

The newsletter of the Healthcare People Management Association

Inside

- 2**
Excellence in HRM Awards 2008 *continued*
- 3**
HPMA/Consult Gee research 2007
Age discrimination claims in limbo
- 4**
The Case Conference approach
Student nurses: How many drop-outs?
- 5**
Legislative round-up for 2007
- 6**
Ask the experts: predictions for 2008
- 7**
A stickler for procedures
HPMA webwatch
- 8**
The Research Passport
World Class Workforce
- 9**
NHS Partners bids you farewell
- 10**
Headlines from Personnel Today

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Excellence in HRM Awards 2008

The search is on for this year's award-winning projects and initiatives in human resource management in the health services. With 13 categories including HR team of the year, our awards recognise and promote the best of human resource management across the health services.

Take a look at the awards entry forms at www.hpma.org.uk/html/excellence.php and ensure that your team's successful projects are brought to a wider audience. The competition offers plenty of chances to reward and publicly recognise your team's achievements.



Awards categories

1. Supporting medical staff

Sponsored by *BMJ Careers*

An HRM initiative that has secured a measurable improvement in doctors' working lives or career progression

BMJ Careers provides a comprehensive range of career and recruitment services for doctors and employers, including medical careers fairs, *Career Focus* articles and medical career booklets. *BMJ Careers'* advertisement section and its sister website, bmjcareers.com, contain the UK's fullest listing of medical vacancies across all specialties and grades and attracts more medical job seekers than any other recruitment medium.

2. Organisation development and learning

Sponsored by **goodpractice.net*

An OD and/or learning initiative that has significantly benefited your organisation through improved performance and gains in employee skills and capabilities.

*goodpractice.net was founded over 10 years ago to provide practical, just-in-time management tools to help organisations improve the performance of their people. Today over 1m managers in the UK rely upon *goodpractice.net to provide them with the information, learning resources and practical tools they need in order to do their job well. These resources are greatly valued by our users which is reflected by our annual subscription renewal rate of 96%.

3. HR impact on cultural change

Sponsored by *NHS National Workforce Projects*

Initiatives and projects that have seen human resources influence culture change in an organisation. Your project need not be large scale but it does need to have had a tangible impact on staff and patients. It could be your strategy for tackling the 18 weeks target or perhaps EWTD. NHS National Workforce Projects (NWP) is the national NHS body developing and delivering bespoke healthcare workforce solutions. From April 2008, the NWP work programme joins Skills for Health and will continue providing workforce development solutions to deliver a workforce which is skilled, flexible, supported and has the capability and capacity to deliver modern healthcare.

4. Diversity and equality

Sponsored by *Beachcroft*

Initiatives that can demonstrate real progress in addressing the diversity and equality challenges within an organisation.

Offering expert guidance on all aspects of employment law within the NHS, Beachcroft is one of the largest and most progressive commercial law firms in the UK. Our expertise in the health sector includes private sector clients, aspirant and existing Foundation Trusts, Board issues, TUPE, organisational change, Agenda for Change, equal pay as well as equality and diversity issues. Chambers legal directory says of us "no one knows healthcare like this firm" and we are ranked number one in Health and Social Care.

5. Developing leadership

Sponsored by *SOLACE Enterprises*

Initiatives or projects that can demonstrate strengthening leadership skills within an organisation

SOLACE Enterprises is one of the UK's most respected and widely consulted public service improvement companies. Our understanding of the public sector is unrivalled, having delivered successful organisation development, recruitment, talent management, resourcing, leadership development and partnerships for over a decade. Within the health sector, we offer PCTs, Trusts and practices expert support with leadership, partnership/community engagement and involvement, capacity, strategy and assessment and improvement. www.solaceenterprises.com.

6. Outstanding NHS occupational health service for staff

Sponsored by *NHS Plus*

A project with an emphasis on health, work and wellbeing strategies to boost staff and business performance.

NHS Plus is a network of over 100 NHS Occupational Health Units across England. The purpose of the DH funded three year NHS Plus project is to improve the provision of occupational health services to NHS staff as a model employer and in turn increase the availability of NHS Plus services to SME's. NHS Plus is committed to supporting the Government's Health, Work and Wellbeing Strategy. www.nhsplus.nhs.uk

Continued on p2

Continued from p1



7. Innovation in HR

Sponsored by Capsticks

An HR initiative that is ground breakingly innovative within the health sector, although its benefits may not yet be proven.

