

The newsletter of the Healthcare People Management Association

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## Time to celebrate

HPMA  
Excellence in  
HRM Awards  
2009

One of the idiosyncracies of the modern NHS is the stark contrast in the way public attitudes and perceptions towards the service are portrayed in the media. Ask any sample of the British public what they think of doctors, nurses or therapists then the answer will usually be resoundingly positive. By contrast, the reputation of managers and support staff is often less good, fuelled no doubt by the blind prejudices of newspapers like the *Daily Mail* who have a "clinician good" "manager bad" mind set.

All of us who work in HR in healthcare are very aware of this dichotomy of opinion which is sometimes replicated in the service itself. One of the key barriers to better healthcare in some organisations is this "them and us" attitude, which despite good work by the NHS Confederation, BMA and others, is often still deep rooted.

More reason therefore for the HR community to take time for a little self congratulation at this year's HPMA awards, announced in London on 25 June. Except, rather pleasingly, it is often not self congratulatory and, if the evidence of this years

entries is anything to go by, the number of truly multi-disciplinary entries, describing true collaboration between HR and clinicians, is growing all the time.

So perhaps this is therefore the solution to the unhelpful and outdated demarcation between functions. Rather than publicity campaigns and pleas for a more enlightened approach, the grass roots development of innovative staffing solutions that are themselves the product of true collaboration may be the way to change attitudes.

I know the thrill my own Trust experienced in winning two awards a couple of years ago (it's the nearest there is to an "Oscar moment" for us mere mortals!) and I think everybody who is shortlisted is a winner for their creativity and endeavor when the prevailing mood is less than celebratory. Congratulations to all and lets hope all the entrants, HR, clinician or other, get the praise they deserve.

Kelvin Cheatle HPMA President  
Director of Workforce/Environment, WLMHT



Moody Blues flautist Norda Mullen joins band Westlive featuring HPMA President Kelvin Cheatle to entertain the finalists and guests at the HPMA awards.

**2009**

**HPMA Excellence  
in HRM Awards**

# Winners

The 19th annual HPMA Excellence in HRM awards took place at the Royal Garden Hotel, Kensington on Thursday 25 June, hosted by Alex O'Grady. Full compendium of entries and event photographs are available to view at the HPMA website.

Please contact Lauren Crawford on 020 8334 4500 or [Lauren@chamberdunn.co.uk](mailto:Lauren@chamberdunn.co.uk) for further details or photographs from the event.

## CATEGORY WINNERS

### HR team of the year

Awarded to a UK healthcare HR team which has made the most outstanding contribution to HRM over the past year. It's supported by all four UK Health Departments: Department of Health, England, Scottish Executive, Northern Ireland Department of Health, Social Services and Public Safety and Welsh Assembly Government.



The award was presented by Clare Chapman, director general, workforce, Department of Health England and Jane Hamilton, head of employee experience, The Scottish Government.

### WINNER

Workforce and OD team, Nuffield Orthopaedic Centre NHS Trust



### HR Director of the year award

Sponsored by the HPMA and West London Mental Health NHS Trust. This is awarded to a UK healthcare HR Director who has made an outstanding contribution to the HR profession over the past 12 months. Presented by Kelvin Cheatle, president of HPMA and Simon Crawford CE of WLMHT.



### WINNER

Marie Mallon, Director of Human Resources, Belfast Health and Social Care Trust



Marie Mallon is described as a true HR leader. The judges were impressed by her broad ranging contribution, using cutting edge HR practice, to her new Trust. Belfast Health

and Social Care Trust employs 20,000 staff, has an integrated budget of £1bn and provides services to over 340,000 people - which gives some idea of the challenges Marie has faced, and huge contribution she has made. A truly worthy HR Director of the Year, and an inspirational HR professional.

### Overall winner

Sponsored by the NHS Institute for Innovation and Improvement, presented by Liz Maddocks-Brown.



### WINNER

Papworth Hospital NHS Foundation Trust: Shift management through simulated learning, Sheila Turner, clinical educator and Leanne Hackshall, learning and education manager.



