

The newsletter of the Healthcare People Management Association

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Kelvin Cheatle  
PresidentHPMA head office  
Gothic House, 3 The Green  
Richmond TW9 1PL  
Tel: 020 8334 4530  
Fax: 020 8334 4531  
Email: admin@hpma.org.uk

## 2009 HPMA Excellence Awards

It's never been more important to celebrate achievement and success in the HR function: these awards are a national platform to highlight your excellent examples of good practice.

Join the ranks of HR's very best and brightest, making you - and your work - a sector leader. Enter the 2009 HPMA Excellence in HRM Awards, and grasp this unique opportunity to get the recognition you deserve for you and your team.

Enter some of your best practice projects into our annual awards competition this year and see your good ideas shared with a wide audience drawn from across the profession and the NHS as a whole.

For the last eighteen years HPMA together with sponsors have worked to promote the good practice developed and executed by HR professionals in healthcare in the Excellence in HRM Awards. **Make 2009 the year that HR colleagues across the UK celebrate your professional achievements.**

This year the competition offers a broad range of entry categories, choose from:



- Supporting medical staff sponsored by BMJ Careers
- Organisation development and learning sponsored by \*goodpractice
- Diversity and equality sponsored by Beachcroft
- Developing leadership sponsored by SOLACE Enterprises
- Excellence in improving employee health and wellbeing sponsored by NHS Plus
- Innovation in HR sponsored by Capsticks
- Best management practice in tackling workplace stress sponsored by HSE
- Partnership working sponsored by Department of Health, NHS Employers and NHS Trade Unions
- HR Team of the Year sponsored by all four UK Health Departments
- HR Director of the Year 2009 sponsored by HPMA
- Overall winner sponsored by The NHS Institute for Innovation and Improvement

To enter, follow links on the HPMA website [www.hpma.org.uk](http://www.hpma.org.uk) to download an entry form and simply complete your project details and email back to our awards team ([cristina@chamberdunn.co.uk](mailto:cristina@chamberdunn.co.uk)) - it couldn't be easier. And if you have any further questions call our helpline on 020 8334 4530.

## A little more about our award sponsors:

**BMJ Careers** 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, [careers.bmj.com](http://careers.bmj.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.

**\*goodpractice**  
Know more. Do More. Achieve more.

\*goodpractice is the UK's leading provider of online leadership and management toolkits. Their toolkits currently support over 1m users and give day to day support to staff at all levels. The \*goodpractice toolkits provide instant access to information and practical resources to help improve performance and develop expertise. They have an impressive list of clients across the sectors, and have recently developed a toolkit specifically for the Health Sector. Find out more at [www.goodpractice.com](http://www.goodpractice.com)

**beachcroft**

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.



**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.



**NHS Plus** is a network of over 100 NHS Occupational Health Units across England. NHS Plus aims to increase the quality and delivery of health and work services and supports the Governments' broader Health, Work and Wellbeing Strategy through:

- Helping develop the NHS as a model employer
- Delivering services to other public sector bodies and smaller businesses
- Supporting the development of quality occupational health practices

[www.nhsplus.nhs.uk](http://www.nhsplus.nhs.uk)



**Capsticks** is the UK's leading specialist healthcare law firm. We act for over 200 healthcare clients, including NHS Trusts and Health Authorities, regulatory bodies, charities and independent healthcare providers. Our lawyers are all healthcare legal specialists who have the skills and experience to help you achieve your goals, because we understand how it all fits together. In short, we know the healthcare business inside out.

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## IMPORTANT DATES

**HPMA Excellence in HRM Awards 2009**

**Closing date for entries in all categories**  
26 March 2009

**Judging day - main categories**  
12 May 2009

Beachcroft Law Offices,  
London

**Awards ceremony and black tie dinner**  
24 June 2009

Royal Garden Hotel,  
London



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.



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.