Capsticks is consistently recognised as the No 1 healthcare law firm in the UK by The Legal 500 and Chambers Directory. We act for over 150 healthcare clients, including NHS Trusts and Health Authorities, regulatory bodies, charities and independent healthcare providers. Our reputation is based upon working in partnership with the healthcare sector.

8. Excellence in internal communications

Sponsored by The Loop

Using internal communications to create engaged employees

The Loop is a specialist employee communication and engagement agency. Our expertise is helping organisations explain the bigger picture to their employees - particularly during times of change - in a way that inspires support, motivates action, and creates a sense of team. We work with organisations to: develop communications strategies, deliver messages using a range of creative channels, and build the capability of internal communications teams.

9. Best management practice in tackling workplace stress

Sponsored by The Health and Safety Executive

Initiatives which demonstrate progress in identifying work related stressors and finding solutions, as a partnership between managers and staff.

Best management practice in tackling workplace stress - demonstrating progress in identifying work related stressors and finding solutions through partnership between managers and staff. HSE is committed to partnership working with Public Sector organisations to address key causes of Sickness Absence thereby improving business productivity and reducing working days lost.

10. Partnership working

Sponsored by Department of Health England, NHS Employers, UNISON and NHS Trade Union

An initiative that demonstrates excellent partnership working between employers and staff side across health and social care.

The partnership agreement between the Department of Health, NHS Employers and NHS Trade Unions outlines how partners work together to promote effective partnership working on the workforce implications of policy. It recognises their respective roles and responsibilities, establishes shared values and common purpose and sets some key principles for effective joint working. This provides the basis for improving partnership which will lead to long-term solutions that work both for staff and, more importantly, for patients.

11. HR Team of the Year

Sponsored by Department of Health, England, Scottish Executive, Welsh Assembly Government and Department of Health, Social Services and Public Safety Northern Ireland

A UK healthcare HR team which has made the most outstanding contribution to HRM over the past year.

The HR Team of the Year is supported by all four UK Health Departments: Department of Health England, NHS Scotland, Northern Ireland Department of Health, Social Services and Public Safety and Welsh Assembly Government. Nominations for HR Team of the Year are invited from healthcare organisations in the UK that have demonstrated sustained excellence over the past 12 months.

12. Overall winner

Sponsored by NHS Institute for Innovation and Improvement

The category winner which in the opinion of the judges deserves this special accolade

The NHS institute for innovation and improvement was established in 2005 to support the transformation of the NHS. This transformation is described in the NHS Plan, published by the Government in 2000, with fundamental challenge being for the NHS to raise its game through innovation and improvement and the adoption of best practice. This will accelerate the delivery of world class healthcare for patients and the public.

13. HPMA President's Award for HR Professional of the Year 2008

A UK healthcare professional who has made an outstanding contribution to the HR Profession over the past 12 months

Nominations are invited from any source; trust chief executives, colleagues, patients or HR directors highlighting persons bringing credit to the profession at any level, including directors of HR.

Many branches will be offering advice on how to make a good entry and *goodpractice.net judge Cathy McCallam's article on how to win can still be viewed on our website at www.hpma.org.uk/pdfs/Win.pdf or if you would like to browse through last year's winners download the 2007 compendium at www.hpma.org.uk/pdfs/Compendium.pdf.

Don't delay entry forms must be submitted by email to admin@hpma.org.uk by Tuesday 26 February 2008.

For further information on the competition call HPMA on 020 8334 4530 and finally - good luck with your entry!

Visit www.hpma.org.uk/html/excellence.php to download the competition flyer and entry forms

DATES FOR YOUR DIARY

- **London branch launch event** 28 January 2008 The Heart Hospital, London
- **Welsh branch *Employment Law Update with DWF Solicitors***
15 February 2008 N Wales
- **South East branch launch event** 27 February 2008 Venue tbc
- **HPMA Excellence in HRM Awards 2008**
Entry deadline 26 February 2008
Judging panels 24 April 2008 London
Awards ceremony 12 June 2008 London

HPMA/Consult GEE research 2007

In Oct/Nov 2007 Consult GEE conducted some research in conjunction with HPMA to find out the role that HR professionals in the NHS thought that they had to play in the Darzi Review of the NHS and how they thought they could engage their teams and other members of staff with the aims of the Review. The research also looked at how HPMA could help its members to do this.

The research showed that respondents thought that the main challenge of the Review was to ensure that the NHS was centred on patient control and choice. The most popular method of engaging staff with the aims of the Review was to hold regular meetings with staff and trade unions although a surprisingly high number of respondents indicated that their organisation was not doing anything to

engage staff with the Review.