Shiftology is an example of a creative OD and training project that started small but grew big. Quite simply, it shows HR making a difference to patient care. Shiftology helps people learn from the basic competency level right through to team-working, a unique teaching aid for development of junior nurses. The judges were hugely impressed by this educational game which gives staff the knowledge to meet demands through simulated learning.

### Supporting medical staff

Sponsored by BMJ Careers presented by Bernadette McAuley, sales manager, BMJ Careers.



### WINNER

Guy's and St Thomas' NHS Foundation Trust: Taking care 24/7, Pauline Flockhart, head of corporate human resources and Diana Hamilton-Fairley, deputy medical director.

The judges praised this innovative development which aims to ensure high standards of patient care day and night. The project team have achieved an imaginative and comprehensive way of meeting the European Working Time Directive. What's more, it improves

patient outcomes, offers new promotion opportunities for staff and shows excellent return on investment.

### Excellence in improving employee health and wellbeing

Sponsored by NHS Plus and presented by programme director Dr Kit Harling.



### WINNER

Worcestershire Acute Hospitals NHS Trust, Implementation of a self-care course Elizabeth Preece, senior occupational health advisor and Kath Ackah, human resources officer.

The judges were very impressed with this robust, evidence-based approach that in recognising the trends in sickness absence, successfully adapted an established programme, and showed real innovation. The self-care course clearly makes a difference to the lives of staff members and their families, and yielded a strong return on investment for the trust.

### Organisational development and learning

Sponsored by goodpractice.net, presented by director Johanne Malin.



### WINNER

Papworth Hospital NHS Foundation Trust: Shift management through simulated learning, Sheila Turner, clinical educator and Leanne Hackshall, learning and education manager.

The judges were hugely impressed by this innovative training tool which enabled nursing staff to master the art of shift management through simulated learning. The simplicity of the game belies its flexibility and adaptability. It's a highly creative OD and training project which takes the stress out of this key ward task to the benefit of patient care.

### Diversity and equality

Sponsored by Beachcroft. The award was presented by Rachael Heenan, partner.



### WINNER

NHS East Lancashire: Developing a local employment partnership Lynn Hannon, human resources data and performance manager and Adele Alston, assistant facilities manager.

The judges were impressed by this integrated approach with clear goals and outcomes which successfully combines the strategic and the practical. This project successfully tackled a local challenge, opening up job opportunities for lone parents and people with long term health conditions and disabilities.

## HR building capacity for organisational improvement

Sponsored by Solace Enterprises and presented by Rita Sammons, business development director.



### WINNER

**Mayday Healthcare NHS Trust:** Cultural change to improve the patient experience Cynthia Davis, deputy director of nursing and clinical quality and Annette Gately, director of human resources and organizational development.

The judges were highly impressed by this innovative and imaginative approach to transformational cultural change. After disappointing staff survey responses, the team went into action, achieving incredible staff engagement by setting out a clear strategic vision and cherishing staff that innovate and push boundaries.

## Innovation in HR

Sponsored this year by Capsticks, presented by partner Andrew Rowland.



### WINNER

**National Leadership and Innovation Agency for Healthcare: Care to Lead channel** - the vision of online learning in NHS Wales Paul Schanzer, senior development lead and Andrew Bunn, leadership project support.

The judges were very impressed by the way that the Care to Lead Channel project clearly filled a major gap. Innovative and

unique, the project provides a multi-media environment for the independent learner. The judges agreed there is excellent potential for further growth, and hoped that the project would continue to have a massive impact on the service.

## Best management practice in tackling workplace stress

Sponsored by the Health & Safety Executive and presented by Colin Mackay, principal psychologist, HSE.



### WINNER

**Blackpool Fylde & Wyre NHS Foundation Trust:** Stress management project Susan Grimshaw, project manager stress and well-being and Philip Atkinson, consultant occupational health physician.

The judges praised the excellent project management by the team. The remarkable outcomes include sickness absence rates down by 10%; almost 50% reduction in cases of workplace stress; employee grievances reduced by over 50%; and disciplinary action has reduced by nearly 25%. In addition the trust's focus on stress has enabled them to achieve CNST level 2, which has recouped over £150,000 on insurance premiums - an excellent example of good practice.

## Partnership working

Sponsored by The Social Partnership Forum presented by Flora Goldhill (DH- England), Alastair Henderson from NHS Employers and Mike Jackson of UNISON.



