

The newsletter of the Healthcare People Management Association

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## Have you prepared your excellence awards entry?

**2009**  
HPMA Excellence in HRM Awards

Will 2009 be the year that HR colleagues across the UK celebrate your professional achievements?  
**There are less than 3 weeks to submit your entry in one of our eleven awards categories:**

**Supporting medical staff**  
sponsored by BMJ Careers

**BMJ Careers**

**Organisation development  
and learning**  
sponsored by \*goodpractice.net

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

**Diversity and equality**  
sponsored by Beachcroft

**beachcroft**

**HR building capacity for  
organisational improvement**  
sponsored by SOLACE  
Enterprises



**Excellence in improving  
employee health and wellbeing**  
sponsored by NHS Plus

**NHS Plus**

**Innovation in HR**  
sponsored by Capsticks



**Best management  
practice in tackling  
workplace stress**  
sponsored by HSE



**Innovation and best  
practice using ESR**  
sponsored by The NHS  
ESR Programme and  
DH Workforce



**Partnership working**  
sponsored by Social  
Partnership Forum



**HR Team of  
the Year**  
sponsored by  
all four UK  
Health  
Departments



**HR Director of the  
Year 2009**  
sponsored by HPMA  
and West London Mental Health  
NHS Trust



We will also present an overall winner award sponsored by The NHS Institute for Innovation and Improvement at the ceremony itself. Take a look at the awards programme flyer for more details on each category.

Remember successful entries are those that follow the judging criteria closely. The judges will be looking for measurable achievement: financial savings such as increased through-flow of patients, improved staff retention or fewer stress-related absences, the creation of new roles, improved attendance figures or feedback from service users.

If you fully explain the impact of your project you have a greater chance of reaching the shortlisting stage, as your evidence provides the judges with a measurable indication of success. Of course gathering this information does require some research, but it's a worthwhile investment.

Also, remember the basics: get a colleague to proof-read your entry and ensure that your submission is easy to read and understand.

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.

So good luck and make sure your awards entry reaches us by Thursday 26 March 2009 - good luck!

**You can book tickets for the awards ceremony online now at**  
[www.eventsforce.net/HPMAAwards2009](http://www.eventsforce.net/HPMAAwards2009), tickets are £95 + VAT.  
Remember 2008 was a sell-out event so don't delay!

**Entries must be received by Thursday 26 March 2009 - GOOD LUCK!**

Kelvin Cheatle  
President

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## South West HR event

### Human Resources in a Strategic Context



Steven Keith  
Chair, South West Branch



On Monday 2nd February, over 50 brave souls ventured out in to some of the worst snow for years to attend the South West's first event of 2009. Unfortunately another 25 delegates couldn't get to the venue in Taunton due to the adverse weather, including the event's keynote speaker Clare Chapman.

Despite the difficulties, and in the best NHS spirits, some last minute changes were made to the programme to enable the show to go on (so to speak), and whilst the rest of the country battled with snow and ice, the event got off to a superb start with a thought provoking presentation from Kelvin Cheatle about the challenges facing HR professionals and how we need to embrace the opportunities presented by the current 'watch words' of quality and productivity. Kelvin encouraged delegates to effectively use existing networks such as the HPMA to ensure that we were best placed to use all available information intelligently to continue to add value to our organisations in the uncertain times we presently face.

Sarah Michael, a Senior Associate with Bevan Brittan LLP then led a comprehensive session on the potential impact of the recession on healthcare providers. Delegates had the opportunity to debate issues ranging from redundancy and its alternatives to outsourcing and measures to maximise flexibility within the workforce. Sarah remained on hand throughout the rest of the day to offer an informal employment law surgery for delegates to raise specific issues.

In the absence of Clare Chapman, John Wolfe, interim Director of Workforce, NHS South West, did a sterling job in delivering Clare's presentation and we had the opportunity to debate the challenges of meeting the high ambitions for both patients but also staff and workplaces. John outlined Clare's thoughts on the need to improve quality and productivity by getting things right first time rather than focussing just on costs. There was also some reflection on things we often do really well but don't publicise enough such as the excellent Occupational Health services available to the vast

majority of NHS staff.

This led nicely into a joint session led by John Wolfe and Sarah Frazer, NHS Southwest Service Improvement Manager on the 'Listening into Action' initiative being piloted within the Southwest. Delegates spent some time in groups identifying areas of good practise which informed a really positive discussion on the use of staff engagement as a way to mobilise the drive for change and improvement, particularly around the patient experience.