The majority of respondents stated that their organisation had a workforce strategy in place and good people management practices were seen to be the most important route to improving patient care, productivity and efficiency. The key role that HPMA has is to communicate with members about the Review and inform members what other organisations are doing to engage with its aims.

The full research report will be available on the HPMA and Consult GEE NHS HR websites early in 2008 and will also be sent to those respondents who requested it.

Congratulations to Debbie Willis from West Kent PCT who was the lucky winner of the prize draw and wins a £25 M&S voucher.



Age discrimination claims in limbo

All age discrimination claims brought in England and Wales by employees aged 65 or over who have been retired against their wishes have been put on hold pending the outcome of the Heyday case.

The decision by the President of Employment Tribunals follows the recent appeal in the case of *Johns v Solent SD Ltd*. Mrs Johns brought a claim of age discrimination after being retired at the age of 65. The claim was struck out by a tribunal chairman who felt that it stood little chance of success as her retirement appeared to be legitimate under UK law. On 30 October, however, the Employment Appeal Tribunal (EAT) overturned this decision and said Mrs Johns's claim should have been put on hold until the courts have reached a decision in the Heyday case.

The so called Heyday challenge has been brought by Age Concern in an attempt to get the Employment Equality (Age) Regulations 2006 ruled unlawful. The charity argues that, by allowing compulsory retirement, our UK regulations conflict with European law. Although the EAT's reasons for rescuing Mrs Johns's claim have not yet been published, the panel members must have felt that there is a real possibility that the Heyday

challenge will succeed.

The decision in Johns came a fortnight after the European Court of Justice (ECJ) gave a ruling in the Spanish case of *Palacios v Cortefiel Servicios SA*. The ECJ decided that EU member states can only have laws that permit compulsory retirement if the national legislation is an appropriate and necessary means of achieving a legitimate aim.

Applying this principle to the Spanish legislation that allows compulsory retirement in certain circumstances, the ECJ decided that it was justified and, therefore, not unlawful. However, there are significant differences between the Spanish rules and those that apply in the UK. So, as the EAT recognised, it does not automatically follow that the UK government will have such an easy ride.

Solent SD Ltd has now appealed to Court of Appeal. Whether or not that appeal succeeds, the uncertainty surrounding the default retirement age will continue until the Heyday case is resolved, which is likely to take another 18 months at least.

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Adele Aspden.

Are your HPMA colleagues getting eNetwork?

If you or any of your colleagues have experienced problems downloading, viewing or receiving the latest issues of the electronic newsletter please email

Lauren@chamberdunn.co.uk
at Chamberlain Dunn Associates.

BRANCH MEETINGS

Meetings at branch level take place usually on a bi-monthly or quarterly basis. They typically include speakers, presentations, social gatherings, workshops or educational activity and many branches run regular employment law updates.

Contact HPMA administrator Lauren Crawford on 020 8334 4530 or admin@hpma.org.uk for details on your local branch.

The Case Conference approach



Steven Keith.

Most HR professionals will at some time or other be closely involved in initiatives to improve the level of attendance within the organisation and the comparative levels of sickness absence within the public sector and in particular the NHS are well documented (e.g. CIPD 2005).

At Taunton & Somerset NHS Foundation Trust a focused programme of work commenced in February 2007 to reduce the level of absence from around 16 days per employee to 12 days by March 2008 with further reductions planned by 2009. A key part of the programme was to introduce Trustwide the use of case conferences for the management of long-term sickness absence involving all relevant stakeholders.

The concept of case conferences is not new, and is well established in many individual occupational health interfaces, but has proved instrumental in supporting steady progress in improving attendance.

Below is an extract from an article which featured in Occupational Health (at work) October/November 2007, Vol OH3 pp19-21 which highlights the key messages for practitioners and their colleagues.

The Case Conference approach to active case management in sickness absence.

Key messages:

- Sickness absence management and reducing related costs and inefficiencies are high on the national agenda
- Ongoing management of absence cases, or cases of concern whilst still at work, can be improved by a formal, structured dialogue between stakeholders
- Case conferences allow managers to seek advice and guidance from OH professionals on the continuing management of an individual on long-term sickness absence or with recurrent health-related attendance problems. HR presence is essential.
- In order to ensure confidentiality, OH professionals should only discuss individual cases with the relevant HR and line managers
- Important factors include choosing a suitable venue, ensuring that the relevant stakeholders are

present - ideally, including the individual - and that the salient OH and personnel files are available

- It may be relevant to include the individual's case worker or disability employment adviser in complex case conferences
- Care should be taken in deciding if some cases actually require any OH input at all - thus ensuring that strictly management issues are not 'medicalised'
- Agreed actions should be documented

Once any initial doubts in their relevance and effectiveness are clarified and met by usage, case conferences rapidly become highly rated by all stakeholders as an excellent means of moving cases forward in a supportive and open framework. It also raises the visibility of the OH function and educates both HR and managers, and others involved in fitness-to-work agendas, of the advantages of modern OH best practice to employers and employees alike. However, clarity on roles and strict adherence to ethics and confidentiality are absolutely essential in order to avoid case conferences becoming seen as biased, or for OH to be perceived as a management tool.