### WINNER

**Belfast Health and Social Care Trust:** West Belfast and Greater Shankill health employment partnership Catherine Livingstone, project manager and Joan Peden, co-director, human resources.

This partnership with the trade union UNISON has made a substantial contribution towards regeneration by tackling worklessness and poor job progression, in an area where 75% of the population are without level 1 qualifications. In just one year the project has helped 137 people move into employment - almost half of whom had been out of work for years. The ambition to tackle a root cause of social deprivation was greatly admired by the judges.

## Innovation and best practice using ESR

Jointly sponsored by Department of Health England and NHS ESR Programme presented by Flora Goldhill from DH- England.



### WINNER

**NHS Plymouth:** Workforce performance scorecard, David Priscott, head of workforce planning and education and Colette Davies, associate director of workforce development.

By combining financial data and workforce performance data, the team at Plymouth produced a comprehensive monthly performance scorecard for frontline managers. This has had a dramatic effect across the trust from reduced agency spend and sickness absence to increased attendance at mandatory training. The judges were impressed by the way that the scorecard goes beyond the accepted 'ESR footprint' to make a real difference to patient care.

HPMA would like that their generous sponsors BMJ Careers, goodpractice, NHS Plus, Solace Enterprises, Capsticks, Health & Safety Executive, Beachcroft, NHS Institute for Innovation and Improvement, Department of Health England, Social Partnership Forum, NHS ESR Programme, and the four UK health departments who sponsor the HR team of the year.

## DATES FOR YOUR DIARY

- **South West Branch HPMA Members event** 10 July 2009, 9.30am-12.00pm
- **South East Branch HPMA meeting** Kent & Medway Room, York House\*  
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

## 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 HPMA members so it's a great way to share success, ask for help or get colleagues thinking.

# HPMA Welsh Branch 2009 Annual Conference



The Welsh Annual Conference was once again a great success and very well attended. The event brought together 120 HR practitioners from across NHS Wales. The theme for 2009 was *Maximising the Power of People*, which was explored and probed by a diverse range of speakers, including a sports personality, an accredited psychologist with the British Olympic Association and a civil servant, to describe a few.

The conference was opened by Karen Wright, Welsh Branch chair, who engaged the audience with an overview of the programme, which covered topics including engaging people, influencing skills, leadership, coaching and team performance.

The recently appointed Director of HR for NHS Wales, Sheelagh Lloyd Jones reinforced to delegates that at this time of reform in NHS Wales, organisations must now rely, more than at any time in the past decade, on the power of people to effect positive change.

A message which was reiterated by Paul Williams, Chief Executive of NHS Wales, who challenged HR practitioners, working at all levels, to take charge of the modernisation agenda, to assist the workforce within our organisations, to work smarter and to fully utilise and develop their highly expert skills.

The key note speaker, Phil Davies of the Welsh Rugby Union, delivered an interesting perspective on the relevance of coaching and team performance within an NHS setting. During this session Phil explored the highs and lows associated with the game and how he had adjusted his behaviour and attitudes to achieve success on and off the field as an international rugby player and coach. The overarching message, which he left the delegates

with, was that HR practitioners need to have plans in place to attract and nurture talent, whilst building on the vision and the enthusiasm of the team to achieve their organisation's goals.

Then it was time for the delegates to split up and attend one of three topical workshops on: Discover Your Leadership Values; Behaviour and Influencing Skills; and Engaging People in Change. All of the workshops were well received with excellent feedback for all the workshop presenters namely, Mark Hodder - NLIAH, Jo Carruthers - PSMW and Dr Liz Campbell - Lane 4.

Then lunch and the opportunity to network with colleagues and to take a look at the 16 sponsorship stands which included diverse private and public sector companies from marketing, academia, leadership development, law and HR support.

This year for the first time, the afternoon session was given over to a master class. The expert session on 'Courageous Leaders - looking at the skills needed to take us through tough times' was delivered by Justyn Comer from the **MindGym**.

The session gave the delegates the opportunity to explore their own 'Courageous Leadership' qualities and style, challenging their perceptions of effective leaders and leadership and how to think big, to come up with innovative ideas.