**HPMA** is the professional voice of HR in healthcare. Our purpose is to maintain and develop the people management contribution to healthcare in the UK.



**Department of Health, England, Scottish Government, Northern Ireland Department of Health, Social Services and Public Safety and Welsh Assembly Government**, are all keen supporters and promoters of the awards programme. In particular the HR Team of the Year is supported and judged by all four UK Health Departments.



The **NHS Institute for Innovation and Improvement** was established in 2005 to support the NHS by rapidly developing and spreading new ways of working, new technology and world class leadership. The work of the NHS Institute will touch every NHS commissioning and provider organisation and their boards, thousands of front line clinical teams and thousands of individual clinicians.



## And if you need a little advice on making a winning entry, here are some useful tips for making the finals written by the 2004 Overall Winner Nikki Hill:

- 1. Answer the questions** - this may sound obvious but ensure that your enthusiasm has not made you go off at a tangent when answering the specific questions on the general application form and that you have told the panel the correct information in each area.
- 2. Avoid jargon and acronyms** - the NHS is renowned for its use of jargon and acronyms but these are not always clear to even other NHS staff as often they are locally developed. Also bear in mind that not all of the panel are always NHS staff so do make sure you avoid these.
- 3. Keep to the word limits** - it is clear to the panel when entrants have used many more words than the set amount so ensure that you can convey your key points in a clear and concise way.
- 4. Think about your audience** - remember the panel do not know you or your organisation so you need to think about your audience and how you convey the initiative or work that has taken place.
- 5. Specify the business need** - it is important to ensure that you have clearly described the business need and how the initiative you are describing addressed this need. You may want to include some basic data that sets the context of the initiative e.g. 'There was a 35% vacancy factor in this area'.
- 6. Quantify the benefit** - this may be by showing financial savings of some kind or other supporting data. However it is

important for the panel to know that it has really benefited the organisation. Place any benefit in context for the panel e.g. £100,000 savings sound impressive, but that £100,000 could be 5% or 95% of a budget and one sounds much more impressive than the other!

- 7. Focus on Patient/Client** - many entrants last year failed to demonstrate how their project made a difference to patient/ client care. Sometimes further thought needs to be given to this area but this is a key part of the judging criteria and showing this could make all the difference.
- 8. Think big** - show how your initiative could be taken across to the benefit of other NHS organisations. If you are already working in a collaborative way then tell the panel about it or if not describe how it could be transferred.
- 9. Show the passion** - it is important to be clear in the words that you use but also make sure that it is clear to anyone reading the entry how exciting the initiative is. Being clear and concise does not mean boring!
- 10. Proof read your work** - if your entry is difficult to read, full of spelling mistakes or just does not make sense it will be hard for the panel to judge the content. Sometimes it is helpful to get a colleague who has not been involved in the initiative to read your answers and feed back their understanding to you.
- 11. Attend a HPMA branch workshop** on making successful award entries for more practical advice.

### 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](mailto: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](mailto:admin@hpma.org.uk) for details on your local branch.

## HPMA London branch: Visions for London

Over 50 HR professionals from across London attended the third 2008 London Branch meeting which took place on 4th December in the new Education Centre at University College Hospitals NHS Foundation Trust in central London. The event began with short presentations to thank past and current leading figures for their contribution to HPMA nationally and the London Branch. Terry Davies, a former President, was awarded a lifetime membership award.

David Amos has been London Branch Chair since it was re-launched in 2007 and the Chair was passed to Kevin Croft (Director of Organisational Development and HR, North Middlesex University Hospital Trust). Changes at national level were also marked when Deborah O'Dea handed over the presidency to Kelvin Cheatle, Director of Workforce and Environment for West London Mental Health Trust.