These are the key conclusions of the role of Case Conferences in the management of Sickness Absence. The full guidance and recommendations from Dr Tony Steele-Perkins (Clinical Lead/Head of Somerset Occupational Health (NHS)) on, aims and objectives, early referrals, procedures, who attends, periodicity, content and outcomes is available in Occupational Health at Work Oct/Nov-07 pp19-21

Further information about the initiatives relating to the management of attendance can be obtained by contacting Isobel Clements, Assistant Director of HR via Isobel.clements@tst.nhs.uk and Dr Tony Steele-Perkins via tony.steele-perkins@tst.nhs.uk

Steven Keith

Director for Staff, Taunton & Somerset NHS Foundation Trust, South and West HPMA Branch Chair



How many drop-outs?

Around a quarter of student nurses fail to complete their courses at an estimated cost of over £50 million a year. We have *Nursing Standard* to thank for using the Freedom of Information Act to request data direct from the UK institutions which run nursing courses and thus provide us with better information than has ever been available before.

In a special issue of *Employing Nurses & Midwives* devoted to education and training, Professor James Buchan surveys the limited data available on attrition rates and asks why it has proved so difficult to get accurate figures. The Department of Health has so little confidence in figures coming from the Higher

Education Statistics Agency that it wants SHAs to take over the task and send it direct to the Department.

He concludes: 'We appear to be making no progress in dealing effectively with measuring, monitoring and management.'

This special issue co-incides with the NMC's major review of pre-registration nurse education. The report *Nurse education and training* is available on www.health-workforce.com for £19.95.

To sign up for regular free news updates and for subscription details of all our healthcare employment reports go to www.health-workforce.com

Alison Dunn

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Legislative round-up for 2007

This month, a round-up of the main legislative changes that have taken effect over the past year, which might impact upon HR professionals. The date specified is the date on which the change came into effect.

1st February 2007 Compensation Limits

Increase in weekly pay for the purposes of calculating statutory redundancy payments and the basic/additional award for unfair dismissal from £290 to £310. The cap on the compensatory award for unfair dismissal rises from £58,400 to £60,600 (where the effective date of termination is on or after 1st February 2007).

1st April 2007 Maternity and Adoption Rights

Various changes in relation to maternity and adoption leave apply where the expected week of childbirth or placement for adoption falls on or after 1st April 2007. These are as follows:

- Six months' service requirement in order to qualify for additional maternity leave is removed. Employees who qualify for ordinary maternity leave will therefore now also qualify for AML.
- An employee must give eight weeks' notice of her intention to return early from maternity leave (instead of 28 days).
- Employers will be allowed to have "reasonable contact" with employees on maternity leave.
- Employees will be allowed to work or attend training for up to ten "keeping in touch" days during maternity leave.

The main changes to adoption leave are similar. New statutory maternity pay provisions also apply from 1st April 2007, with statutory maternity pay increased in length from 26 weeks to 39 weeks.

6th April 2007 Flexible Working Rights

Flexible working rights are extended to cover those who care for certain adults. The carers must have 26 weeks' qualifying service and be married to, the partner or civil partner or relative of the person who is need of care, or be living at the same address as that individual.

6th April 2007 Information and Consultation of Employees Regulations 2004

These regulations give employees the right to request that the employer sets up or changes arrangements to inform and consult them about issues in the organisation. They give employees the right to be informed and consulted about (1) the

economic situation of the business, (2) employment prospects, (3) decisions likely to lead to substantial changes in work organisation or contractual relations, including redundancies and transfers.

6th April 2007 Gender Equality

Introduction of a new duty on all public authorities to have due regard to the need to eliminate unlawful discrimination/harassment and to promote equality of opportunity between men and women. All public bodies required to publish a gender equality scheme by 30th April 2007 and there are a number of specific duties with which they must comply.