Deborah O'Dea, past HPMA President gave the closing conference address, which reminded delegates once again of the challenges facing the NHS and the importance of the profession focusing on transforming our organisations, by utilizing and implementing OD and workforce planning strategies.

**Daniel Jones**  
HPMA Wales Branch Committee Member

## Severance payments - remember approval!

Although it is generally well known that HM Treasury approval is required before making a severance payment to any NHS employee which is above statutory or contractual limits (whatever the amount), the recent decision of the High Court in **Rose Gibb v Maidstone & Tunbridge Wells NHS Trust** acts as a good reminder.

The facts are well known, Ms Gibb ('G') had been employed as Chief Executive of Maidstone & Tunbridge Wells NHS Trust (the Trust) earning an annual salary of £150,000. She had a six month notice period. Following outbreaks of the superbug C difficile at Trust hospitals there were a significant number of deaths and widespread public anger and anxiety. The Healthcare Commission investigated and produced a report which was highly critical and recommended that the Trust review its leadership in light of significant failings, to ensure it was able to discharge its responsibilities to an acceptable standard.

Before the report was published, agreement was reached between the Trust and G for her employment to terminate. Under a Compromise Agreement G was to receive £75,000 payment in lieu of notice and £175,000 in compensation. The Department of Health instructed the Trust to withhold the £175,000 compensation element of the settlement on the grounds that it was ultra vires. G challenged this and issued proceedings in the High Court to recover the compensatory element or, if the Court decided this was ultra vires, an award of equitable damages. In its defence, the Trust argued that the compensation was irrationally generous (it exceeded the amount G

could have been awarded at a Tribunal if successful in an unfair dismissal claim by over £100,000) and as such fell outside its powers as an NHS Trust. The Trust also denied that the Court had any power to award equitable damages.

The High Court agreed and found that the Trust's powers were limited by statute which had to be exercised in the public interest and in a way that was reasonable. The purpose of the ultra vires doctrine was to protect the public where a public body made a decision which was outside its powers. This applied here, as the Court found the compromise agreement was irrationally generous. The Court also refused to compensate G for her loss of right to pursue an unfair dismissal claim in the Employment Tribunal - they found this loss had not arisen from the fact the compromise agreement was ultra vires but because G failed to file an unfair dismissal claim within the appropriate time limit.

This case reminds NHS organisations of the need to have in place robust business cases to justify the amount of any severance payment offered to an employee which is above his or her statutory or contractual entitlement. The key being that severance payments should not be viewed as the easy and quick way out or be seen to be rewarding failure or poor performance. In order to avoid the complications in the above case, all NHS organisations should be submitting carefully considered business cases to the Strategic Health Authority and Department of Health (or Monitor and HM Treasury in the case of Foundation Trusts) for approval of any severance payment, before it is offered.

Bevan Brittan 



Lara Feghali  
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## Engaging people through change

Dr Liz Campbell explored the human side of organisational change at the HPMA branch event in Cardiff last month.

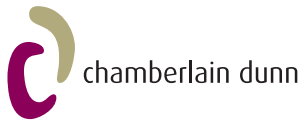
Drawing on Lane4's change research, Dr Campbell's session began by discussing how change 'really' happens and why an overwhelming number of change initiatives in the NHS and wider business community fail to achieve their objectives. "Millions of pounds are spent each year trying to bring about change and yet, research consistently shows that the chances of success are less than one-in-three," she explains. "Not only does this affect organisational performance and patient care, it also drains people's energy, breeds dissatisfaction and cynicism amongst staff and undermines leaders' credibility".

Dr Campbell emphasised that the ability to effect change is critical to high performance and called for HR teams and healthcare leaders to recognise that conventional approaches to change management are ineffective and that the human side is, too often, overlooked.

Exploring Lane4's research and practical experience in NHS trusts across the UK, Dr Campbell explained the importance of engaged employees - and how to achieve that engagement - during periods of significant transition including hospital mergers and the implementation of new systems or processes. "Staff who are engaged through change will demonstrate three key behaviours: they will understand the need for change, they will care about its implementation and they will willingly take part. A leader's role in this process is of critical importance as they're responsible for co-creating and communicating the story of change; inspiring and empowering people and shaping the process." Dr Campbell went on to discuss the role of performance coaching, the importance of 'mental toughness' and how leaders can develop the tools and techniques needed to engage people through challenging change.