Finally, delegates had the opportunity to put questions to Sir Ian Carruthers, as Chief Executive of NHS Southwest - something which was used to full advantage! Sir Ian shared his thoughts on HR operating in the context of the business and the concept of a 'HR Director plus' and we couldn't help but discuss the financial climate and the slow down in NHS growth and the implications this had. A recurring theme throughout this session was leadership and the need for enough leaders of the right quality at the right level. The debate was thought provoking and I think encouraged us all to challenge our own thinking about a number of issues, not least the need for us all to have confidence in our own organisations control systems so that we actively plan to succeed in the future.

Feedback received since the event has been overwhelmingly positive, and I am grateful to the support of John Langran and Ann Haycock at Capita without whom the event would not have been possible.

I have spoken to Clare Chapman, who was herself greatly disappointed that she couldn't join us, but she has promised to come back in the near future and I look forward to feeding back on another successful South West branch event.

I would encourage comments and suggestions from members about potential topics and speakers for future events and would welcome a discussion with any one who would like to become more involved in the Branch, particularly as part of their personal development.

## Holidays and Long Term Sickness Absence No Longer a Case of "Use It or Lose It"

In a decision that will be unwelcome to employers, the European Court of Justice (the "ECJ") has ruled on the effect of long term sickness absence on a worker's right to statutory annual leave under the Working Time Directive ("WTD") in the case of *Stringer v HMRC* (formerly known as *Commissioners of Inland Revenue v Ainsworth*).

### The ECJ has decided that:

- A worker on sickness absence continues to accrue statutory annual leave.
- The national courts must decide whether a worker on long term sick for the whole leave year can take paid annual leave during their sickness absence. If not, workers must be allowed to take it at a later date.
- Therefore, if a worker is on sick leave for the whole or part of a leave year, and is prevented by sickness absence from taking their paid annual leave, their right to annual leave is not extinguished at the end of the leave year (the current position under the Working Time Regulations 1998 (WTR)), and must be carried over at the end of a leave year.
- Any accrued annual leave must be paid in lieu on termination, regardless of whether a worker has been on sick leave for whole or part of the leave year, or for more than one leave year.

### Implications for Public Sector Employers

Public sector employees could bring a claim in the Employment Tribunal under the WTR against their employers on the basis of the ECJ ruling now.

### Therefore NHS organisations should:

- Be alert to requests from workers to be allowed to carry over any unused statutory holiday from one leave year to the next, if sick leave prevented the workers from taking it; and

- Make financial provision for increased payments in lieu of accrued holiday on termination, even if the sick leave spanned one or more leave year.

It is important to note that the ECJ's judgment only applies to the four weeks minimum entitlement under the WTD, not the 4.8 weeks holiday under the WTR or any contractual annual leave.

### Practical Impact for Employers

- Sickness absence should be robustly managed in light of the increased cost of having employees on long term sickness absence. However, employers must ensure that they follow their own sickness absence policies to minimise the risk of being faced with unfair dismissal or disability discrimination claims.
- Contracts and policies should be reviewed to clarify that contractual annual leave over and above the statutory minimum does not accrue during sick leave. If contractual annual leave carries over this could be particularly costly for NHS employers given that the contractual holiday entitlement under Agenda for Change greatly exceeds the statutory entitlement. If contractual annual leave is not carried over, employers should consider how to administer separate annual leave systems during sickness absence.
- Employers should be aware that employees may return to the organisation following extended sickness absence and immediately take a lengthy period of annual leave.

In summary, NHS organisations should be alert to requests from workers in relation to their annual leave entitlements during or following extended sickness absence. However, the full impact of the case will not be clear until the House of Lords make a decision, which is likely to be later this year or in 2010. The Government will also need to consider whether the WTR need to be amended. The saga continues...

Bevan Brittan 



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### 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.

## A word from the President: Two tier society?



Kelvin Cheatle, president,  
Healthcare People  
Management Association

Like many of us working in HR in the public services I've a few friends who for years have plied their trade in the private sector; one or two have worked in the City but have recently lost out in the huge financial meltdown affecting the square mile.