6th April 2007 Age Discrimination

Various changes to the Age Discrimination Regulations introduced as follows:

- A dismissal will be unfair if the reason for dismissal is the employee exercising, or seeking to exercise, his right to be accompanied (or to accompany another) at a meeting to request working beyond the intended date of retirement.
- Complaints of age discrimination will now be treated in the same way as complaints under any other discrimination legislation.
- Age discrimination is added to the list of complaints to which no fixed conciliation period applies.

30th April 2007 Sexual Orientation and Religion/Belief

It becomes unlawful to discriminate on the grounds of sexual orientation or religion or belief in the provision of goods and services. The Regulations are also extended to cover philosophical beliefs which are not similar to religion.

1st July 2007 Smoking ban

Smoking is banned in virtually all enclosed public places and workplaces. There are three specific offences of (1) failing to display no smoking signs, (2) smoking in a smoke-free place, (3) failing to prevent smoking in a smoke-free place.

1st October 2007 Commission for Equality and Human Rights

The Commission for Equality and Human Rights comes into being and replaces the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission. It becomes the single equality body responsible for equality and tackling discrimination. It will also be responsible for the promotion of Human Rights.

Capsticks

Andrew Rowland is a Partner at healthcare employment law specialists Capsticks. Andrew welcomes your comments or queries on the issues covered in the update; contact him on 020 8780 4740 or by email at arowland@capsticks.co.uk

Ask the experts

Question: I have read a lot about the Government's proposals for new legislation, can you tell me what will be the important issues for NHS employers in 2008.

beachcroft

Welcome to our Ask the Experts feature intended to give our membership the opportunity to pose any HR and legal questions to health sector employment specialists at Beachcroft LLP and our panel of HR professionals.



Rachael Heenan.

Answer:

There are a number of issues which will be topical next year and here are my top 10 predictions for 2008.

Ten predictions for 2008 - forthcoming legislation and issues

1. Single Equality Bill

This consists of a proposal for a Single Equality Bill in order to simplify and improve existing legislation and modernise discrimination law. The government has already consulted on one set of proposals - these have been critically received, particularly by the outgoing equality bodies. A revised Bill is expected at some point in 2008.

2. Commission for Equality and Human Rights (CEHR)

In October, the CEHR was created, replacing the Equal Opportunities Commission (EOC), Disability Rights Commission (DRC) and Commission for Racial Equality (CRE). The primary mission of the CEHR, under the chair of Trevor Phillips, will be to reduce inequality, eliminate discrimination, strengthen relations between people and promote and protect human rights. It is likely to consult on its priorities and objectives in the late part of 2008.

3. Safeguarding Vulnerable Groups Act 2006 - predicted to be late 2008

The Act will introduce a centralised vetting system for people working with children and vulnerable adults. It has been introduced following the Soham murders, and will change the way that CRB (Criminal Records Bureau) checks are carried out. The Act was originally due to come into force in 2007 but it is now thought that it will come into force in late 2008. It will have a significant impact on any organisation that currently carries out CRB checks on its staff.

4. Corporate Manslaughter & Corporate Homicide Act 2007 - 6 April 2008

The Corporate Manslaughter and Corporate Homicide Act has been ten years in the making and introduces a new offence, across the UK, of corporate manslaughter, allowing prosecution of companies and other organisations where there has been a gross failing, in the management of health and safety with fatal consequences. The Act is designed to make it easier to prosecute organisations when gross breaches of the duty of care or of statutory duty lead to death.

5. Age discrimination

1,500 age discrimination claims were filed between October 2006 when the laws came into force and June 2007 according to the Tribunals Service. In addition, the first age discrimination cases this year, such as **Palacios de la Villa v Cortefiel Servicios SA** and **Bloxham v Freshfields**, have so far brought relief for employers. However, this is far from the end of the story. The **Heyday** case, which will be heard in 2008, will be watched closely by all. Heyday, an organisation backed by Age Concern, is challenging the national default retirement age of 65 set by the UK Government in the Employment Equality (Age) Regulations 2006, whilst the **Palacios de la Villa** case was a set back for the Heyday case in some respects, it has provided ammunition to Heyday in others.

6. Equal pay

Equal pay will continue to be an issue for employers due to the current surge in equal pay cases against public bodies - claims have risen by 155%. In addition, the gender pay gap among managers expanded last year for the first time in more than a decade, according to research by the Chartered Management Institute (CMI).

7. TUPE

Employers should be prepared for TUPE (the Transfer of Undertakings Regulations) rearing its ugly head far more often in the future. This follows an Employment Tribunal ruling this summer which confirmed that the new 2006 TUPE Regulations will catch a far wider number of transactions than was previously the case.