Lane4

## Buying a ticket out of the comfort zone



Employing  
Nurses & Midwives

Employing  
Doctors & Dentists

Employing  
AHPs & Health Scientists

Employing  
Healthcare Professionals



The assessors discuss their final scoring.

In a central London hotel in mid June, ten teams comprising allied health professionals from each of the SHAs competed in the national final of the Department of Health's AHP leadership challenge. No pub quiz this. The teams, having been the winners of their regional heats, faced the challenge of making commissioning decisions in the role of multidisciplinary teams advising their PCT.

For five intense hours they had to digest complex material, produce pieces of work to deadline, shift their thinking to accommodate new information handed to them and demonstrate collaborative working, intellectual flexibility, political astuteness and effective influencing skills. Not to mention dealing with a tough press conference and preparing to present a poster to a large audience.

I was invited, as someone with management and leadership experience in another sector and with knowledge of the healthcare world, to be an assessor for the day. This involved joining the panel of assessors to observe and record the team behaviour and then contribute to the scoring. The winners were the team from the East Midlands but everyone rose to the challenge and deserved their champagne afterwards.



The winning team: East Midlands.

So what's the big deal? Well, this is a first for AHPs who, because they comprise such a wide range of specialties, can get overlooked when it comes to opportunities for leadership development. Team members did not necessarily know each other and each team comprised a mix of specialties. For the day, everyone had to come out of their silo and think strategically while under real pressure.

If HPMA members had the chance to volunteer for a national or UK-wide HRM leadership challenge, would they put their names forward? As one of the highly skilled facilitators put it: 'It's not so much out of your comfort zone as extending your comfort zone.' Well, are you up for it?

Our training division GateHouse has a range of courses for those wishing to develop their management and leadership skills. If you would like to find out more, go to [www.GateHouseCourses.com](http://www.GateHouseCourses.com) or call us on 020 8334 4525.

### Alison Dunn

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

## HPMA consultant proposals

With new funding to support branch development work the Association is keen to use the best consultant support available. So this month we are launching a preferred supplier list for consultant services.

The development work will hopefully be interesting and challenging. We expect opportunities to become available across the UK. In principal, projects will fill in the gaps for HPMA branch and council officers who have 'day-job' commitments.

To join this list you simple need to complete an application form - questions include areas of specialism, experience, references and confirmation of professional indemnity insurance. This pool of consultants will then be used for ad-hoc projects, based on a process of matching skills and expertise.

In light of the great work branch and council members already do in their free time, we are asking that any consultant interested in joining the preferred supplier list agrees to offer up to 2 free 'pro bono' days over the 12 month period. Download the application at [www.hpma.org.uk](http://www.hpma.org.uk)

We look forward to developing a strong list to help take HPMA branch development to the next level.

## HR in health & social care: sustaining excellence

**28-29 May 2009** Hilton Templepatrick, Antrim

The HPMA NI Branch hosted its annual conference, *HR in Health & Social Care: Sustaining Excellence* on Thursday 28 & Friday 29 May 2009 at the Hilton Templepatrick in Antrim, Northern Ireland.



Left to right: Kate Smith, Maria Kee, David Bingham, Lynn Markiewicz & Jacinta Melaugh.

The conference had a full 1½ day programme with Kate Smith, local broadcaster and journalist, taking the helm as conference chair and our NI Permanent Secretary, Dr Michael McBride delivering the keynote address.

Other plenary contributions on **Day 1**, were made by David Bingham, Chief Executive of the newly formed Business Services Organisation, Lynn Markiewicz of Aston Organisation Development and an inspirational Mary Hinds, Director of Nursing from the newly formed Public Health Agency.

**The 125 delegates were also able to select two workshops to attend, titles encompassed:**

- *Building Emotional Resilience* by Marie Dunne, Health Promotion Officer, Western Health & Social Care Trust
- *Measuring Team Working - what predicts success?* by Lynn Markiewicz, Aston Organisation Development
- *'Dingbat Dialogues' - learning how to work collaboratively using the wisdom of Socrates!* by Maria Kee, Kee Training
- *LEAN - theory and practice* by Paula O'Kelly, the Beeches Management Centre, Belfast.

