be employed by NHS Rotherham.

If you remain unclear about who your proposed new employer will be please speak to your line manager in the first instance.

TUPE

TUPE is the common name for the Transfer of Undertakings (Protection of Employment) Regulations 2006. This is the employment legislation that provides protection of terms and conditions to employees if the business or service they work in changes hands. Since April 2006, virtually all service provision changes between employers are now covered by TUPE.

When transferred under TUPE your existing contractual terms and conditions are transferred. Your contractual terms and conditions cannot unilaterally be changed after transfer except in very exceptional circumstances. However, after you have been transferred, your new employer can change your terms and conditions but only with the agreement of you and/or by a collective agreement in place with recognised trade unions.

Most terms and conditions are contractual and as such are written into your contract of employment and therefore they automatically transfer under TUPE.

Following the outcome of the consultation and if the proposals are agreed, NHS Rotherham will provide the new employer with a specified set of information which will assist in the understanding of rights, duties and obligations in relation to those employees who will be transferred. This will help the new employer to prepare for the arrival of the transferred employees and be made aware of their inherited obligations.

Terms and Conditions and Pensions

Many of your questions will be answered in the *Shaping our Future – Questions and Answers* document. We intend to update these as new questions are asked. The latest version can be found at <http://websrv.rotherhampct.nhs.uk?WebPageID=1754>

NHS staff have certain protections which are contained in the National Staff Passport arrangements. These are summarised below.

National Staff Passport

The way in which NHS staff deliver services to patients is changing all the time. These changes can mean that services are moved to new providers: sometimes to other NHS trusts and sometimes to new providers working under contract to the NHS. In most cases, where services move to other healthcare providers, staff transfer from one employer to another. This can cause concern and anxiety not least because of uncertainty as to how such a transfer would affect pay, terms and conditions, pensions and other staff benefits.

Trade unions, the Government and employers have worked together in partnership to ensure that good employment standards are put into practice by all healthcare providers in the NHS. Together the partners have developed a document “The principles for the management of organisational change” designed to create a framework to support NHS employers manage change, and to provide reassurance for staff affected by change.

The partners have also produced a definitive guide to what employment standards staff have the right to expect wherever they undertake NHS work. This guide is called the NHS Staff Passport as it should apply to all staff whether they work directly for an NHS employer or for an organisation contracted to undertake NHS work, such as Rotherham Hospice. This guide should provide you with essential information should you transfer to a new employer. For full details of the staff passport please visit:

www.socialpartnershipforum.org/StaffPassport/Pages/StaffPassport.aspx

Under the TUPE regulations, pension rights transfer with employees in different ways according to their future employers. Using the summary information below, you will be able to identify what would happen if your post transfers to any of the proposed employers.

Transfer to the Rotherham NHS Foundation Trust or Rotherham, Doncaster and South Humber Mental Health NHS Foundation Trust

Transferred staff will retain NHS terms and conditions and retain full membership of the NHS Pension scheme. Staff will continue to be covered by Agenda for Change.

Transfer to Rotherham Hospice

Transferred staff will retain NHS terms and conditions at the point of transfer. Future changes in NHS terms and conditions such as annual pay increases will need to be negotiated. Transferred staff will be able to retain their membership of the main NHS Pension Scheme because the Hospice can seek a direction from the Secretary of State to be admitted to the scheme. They will be able to stay in the Pension Scheme for as long as they undertake work which is funded by the NHS. However, they will not be able to retain their access to the NHS injury benefit and early retirement compensation schemes.

Transfer to a social enterprise

Transferred staff will retain NHS terms and conditions at the point of transfer. Future changes in NHS terms and conditions such as annual pay increases will need to be negotiated.

Transferred staff will be able to stay in the NHS Pension Scheme, providing they continue to deliver NHS funded services and the social enterprise organisation is not bought by another non-NHS organisation.

If the proposal to establish a social enterprise is not successful and we therefore have to procure a new provider for the Canklow and Gate surgeries, we will hold further discussions with the staff concerned and their trade unions about the implications.

Staff location and work bases

Clinical staff and staff who directly support clinical services are unlikely to be asked to relocate as a result of the proposals.

Generally speaking, staff in roles which require them to operate from a particular location, for example domestic assistant or receptionist, will not relocate as a result of the proposals.

Staff in some support services which transfer to the Rotherham NHS Foundation Trust are likely to change base to the Rotherham NHS Foundation Trust administrative centre at Woodside on Moorgate Road.

If support staff transfer to Rotherham Hospice or Rotherham, Doncaster and South Humber Mental Health NHS Foundation Trust they are likely to be required to relocate if they are not already based within the service premises.

Where staff do change location and incur additional travel costs as a result of this the Local Agreement on the Right to Claim Excess Travel resulting from change of base will apply.

Next Steps

You will be invited to attend one of a series of consultation meetings during the formal consultation period. Your manager will make arrangements to cover your work whilst you are released where necessary. Each event will be attended by a variety of senior managers representing the proposed employer for the service. There will also be the opportunity for you to meet with trade union and staff organisation representatives. At each meeting you will have the opportunity to discuss the proposals in more detail and ask questions. We will also give you the opportunity to provide your feedback to us on the day if you wish.

Once consultation ends on 23 August 2010 we will consider all the feedback we have received. A final proposal will be presented to the NHS Rotherham Board in September 2010.

The Board's decision will then be communicated to all staff and the detailed work will begin to initiate the transfers. Staff affected will be notified of their new employer and of the next steps applicable to them, including when the transfer will happen.

Consultation Feedback

You can choose to give feedback to us on the proposals in a number of ways, including email to shapingourfuture@rotherham.nhs.uk or by letter to Shaping our Future, NHS Rotherham, Oak House, Moorhead Way, Bramley, Rotherham S66 1YY, at the consultation meetings, through your trade union representative or in meetings with your manager.

If you prefer, you are invited to use this form.

Name (optional)

Service (tick relevant box)

GP Surgeries	<input type="checkbox"/>
Children and young people’s services	<input type="checkbox"/>
Planned care	<input type="checkbox"/>
Long term conditions	<input type="checkbox"/>
Staying healthy	<input type="checkbox"/>
Mental health	<input type="checkbox"/>
Learning disabilities	<input type="checkbox"/>
End of life	<input type="checkbox"/>
Support service (please specify)	<input type="checkbox"/>

Please use this space to let us know your opinion of the proposals.

Please note that, whilst you may mention them here, concerns specific to your own situation and working arrangements should be raised directly with your manager and/or your trade union representative.

Continue on a separate sheet if required. Please send this form to:

Shaping our Future, NHS Rotherham, Oak House, Moorhead Way, Bramley, Rotherham S66 1YY