The keynote speaker at the event was Anne Rainsberry (Director of People and Organisational Development, NHS London) who set out the "Workforce for London - a Strategic Framework" which has at its centre a vision for delivering world class healthcare for every Londoner through a world class workforce. The key messages from the

strategic framework were that employers will be supported to deliver quality care through improved productivity and innovation. Excellence in education will be targeted in community settings and specialist centres, and new roles will be developed to support new ways of working. Anne also announced that NHS London would be developing an HR leadership programme to develop HR talent for the future, and HPMA members will be asked to identify the areas where development is most needed.

Attendees then had the choice of three interactive discussion groups looking at the challenges they face in delivering the future agenda as well as sharing knowledge and good practice. The sessions on workforce planning and re-design, education and learning and organisational development were well received and generated ideas for future work that London members can be involved in.

After the event, participants networked with HR colleagues over a glass of wine and a festive mince pie. As always, participants gave useful feedback that will be used to inform the design and content of future events that are planned for March, July and November 2009 - details to follow.



Kevin Croft.

## TUPE - information and consultation

Following on from last month's article on TUPE and service provision change, John Moore discusses a recent decision on employers' obligations to inform and consult employees under TUPE, and considers when an Employment Tribunal might allow ignorance to be a (partial) defence.

Under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), employees employed immediately before a transfer will automatically transfer to the transferee (regulation 4, also known as the 'automatic transfer principle'); and employers of employees affected by the transfer must provide detailed information explaining various implications of the transfer (regulation 13).

In *Royal Mail Group Ltd v Communication Workers Union*, the Royal Mail Group (RMG) ran a network of post offices across the country and the Communication Workers Union (CWU) was a recognised union. In 2006, a large scale franchise transfer to WH Smith was proposed. The affected employees were told by RMG that the automatic transfer principle would not apply to them, because they were being redeployed or accepting voluntary redundancy. There was no direct consultation, and a claim was brought in the Employment Tribunal, which was appealed to the Employment Appeal Tribunal (EAT).

The EAT accepted that some employees would have transferred to WH Smith under the automatic transfer principle and, therefore, employees should have been consulted. However, it also found that RMG's failure to provide the correct analysis of the position under TUPE did not amount to a breach of Regulation 13.

What is the practical effect of this decision? Moving employees out of an undertaking, in order to avoid an automatic transfer taking place (a common tactic) may still be effective, but should be used with caution: the EAT indicated that where an employer exercises a mobility clause solely to avoid the effect of TUPE, they may be in breach of the European Acquired Rights Directive. However, the EAT did not give a conclusive view on this point.

So, in summary, an employer's genuine belief that TUPE does not apply to a transfer will not prevent the general obligation to inform and consult from arising; but, when informing and consulting employees, employers only have to provide their genuine view of the legal implications of a TUPE transfer. A genuine, but mistaken, belief about the **effect** of TUPE may be a defence where an employer has provided incorrect information pursuant to their obligation to inform and consult employees.

Bevan Brittan 



John Moore  
of Bevan Brittan LLP.

John.Moore@bevanbrittan.com  
Tel: 0870 194 7825

# A word from the President: 2009 and the HPMA



**Kelvin Cheadle**, president,  
Healthcare People  
Management Association

I gave up making new year's resolutions years ago as I never seemed to sustain them beyond January, but this year it seemed more relevant as we enter a new period for the Association. So as the decorations came down and expectations went up, I had some thoughts about where we should go in the next couple of years.

We've all had some experience of working in organisations struggling to balance the books, and it's a negative experience. So my first resolution was to ensure we remain financially sound given the hard slog Deborah and colleagues put in to achieve this.

That means probably no conference this year but there are plenty of creative ideas about having one in Spring 2010. To achieve this brings me to resolution number two. To run a successful conference we need wide engagement and that means extending our membership base and getting those areas less involved - PCTs and Mental Health actively involved. So ideas from

members about where when and how a 2010 event should be run will be very welcome.