The social aspect of the event was the conference dinner, held on Thursday evening. This was a relaxed affair commencing with a drinks reception and then dinner. Dinner was followed with dancing until a respectable hour. Delegates did have to be up early for day 2.

**Day 2** was all about the individual:- motivation, self esteem, leadership - two plenary sessions included Kate Smith, and Maria Kee, training consultant in Kee Training (see biographies for details [www.hpma.org.uk/html/branches/northern\\_ireland.php](http://www.hpma.org.uk/html/branches/northern_ireland.php)).

The event was a great success with many excellent comments made on the quality of the speakers, the venue, the topics covered and the general networking opportunity the conference provided. A novel idea of combining the delegate name badges with a mini cd-rom meant that we could have a 'paperless' event, with the mini cd-rom holding all the programme information, pertinent strategy documents and information from our previous two workshops. For more information on the event or general HPMA NI details please see [www.hpma.org.uk/html/branches/northern\\_ireland.php](http://www.hpma.org.uk/html/branches/northern_ireland.php)

HPMA NI Committee



Dr Michael McBride,  
Permanent Secretary.



Jacinta Melaugh,  
HPMA NI Chair.



Kat Smith, Broadcaster &  
Journalist, Conference Chair.

## Holidays and sick leave - Stringer case reaches House of Lords



Jillian Howard, associate,  
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Many managers will have been following the progress of the *Stringer case*, which concerns the annual leave rights of those on long-term sick. Following January's ruling from European Court of Justice (ECJ) it became clear that paid annual leave under the Working Time Regulations (WTR) continues to accrue during sick leave, and that workers can opt to take that leave even when off sick (subject to the employer's rights to control when leave is taken).

The ECJ's ruling raised a number of questions and it was hoped that the House of Lords (HoL) would provide some answers when it looked at the case again in June. In the event, however, the only point the HoL decided was that a worker who takes annual leave can pursue a claim for unpaid holiday pay as an unlawful deduction from wages claim as an alternative to bringing a claim under the WTR. The issue is important because the time limit for bringing unlawful deductions claims can be much longer than the time limit for claims under the WTR. The decision means that a worker who is repeatedly

denied holiday pay does not have to bring a separate claim each time holiday pay falls due. Instead, they could bring a single claim for unpaid holiday pay dating back over a number of months or years, provided the claim is brought within 3 months of the date the latest payment fell due.

The big question that remains is whether a worker who does not take their WTR leave entitlement because of illness can carry that leave forward to a subsequent leave year.

There is nothing in the ECJ's ruling to say that workers will inevitably be entitled to carry leave forward in every case of long-term illness. Nevertheless, until the law is clarified it would be sensible to approach the matter with a degree of flexibility. The relatively generous holiday entitlements in the NHS mean that carried-forward WTR leave will often be absorbed by contractual entitlements in any event. In addition, robust management of sickness absence and allowing (or requiring) workers to take holiday during sick leave should help avoid the accumulation of lengthy periods of untaken annual leave.

## NHS Employers joint venture

NHS Employers showcased their first ever joint venture, NHS Flexible Resourcing, at the NHS Confederation conference in June. NHS Flexible Resourcing is providing interim senior managers to the health care sector. The new service has been introduced in

response to demands for high quality interims who meet NHS employment check standards and who also provide added legal protection to clients by operating through limited companies. Local government interim management specialists SOLACE Enterprises are managing the service on behalf of NHS Employers and well over 100 health care specialists have already registered, with many more going through the comprehensive QA process. If you want to know more about the service call 0845 652 7070 or visit [www.nhsflexibleresourcing.org](http://www.nhsflexibleresourcing.org)

Liz Eddy, NHS Employers



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

## GoodPractice launches innovative NHS Toolkit for Managers

 **GoodPractice**  
for leaders and managers



**This month GoodPractice launch their new NHS Toolkit for Managers, a dedicated solution designed to save time and money, whilst improving knowledge, skills and performance.**

GoodPractice provides toolkits for over 200 of the UK's leading organisations, higher education institutions and public sector bodies. As the leading provider of on-demand learning in the UK, more than 1 million managers and leaders rely upon GoodPractice to help them improve personal and team performance at work.