8. Flexible working

Gordon Brown used his first Queen's speech on 6 November 2007 to set out a potentially costly and controversial work-life balance agenda that could give flexible working rights to as many as 4.5 million extra parents. Employees with children as old as 17 could be extended rights, that have proved incredibly popular, to parents with much younger families. At present the right to seek flexible working applies only to parents with children under six or parents of disabled children under 18.

9. Employment Simplification Bill

When Gordon Brown announced his draft legislative programme for the forthcoming year, it included the Employment Simplification Bill. The Bill will be expected to bring about wholesale changes to, if not the total abolition of the statutory dismissal and grievance procedures - which are unlikely to be missed as most agreed that they were not working. This was one of the key recommendations of the Gibbons review. The government claims that the significant administrative savings for business will bring an estimated benefit of up to £180m per year. The statutory dispute resolution procedures were introduced in October 2004, and outlined a three-step disciplinary and grievance procedure.

The Bill also includes clarification of the enforcement framework for the National Minimum Wage, strengthening the employment agency standards enforcement act, and an amendment to trade union membership law. It is expected that the legislation will go through Parliament in the coming months.

10. Immigration changes

The new points-based business immigration system (PBS) due to be implemented from the first quarter of 2008 brings uncertainty - and opportunities - for employers in the NHS. Over the next five years, immigration law in the UK will be drastically overhauled, simplified and consolidated. A much-trumpeted feature of the new system is that it will replace the current 80 different routes of entry to the UK with just five different routes, known as "tiers". Employers rather than immigration officials may find that they take a greater role in assessing the suitability of applicants for admission to the UK and the government believes that the PBS will make the process of bringing overseas workers to the UK quick, simpler and more employer-led.

There is one safe prediction - it is going to be a busy year!

A stickler for procedures

In common with many other public sector employers, the NHS has well-developed procedures for handling disciplinary proceedings, grievances and many other matters. But good procedures don't always look after themselves, as Stuart Craig demonstrates from a review of recent cases on this topic.

Watch out for suspension

Although employers will regard suspension as a neutral act, employment tribunals are well aware that this is not often a viewpoint the employee shares. Tribunals are therefore bound to scrutinise the exercise of a power to suspend very carefully, as the Employment Appeal Tribunal (EAT) has recently demonstrated in *Atkinson v Camden and Islington Mental Health and Social Care Trust*. The trust had suspended a long-serving nurse after allegations had been received of institutional abuse of some of the patients in her care. In breach of the trust's disciplinary procedure, she was not offered trade union representation at the suspension interview.

The EAT agreed that failure to offer representation at such a crucial stage in the procedure put the trust in fundamental breach of contract, though not lifting the suspension when one of the allegations of abuse had been eliminated was also a factor. The upshot was that the claimant won her constructive dismissal claim, despite the fact that she resigned before the disciplinary charges could be investigated.

Don't be too rigid

Being too rigid in the application of written procedures can sometimes get employers into as much trouble as failure to adhere to them. This is particularly true of complex grievance procedures, where the employer may be expected to show some flexibility if this helps a

fair investigation of the employee's concerns. In *Brown v GMB* the employee wanted to leap-frog the first stage of the union's grievance procedure, which would have involved her facing a hearing in front of her line manager, the very person about whom she was complaining. The union refused to make an exception, despite evidence that having to confront her line manager would damage her health. The EAT said that the employer should not have hidden behind the letter of the procedure in these circumstances, and this inflexibility put it in fundamental breach of contract.

Don't forget to publicise

Sinclair v Wandsworth Council involved the dismissal of an employee for drunkenness. The local authority had an alcohol policy, which provided for suspension of disciplinary proceedings where the employee was seeking appropriate treatment for alcoholism. Unfortunately adequate steps were not taken to draw this policy to the employee's attention. The EAT upheld a majority decision of the employment tribunal that this was enough to make the dismissal unfair, because he was not able to explore the treatment option.

Conclusion

Are these cases just isolated incidents of poor management decisions, or can wider lessons be learnt? Perhaps the common thread running through these decisions is that, particularly with a large public sector organisation with complex negotiated procedures, it is easy to lose sight of the purpose for which the procedures were devised. There is little point having them if they are not applied carefully, but with common sense, and, if possible, a little imagination!

Stuart Craig

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MILLS
&
REEVE

HPMA webwatch

Once again HPMA's webwatch brings you useful websites & online resources. Don't forget we would really like to see members sharing their own sites and resources.

Organisational development seems to be on the tips of everyone's lips a the moment so here are a few thoughts and resources we have found this week...