Its interesting how perspectives change and values are questioned in hard times. One very good friend used to jibe me constantly about what he viewed as the second class status of the public services; and, I admit, there were times - when he was skiing in Whistler and spending summer in Monaco and I was renting a cottage in Cornwall - when I'd cast an envious eye in his direction. The consolation - and a huge one of course - was that I felt I was working in a system I believed in and the public largely valued; he had the monetary rewards but I felt a certain public service kudos and intrinsic value.

Last week my friend rang me to ask if I could help get him an HR job in the NHS! I resisted the temptation to take the moral high ground (and we know that harder times are coming for the public services)

but the irony was not lost on me or him. He said that he now realised that he'd led a 'fantasy existence' based on greed and an overheated sense of value; he waxed lyrical about the NHS and the challenges of working in HR in such a complex, publicly exposed system. Of course I offered to help if I can...

In a week when the Healthcare Commission have once again passed judgement on an NHS organisation (the irony of a CEO on £150k a year being publicly vilified while dear old 'Fred' spends his £3m pension lump sum is not lost either), those of us with any sense of perspective know that we too live in a very risky environment. So my response to my friend was simple: our garden is far from rosy; it's very hard and challenging work, and the financial rewards are elusive: right now my friend seeks confirmation that his lifestyle hasn't been wasted or vacuous and, whatever our flaws or insecurities we may have, we can hang on to one huge consolation: what we do is important and sustainable and even the wealthy crave it.

## Ask the experts

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.

**Question:** Can we dismiss an employee who tries to impose their religious beliefs on fellow employees or services users?

### Answer:

In *Chondol v Liverpool City Council*, the Employment Appeal Tribunal held that dismissing someone on grounds of inappropriate use of their religious beliefs did not amount to unlawful discrimination on grounds of religion or belief.

Chondol was a social worker employed Liverpool City Council ("the Council"), but seconded by it to the local Care Trust as part of a Community Mental Health Team. He is a committed Christian and was dismissed by the Council. He claimed that his dismissal was unfair and constituted unlawful discrimination. The Tribunal dismissed both claims.

The general background to the allegations was that there were concerns about Chondol that he did not recognise "the need for professional boundaries". This was raised with him by his manager at a supervision meeting following an incident when he had given one of his service users a Bible. At a further meeting his manager had to emphasise that it was inappropriate for him to give service users his personal telephone number and told him that he should not

have visited a service user on a Saturday, outside normal working hours, or done so on his own, which contravened the Trust's "lone working procedures".

He was dismissed for a number of allegations. The main allegation was that he had breached a reasonable management instruction that the Council prohibited the overt promotion by social workers in the course of their work of any religious beliefs that they might hold. The incident in respect of the bible was one and the other was that he had attempted to promote his religious beliefs to a different service user. The client in question had telephoned the Council to complain that he did not want to see Chondol again because "he was talking about God and church and crap like that".

The EAT accepted that there was a distinction between dismissal for possession of religious belief (which would be impermissible), and dismissal for the inappropriate foisting of those beliefs on others.

Employers who have to deal with these issues have to ensure that they have clear policies in place about the promotion of religion or beliefs and are clear when they dismiss about the reasons for dismissal.

Beachcroft has a specialist Diversity and Discrimination Unit. For more details please contact Rachael Heenan (rheenan@beachcroft.co.uk) or on 07843501125.

## Tribunal pension compensation warning

All employers need to take care when dismissing an employee. However, a recent case sends out a particular warning to employers with final salary pension schemes.

As HR professionals are well aware, if a dismissal is found to be unfair or discriminatory, a tribunal can awarded compensation. The amount reflects the financial losses suffered by the employee, including the earnings and pension benefits that the claimant could have expected to receive in the future.

Ordinarily, if the claimant finds a new job on an equivalent salary that will bring an end to any claim for ongoing lost earnings. As the case of *Roberts v Aegon UK Corporate Services Limited* illustrates, however, it does not necessarily follow that the new employment will put a stop to any claim for ongoing pension losses.

An employment tribunal held that Ms Roberts had been unfairly dismissed. Her dismissal had brought an end to her membership of Aegon's final salary pension scheme, which had an accrual rate of 1/60th for each year of pensionable service.