We will of course be running the highly successful awards this year (see pX) and that brings me to resolution number three. The awards are a fantastic means of connecting the HR community and celebrating success on a national scale. To do that we need a vibrant and developing branch structure. Those in Wales, the South West and London are examples of local initiatives that warrant a national audience. So Deborah and I are aiming to get around all three branches this year encouraging where a good structure is in place and offering practical help and advice where it is less so.

Despite the prevailing gloom and arctic weather I think 2009 could be a very positive year for the Association and I'm hoping this year that my resolutions will also have a bit more shelf life!

Happy New Year

## New HR laws on the horizon



The new year brings a new batch of employment laws for busy HR practitioners to keep track of. Here are some dates for your 2009 diary:

### February

**Statutory redundancy pay and other tribunal compensation limits increase on 1 February. The changes include:**

- maximum 'week's pay' for statutory redundancy pay/ unfair dismissal basic award increases from £330 to £350; this takes the limit on statutory redundancy pay up to £10,500;
- maximum unfair dismissal compensatory award rises from £63,000 to £66,200.

### March

**It is possible that we will at last see the new Equality Bill this month. Amongst a raft of other measures, the Bill is expected to include:**

- a single equality duty for public bodies, covering all discrimination strands rather than just race, disability and sex as at present;
- an extension of age laws to cover providers of goods and services (including the NHS);
- measures to plug the gender pay gap by encouraging pay transparency.

### April

- Statutory annual leave entitlement goes up on 1 April from 4.8 weeks to 5.6 weeks. This equates to 28 days for staff working a 5 day week.

- On 6 April the Employment Act 2008 is likely to take effect, replacing the much maligned statutory disciplinary and grievance procedures with a new ACAS Code of Practice.
- On the same date, the right to request flexible working is likely to be extended to parents of children up to the age of 16.
- 6 April will also bring the annual uprating of statutory sick and maternity pay rates.

### August

As practitioners will know only too well, weekly working time limits for doctors in training will be reduced to 48 hours on 1 August.

### October

- On 1 October minimum wage rates will go up. The new rates are likely to be announced in the Spring.
- 12 October is the go-live date for the new centralised vetting system for people working with children and vulnerable adults.

In the **second half of 2009** we can also expect sick notes to be replaced with electronic 'fit notes'. The new format notes will switch the focus to what people can do rather than what they cannot.



**Shirley Wright**, partner,  
Eversheds LLP  
shirleywright@eversheds.com

## Word from the branches:

### All the fun and frustration you can handle

There was a time when many people would not have taken the HPMA too seriously. That time was uncomfortably recent. It is also true to say that a substantial number of people still do not take it sufficiently seriously enough. The real shame of it is that most of these actually work in HR/Workforce/OD roles. Why is this?

On the Today programme this morning, I listened to a very boring spokesman from RICS wittering on about giving discounted VAT rates on DIY materials to stimulate the housing market. All my sleepy brain could think was if this guy can get on the flagship Radio 4 programme for almost five complete minutes, anyone can!

It's been fun and frustrating to be a branch chair of HPMA - for over three years in its different forms in the south east coast SHA patch.

**Fun.** Because I really do believe in progressing the professional development of the HR function and I had the privilege of doing so at the time of the HPMA's phoenix-like rise under the irrepressible leadership of Deborah O'Dea and Alex O'Grady. The extra hours to put in on top of a busy day job and other external roles always seemed to me to be worth it when we have had really good quality local events or speakers. Particular mention also to the HR Business Network - set up in our patch as the first formal development network in the NHS in England for direct reports to HR Directors and still going strong after about two years.

**Frustrating.** Because it just feels with hindsight so much more could potentially have been done. Many HR director colleagues have been fantastic at

pulling their weight and I have always considered myself fortunate that generally speaking that people are happy to help out if I have wanted or needed them to. It also has to be said that some people just don't want to know. Painful to hear, but the truth. I was musing over this with another Branch Chair and this was their greatest frustration too. To me, the other major frustration is the lack of interest in the HR development agenda from on high. The exception to this is the personal care and attention paid to this from the crew at NHS Employers and in particular from Sian Thomas. Now it might be said that this is partly their role, but in any event, their reliability at turning up when requested and customer care to the HR profession has to be applauded.