This organisation development (October 2007) factsheet by Mike Cannell at CIPD that gives a brief history into organisation development, provides definitions and discusses the link between organisational development and personnel management.

See www.cipd.co.uk/subjects/corpstrtg/orgdevlmt/orgdev.htm?lSrchRes=1.

It's been a while since we have shared a blog with the HPMA members - here's one we stumbled across from Michael Specht (November 15th, 2007 at 5:24 pm) www.specht.com.au/michael/2007/11/15/organisational-change-management/ - focussing on change management. Michael is based in Australia and describes his blog as 'an imperfect blog from Australia looking at technology, management, Human Resources (HR) and other random thoughts'.

And finally a few tips on entering awards competitions from Beverley Tricker at Tricker PR, www.enetrust.com/Communications/PressReleases/PressReleases2005/2005_01_30.asp although the advice relates to enterprise awards - it holds just as true for our awards so do read on!

If you have a suggestion or nomination to share, please contact lauren@chamberdunn.co.uk

The Research Passport: managing researchers with honorary NHS contracts



Research staff employed in Higher Education institutions that carry out their research in the NHS and need access to NHS patients to do so have, until now, usually been issued honorary NHS contracts. The issue of the contract has in most cases been preceded by the carrying out of appropriate pre employment checks by the NHS organisation.

However, this process has never clearly been documented or regulated and in some NHS organisations there has been a lack of clarity around which pre employment checks are necessary. Also, there have been occasions where researchers who need to work across more than one NHS organisation have had to undergo repeated pre-engagement checks such as CRB and occupational health checks.

In an attempt to resolve these issues and subsequent risks to patient safety the NHS National Institute for Health Research has developed the 'Research Passport'.

The Research Passport;

- Provides a standard application system for Honorary Research Contracts
- Lists the pre-engagement checks required to conduct the proposed research
- Clarifies the differing responsibilities of NHS 'hosts' and Higher Education Institution employers

- Avoids repeat checks for researchers working across more than one NHS organisation
- Will be valid for 3 years only to bring it into line with current advice regarding the validity of CRB checks

The Research Passport has been piloted across the country and adapted to take into account the views of the pilot NHS host sites and University substantive employers. The pilot work also led to the development of a useful document for NHS organisations entitled 'Research in the NHS - Human Resource Good Practice Resource Pack.'

This pack describes how the Research Passport process will be administered by Higher Education Institutions and sets out how and what pre-engagement checks will be conducted in relation to researchers.

The success of this new Research Passport will depend, as always, on good communication between Higher Education Institutions and the NHS, and NHS HR practitioners are encouraged to view all of the relevant documentation available on the National Institute for Health Research website at www.nihr.nhs.uk

Sharon Gregory

For Consult Gee NHS HR/ www.sgtd.co.uk



World Class Workforce

A 2-day symposium for all those steering the NHS workforce to World Class standards

Date:	30th & 31st January 2008
Venue Name:	4 Hamilton Place
Location:	London, W1J
Web Site:	www.hsj-workforce.co.uk/hpma
Contact:	Customer Services
Email:	hsjconferences@emap.com
Telephone:	0845 056 8299
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Your employees are your most precious NHS resource, and there is now a major imperative to steer your workforce towards world class standards to deliver the full potential the NHS can achieve. Maximising the potential of employees, while embedding planning strategies to deliver a robust, flexible and fully engaged NHS workforce, are crucial priorities in today's fast-evolving NHS.

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NHS Partners bids you farewell!



They say that all good things must come to an end; and as many of you will already know, NHS Partners will cease trading on the 31 January 2008.

So it's time for us to say goodbye to all, but not before indulging in a brief trip down memory lane...

You may recall our previous incarnations as NHS Personnel, NHS P and finally NHS Partners. Over the last two decades our work has touched the working lives of most HR practitioners, and we have worked with pretty much every NHS organisation in the UK.

We really have had a lot of fun over the last 12 years-working on national issues such as local pay (remember that!) Improving Working Lives training (who can forget!) and supporting the former SHRINE networks. We've run development programmes, workshops, OD events and delivered countless consultancy projects. We designed the HR Capacity Audit Tool, we've presented at HR in the NHS, worked on the HR High Impact Changes ...the list goes on.

Throughout the whole of that time we have enjoyed a positive relationship with HPMA. Most recently that partnership produced the jointly run 'Excellence in HRM' competition, which we like to think of as the 'Oscars' for HR professionals, a chance to celebrate and spread best practice.