The NHS Toolkit for Managers offers 24/7 support to all NHS staff up to, and including, middle management. A needs-based resource, it helps employees to deal with both day-to-day issues and longer term change initiatives, while delivering high quality patient-focused care.

This unique toolkit embeds the Department of Health's, Knowledge and Skills Framework (KSF) by helping to instil key competencies and behaviours. This in turn enables managers and staff to conduct and participate in more effective development reviews.

In addition, the NHS Toolkit for Managers complements the Darzi Report and the NHS Agenda for Change.

The toolkit delivers bite-sized resources and tools across a wide range of management topics,

empowering managers and staff to increase levels of performance and productivity, whilst remaining where they are needed most - in the workplace.

By appealing to different learning styles, the toolkit also empowers individuals to take a proactive approach to personal development, enabling them to decide when and how they develop their skills.

Commenting on the launch of the Toolkit, Peter Casebow, CEO states: "GoodPractice understands the pressure the NHS faces to improve quality healthcare services across the board.

We believe that the NHS Toolkit for Managers offers a unique high quality and cost-effective solution to help managers and staff to meet precisely this challenge.

The breadth and depth of this practical toolkit, and its incorporation of the KSF, provides NHS staff with the resources and support they need to develop themselves and to deliver high quality care for all."

**For further information on our full range of Toolkits and customised solutions, please contact Lynsey Jenkins, Marketing Manager, on 0845 22 33 00 2. Or visit our website [www.goodpractice.com](http://www.goodpractice.com)**

## Recruitment - are you at risk of an indirect discrimination claim?

HEMPSONS



Sakina Vanat,  
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The NHS is one of the biggest UK employers of non-EEA nationals. Currently, when applying for NHS jobs, applicants are asked a question about their immigration and work permit status. Does this application process indirectly discriminate against non-EEA nationals? A recent case of *Osborne Clarke Services (OCS) v Purohit* discussed this question.

### Facts

Mr Purohit, an Indian national, applied online for a training contract with a firm of solicitors. His application was refused on the basis of a blanket policy that the firm would not consider applicants who did not have a work permit. The Tribunal decided that policy indirectly discriminated against Mr Purohit on the grounds of nationality. OCS tried unsuccessfully to justify its policy by arguing that it would not have been able to convince the Border and Immigration Agency (BIA) to issue a work permit and thus any such application would have failed resulting in unnecessary cost. The Tribunal rejected these arguments. It stated that costs were "an unattractive way" of justifying discrimination and moreover OCS had not obtained any evidence that a work permit would not be granted.

### Impact on employers

This case emphasises that employers must be able to objectively justify any policy or requirement that favours one applicant over another in every case. It is clear that employers cannot solely rely upon a cost argument to justify a policy that excludes certain applicants from selection. However, previous case law has suggested that other considerations in addition to cost may well justify a policy - a "cost-plus" approach. In the Purohit case relying on an assumption that a work permit would not be granted was not the correct approach.

### What should NHS employers do now?

Operating an 'e-recruitment' process and being an attractive organisation to work for, the NHS receives thousands of applications from around

the world. It is not practical for the NHS to have to go through a lengthy recruitment procedure to offer positions to those who are then subsequently denied work permits. NHS employers should instead adopt clear selection processes from which they can objectively justify a decision not to short-list a particular applicant. Cost can be a factor but not by itself, and assumptions will not be accepted as objective justification.

### About us

Hempsons is a national law firm that supports healthcare organisations across the UK. Within the NHS we act for over 150 organisations. Our clients gain the benefit of solutions devised and honed by our national experience. This national expertise is applied locally by teams with specific and detailed knowledge of the local environment. We have worked in healthcare for over 100 years. This is reflected in the breadth of the organisations with whom we work: the Department of Health, NHS bodies, primary care professionals, the private and voluntary sectors, and social enterprises.

Hempsons' teams of specialist lawyers are configured to meet the challenges facing healthcare organisations. Increasing complexity and the drive for efficient structures and solutions demand cross disciplinary teams of lawyers all of whom understand the sector context.

We aim to align our internal structures to provide a joined up and sector specific service for our clients.