Ms Roberts had found a new job which paid her a higher salary and provided her with pension benefits under a money purchase pension scheme. The tribunal decided that this meant she

was only entitled to claim for earnings lost before she started the new job. However, she was still entitled to claim compensation for ongoing lost pension benefits. This was because, according to the tribunal, a final salary pension scheme is a "unique type of benefit" and it was unlikely the claimant would find employment with the benefit of a final salary scheme. Although the tribunal took account of the increased salary and the money purchase benefits due in the new job, it still awarded compensation of over £37,000, most of which represented pension loss. The Employment Appeal Tribunal upheld the tribunal's decision.

As final salary schemes become increasingly rare outside the public sector, NHS employers run the risk of having to make substantial compensation payments where a dismissal is unfair or discriminatory and the individual concerned is unable to find a new job in the public sector. Pension losses can run into tens or hundreds of thousands of pounds. In most unfair dismissal cases an employer's exposure is limited by the cap on compensatory awards (£66,200 for dismissals after 31 January 2009). If, however, a dismissal constitutes unlawful discrimination there is no such cap.

*Roberts v Aegon UK Corporate Services Limited*, 12 February 2009.



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### HPMA membership renewals 2009/10 (Fees unchanged from 2008/09)

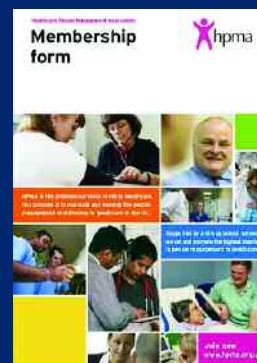


#### NHS members

Individual (Band 4 & above)	£45
Individual (Below band 4 and retired members)	£20
Corporate (Turnover over £150m)	£450
Corporate (Turnover below £150m)	£350

#### Commercial members

Individual (single handed HR consultants only)	£75
Band 1 (2-250 employees)	£500
Band 2 (over 250 employees)	£1,000



**Renewals must be returned by 31 March 2009, call 020 8334 4530 for assistance with your HPMA membership.**

# Patient-Centred Leadership in Practice

## Lane4

Engaging People. Delivering Performance.

Lane4's health care group is focused on developing patient-centred leadership to create resilient organisations that can continually improve patient services in changing and challenging environments. To find out more about Lane4's experience and expertise please visit [www.lane4performance.com](http://www.lane4performance.com)

In last month's newsletter, HPMA president Kelvin Cheatele referenced conflicting demands, limited time, restricted resource and pressure for delivery as key challenges for NHS leaders. Of course, these are just the tip of the iceberg for leaders navigating the complex organisational dynamics of 21st century healthcare.

Under incessant scrutiny and pressure to deliver a world-class health service, leaders need to create an environment in which staff feel thoroughly engaged and able to perform at the highest level to deliver the very best patient care.

Patient-centred leadership that engages staff and patients is both challenging and vital. Too often, professionals are thrust into leadership positions and these roles sit hand in hand with a pressure to move beyond being an expert in one's field. These leaders will be technically brilliant but less experienced at engaging their people. This is where performance development and coaching are key.

High performing leaders need to be able survive and even thrive under pressure. They must make tough decisions, respond quickly to change and find opportunities despite all the challenges around them. They need to be able to identify, develop and retain their best people. They should be able to communicate openly with their people, be honest about the challenges and be open to challenge and questions from their teams.

In difficult circumstances, too many leaders focus on the constraints to performance rather than the supports and opportunities available. By focusing on the controllables, high performing leaders will be able to sustain performance and develop resilience.

With NHS chief executive David Nicholson calling on senior leaders to take responsibility for improving

the quality of management in the health service, it is evidently vitally important. But what is not so clear, is the critical role that a performance coaching culture can play in creating a resilient organisation and high performing leaders who can facilitate world-class patient care.

A performance coaching culture supports the nurture and development of staff across multiple functions and levels. Lane4 has worked at a number of NHS trusts including Imperial College Healthcare, Barts & London and South Downs to equip them with the skills to act as role-models. A successful coaching culture generates accountability in others, ensures feedback is commonplace and makes communication more open, honest and frequent.

Developing leaders' performance coaching skills will enable them to deliver an effective patient-centred service because their people will feel engaged to deliver. In this way coaching can be used to maximise potential in others. Performance coaching can also help to build collaborative cross-functional relationships and influence key stakeholders across an organisation.

Furthermore, coaching can also be employed as a teaching tool. Developing clinicians' skills at earlier stages in their careers will support the development of an effective coaching culture. This can either happen with them directly, or through developing the coaching skills of those who train them.