So anyone looking to do more with the HPMA will certainly find that it provides all the fun and frustration you can handle. However, it will also broaden their professional contacts. Having a good network of people is never a bad thing after all - you never know who might come in handy one day... This is not the main reason for being involved with HPMA though. Whether one year or 20 years into your NHS HR career, surely it is right to devote even just a little of our time to the professional development of our function?

As you will know, the presidency of the HPMA recently changed hands. Personally I feel confident that Kelvin Cheatle will take us on to the next stage of development as an association. Let's hope that stage results in us being as professional, influential and well organised as our finance colleagues but less boring than them and the surveyors...



**Ali Mohammed,**  
Director of HR & OD  
Barts and the London  
NHS Trust

#### DATES FOR YOUR DIARY

- **NHS Employers Equality and Diversity conference**  
20 January 2009 Park Plaza Victoria, London
- **HSJ World Class Workforce 27-28 January 2009** Holiday Inn, Birmingham
- **South West HPMA branch conference *Human Resources in a Strategic Context***  
organised with Capita 2 February 2009 Holiday Inn, Taunton
- **Modernising Scientific Careers: understanding the challenge**  
4 February 2009 Novotel St Pancras, London 5 February 2009 Hilton, Leeds
- **HPMA Welsh Branch Conference *Maximising the power of people***  
7 May 2009 All Nations Centre, Cardiff
- **South East Branch HPMA meeting** Kent & Medway Room, York House\*  
6 February, 7 May, 3 September 2009 09:30-14:00  
\* Venue is subject to change if expected numbers exceed room capacity
- **NHS Employers annual conference and exhibition**  
3-5 November 2009 Birmingham ICC

# Ask the experts

beachcroft.



Rachael Heenan.

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.

**Question:** How does an employer balance the rights particularly religious beliefs of individuals against other beliefs in the workplace?

**Answer:**

The Employment Appeal Tribunal's decision in the case of *Lillian Ladele v London Borough of Islington* sends a clear message to managers that one group's rights must not be allowed to supersede another's when it comes to individual rights in the workplace.

Reversing the original Tribunal's decision, the EAT rejected Lillian Ladele's claim that she was discriminated against on grounds of her religion, because she objected to conducting civil partnership ceremonies in her capacity as a registrar, due to her Christian beliefs on marriage. While fully accepting that Islington Borough Council had acted in an improper and unreasonable way (in particular in breaching Ms Ladele's right to confidentiality) this did not amount to religious discrimination.

Importantly, the EAT has recognised the realities of life. As Mr Justice Elias has observed, 'Christian managers may be wholly unsympathetic to the atheist views of their staff, and vice versa. That does not include a breach of these regulations.'

The EAT has made clear the balance to be struck. One group's rights must not be allowed to 'trump' another's. Management must tolerate beliefs and not subject staff to any disadvantage because of them. The message is a simple one: show respect even when you disagree. The decision is also consistent with previous decisions on where to draw the line. For example, in *Azmi*

*v Kirklees Borough Council*, Ms Azmi wished to wear a veil in the classroom when she worked with a male teacher. This was consistent with her religious beliefs. However, looking at it from the employer's perspective and the needs of pupils, the reason she was not allowed to do so was because it interfered with her effectiveness as a teacher and not because her employer would not tolerate this manifestation of her religious beliefs.

The same theme of respect can be seen in the decision of the Court of Appeal in *English v Thomas Sanderson*. Mr Thomas had been subjected to homophobic banter by his colleagues, even though he was not gay and was not perceived or assumed to be gay. His employer sought to escape liability for sexual orientation discrimination on the basis that because he was not in fact gay, Mr English could not complain that he was treated as if he was. The Court of Appeal made clear that this is wrong.