NHS Partners has enjoyed great success over the years, and so many people have contributed to the organisation-those who gave up their time to chair or be members of our Advisory Board, all our former employees and all those who provided support and encouragement.

We are immensely proud of what we have achieved as an organisation, delighted to have provided support to our HR colleagues and fortunate to have worked with so many committed people.

It really has been a privilege. But please don't think that we are all about to disappear ...you may

well see some of us around and about in the future, albeit in different guises. We see this as an opportunity to widen our individual horizons and do something different-which may or may not be NHS related! If you want to know more - keep an eye on the NHS Partners website over the next two months.

So it only remains for me to say for one last time... have a Happy Christmas and a successful New Year!

We bid you a fond farewell.
Keith Johnston

...final curtain call

We have all experienced great changes over the years. In HR it falls to us to deliver change and support staff through it whilst maintaining the highest possible standards of professional practice. How many times over the last 20 years have our colleagues in NHS Partners helped us to do this?

On a personal note, i am deeply indebted to Keith and the team for all their support, challenge and wise counsell that i have received over far too many years to count!

HPMA has benefitted enormously from our strong relationship with NHS Partners and their support of the association has been greatly appreciated. If this years Excellence awards had to be the last that we did in partnership with them then what a final curtain call that was!

I am delighted to hear that many friends and colleagues from NHS Partners will continue to be part of our professional community in pne way or another and I look forward to their continued support of HPMA.

Keith - you and your team should be proud of all that you have contributed to HR in healthcare.

Our sincere thanks and very best wishes to all for the future!

Alex O'Grady



Keith Johnston.

Headlines from Personnel Today

Fears that domestic legislation will be passed giving temporary workers full employment rights have grown after EU ministers failed to reach agreement on the Agency Workers Directive last week.

The UK government was one of the few that opposed the Portuguese presidency's plan for a six-week qualifying period. Unions have campaigned hard for temps to have equal rights to permanent employees from day one of employment. But employers' groups want a qualifying period of a whole year with one company before gaining full rights.

David Yeandle, deputy director of employment policy at manufacturers' body the EEF, said: "This [failure to reach a decision] will intensify pressure on the government to do something domestically, which is a worry. The political scene is difficult for the prime minister at the moment, and he will not want to upset the trade unions."

Labour MP Andrew Miller is to introduce the Temporary and Agency Workers (Equal Treatment) Bill in February, with backing from unions, in an effort to secure equal rights for these types of workers. The move follows a previous Private Members' Bill that was 'talked out' by the government earlier this year.

Nearly half of UK employees believe that their boss is not honest with them in an appraisal, new research has found.

A survey of nearly 3,000 people commissioned by Investors in People found that a third of those workers who received an appraisal feel they are a time-wasting exercise.

Almost a quarter of that pool of respondents believe their manager sees their annual review purely as a 'tick-box' exercise, while 19% accuse their manager of only thinking about the appraisal once they are in the room.

Just a fifth of respondents believe their manager will always act on what is discussed, whereas 20% say their boss rarely or never bothers to follow-up on their concerns.

Simon Jones, acting chief executive at Investors in People UK, said it was a concern that some managers are failing to give full and frank feedback. "Annual reviews can be hugely beneficial for employer and employee, identifying areas for development as well as ensuring the employee feels motivated, engaged and part of the organisation's success".

A range of top human resources jobs in the NHS are being left unfilled because senior professionals are reluctant to take on challenging roles.

The situation has led NHS Employers, the body responsible for workforce issues, to call for urgent action to improve the movement of human resources (HR) staff within the health service.

Sian Thomas, deputy director of NHS Employers, said there were a number of workforce and HR director-level jobs going begging. She pointed to the situation at University Hospitals of Leicester NHS Trust, where the HR director vacancy had been advertised twice, but failed to attract a suitable candidate.

"We have lots of talent in the health service, but need to encourage experienced people to take on different and difficult roles," she told Personnel Today. "[Employers] need to understand how to get people with great jobs to move into difficult jobs."

She called for the NHS to adopt a "systemic approach" to HR talent management.

Personnel
today

Letters and contributions

Network is your membership newsletter so we always welcome comments, articles and news from any of our members.

You can send contributions directly through to the production team (lauren@chamberdunn.co.uk) or call 020 8334 4530 for an informal chat first.

The newsletter is published every month and circulated to all HPMAs members so it's a great way to share success, ask for help or get colleagues thinking.

Contributions for the December issue should be sent to lauren@chamberdunn.co.uk by 4pm, 6 December 2007.

All newsletter content is subject to editorial approval by the executive director Alex O'Grady.