All employers should strive to secure an environment in which their staff can enjoy respect, irrespective of personal characteristics, and can work without having to contend with offensive, hostile, intimidating or degrading treatment that they might otherwise be subjected to by colleagues. To rely upon the fact that an employee is not in fact gay is the poorest of excuses. The treatment accorded to Mr English was no more acceptable because he was not gay than if he had been. To seek to argue otherwise completely misses the point.

**Beachcroft has a specialist Diversity and Discrimination Unit.**

For more details please contact Rachael Heenan ([rheenan@beachcroft.co.uk](mailto:rheenan@beachcroft.co.uk)).

## 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](mailto:lauren@chamberdunn.co.uk)) or call 020 8334 4530 for an informal chat first.

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

## Headlines from Personnel Today

### Healthy UK workers are Europe's least sickly

UK employees take about two days less sick leave per year than their European counterparts, according to a major study of absence levels. The Pan-European Health and Benefits Report by HR consultancy Mercer surveyed nearly 800 companies across 24 European countries. The data shows that, on average, European employees are absent 7.4 days per year, while workers in the UK take an average of 5.5 days off sick per year. The highest absence levels were reported by employers in Bulgaria, Portugal, Norway and the Czech Republic the lowest by respondents in Turkey (4.6 days).

**Personnel**  
**today**

### NHS director jailed for lying about professional qualifications

An NHS director has been jailed after lying on his CV about his professional qualifications. Lee Joseph Whitehead, 44, the former director of planning and service modernisation for Stoke-on-Trent Primary Care Trust (PCT), was sentenced to 12 weeks in custody following an investigation by the NHS Counter Fraud Service (CFS) which found he had vastly fabricated his degree qualifications. Allegations were first made about his qualifications in January 2007, when he started his employment with the trust.

### Cost of redundancies averages £16,000

Redundancies often cost more than £16,000 each, according to the Chartered Institute of Personnel and Development (CIPD). The CIPD has produced a lengthy formula for working out the cost of redundancies in a bid to stem the tide of job cuts. The UK's unemployment rate hit a nine-year high in the three months to October 2008, latest figures showed before Christmas, and a new wave of job cuts is feared in early 2009. CIPD chief economist John Philpott said: "Businesses are under huge pressure right now and restructuring is a fact of economic life that can never be ruled out. But while making people redundant can seem one of the most straightforward ways of cutting costs, redundancy is itself a significant cost to most organisations with a number of direct and indirect or hidden costs."

## Can the UK ever become self-sufficient in medical staff?

Medical workforce planning remains as difficult and as controversial as ever. The road to self-sufficiency, still the stated aim of the UK government, is littered with hazards, as we show in the latest issue of *Employing Doctors & Dentists*.

The statistics show a dramatic increase in UK medical school places, an overall rapid expansion of the GP and hospital workforce and a reduction in vacancy rates.

**But as David Grantham, head of programmes at NHS Employers, recently pointed out seven specific challenges remain:**

- The need for more flexible training via for example 'modular credentialing' to meet changing service needs
- The need to balance basic and higher training to provide proper career routes
- EWTD pressures: do training programmes need to be lengthened?
- Expectations of more flexibility in working arrangements

- Immigration controls on international medical graduates; and UK graduates working abroad
- Establishing a new national body to oversee medical workforce education and training
- Financial restrictions.

Read our special issue on medical workforce data in *Employing Doctors & Dentists* available on [www.health-workforce.com](http://www.health-workforce.com) for £19.95. It includes the latest statistics on gender and part-time working, foreign trained doctors, and vacancy and turnover rates.

To sign up for regular free news updates, a free trial and for subscription details of all our healthcare employment reports go to [www.health-workforce.com](http://www.health-workforce.com).

**Alison Dunn**  
Editor in chief,  
Chamberlain Dunn employment reports  
Tel: 020 8334 4500

 chamberlain dunn