Many of the challenges to delivering world class healthcare link to how leaders create the performance environment within which staff can feel inspired to deliver world-class, sustainable care to patients in challenging economic and situational circumstances. Prioritising performance development and coaching can make this possible.

## DATES FOR YOUR DIARY

- **HPMA awards**  
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 **25 June 2009** Royal Garden Hotel, London
- **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\*  
**7 May & 3 September 2009** 09:30-14:00  
\* Venue is subject to change if expected numbers exceed room capacity
- **HPMA Northern Ireland branch conference** **14-15 May 2009**
- **NHS Employers annual conference and exhibition** **3-5 November 2009** Birmingham ICC

## Fantastic HR Professionals

In our work across the public sector we find committed managers clear about their service and organisational goals but frustrated by their lack of ability to achieve things quickly enough or in a way which leads to most improvement.

And yet we know what defines 'best in class' organisations, the characteristics of high performance leadership and that effective organisation development and culture change are key to success. Also that getting the best out of our workforce is at the heart of competitive advantage and delighted customers.

An important factor in the success of organisations is the ability of their HR resource. Jon Sparkes (2001) defined 'fantastic HR professionals' as having:

- a depth of understanding of their business context
- exceptional analytical skills
- the sensitivity and insight to deal with intense and complex interpersonal solutions.

And there was more. But maybe the most important point he made was that HR professionals need to be credible and be seen to be credible.

Perhaps this last point seems all very obvious but with the recent Roffey Park Survey showing that:

- 81% of managers describe the HR function as 'out of touch with the rest of the organisation', and
- 57% believe that HR is only reactive

Those of us in the profession seem to have some work to do to convince people that credible, organisation-savvy HR professionals are critical partners in delivering business goals and improved customer outcomes. That is why HR professionals need to make a real difference to the performance of their organisation and make a real difference to the confidence managers have in dealing with people issues.

And so that's why we are supporting this award! We know there are fantastic HR professionals out there; people who are changing the culture, performance and effectiveness of their organisation through well designed, timely interventions and we want to make sure that more people know about you too.

If you have achieved great things with and for your organisation, then let us know.



Rita Sammons, director, SOLACE Enterprises

SOLACE Enterprises is sponsoring the HR building capacity for organisational improvement award.

## Effective online recruitment toolkit publication from NHS Jobs and Jobcentre Plus

This new toolkit publication accompanies the training events held in March and April at UCLH in London. The sponsored publication will be available on the NHS Jobs site as an electronic resource for recruiting managers, and emailed to all registered NHS Jobs account holders.

Like the planned event sessions, the toolkit publication offers practical tips, help and advice for NHS Jobs users. Reading the toolkit should help you write better quality, more effective, recruitment advertisements on the NHS Jobs website.

Toolkit contributors include online recruitment expert Giles Guest from Enhance Media, solicitors Capsticks and diversity consultant Gamiel Yafai.

Here are just a few top tips from the day that could help you attract the best candidates and deter the timewasters:

1. Keep it short and use natural, direct, approachable language in your advert
2. Organise the information and don't rush the writing

3. Avoid 'HR speak', or any overuse of jargon
4. Put yourself in their shoes. What would attract you?
5. ALWAYS check the ad before posting AND again when it is published on the website
6. Use the NHS Jobs holding area to prepare your advert
7. Use the job pack feature to collate additional information for applicants
8. Feedback even unsuccessful applicants using the messaging system
9. Create vacancy bulletins to circulate to trusts and other wider networks
10. Provide accurate salary and location information - these fields are popular vacancy searches.

Although second April event has now sold out, HPMA members can register interest in future events at [www.chamberdunn.com/go.asp?/.nhsjobs.20march.event.form/bCHB001](http://www.chamberdunn.com/go.asp?/.nhsjobs.20march.event.form/bCHB001), all those registering on the website will be emailed a copy of the publication on the launch.



## Headlines from *Personnel Today*

**Personnel**  
**today**

### **A national campaign to entice 5,000 former social workers back to work has been launched after an report showed that most councils are struggling to recruit social care professionals.**

The government is looking to set up a career-matching service - bringing together social work returners with prospective employers - and training schemes to get returners up to speed.

Respect and Protect, a report from the Local Government Association (LGA), revealed that nearly one in 10 social worker posts remained empty, and that 89% of councils had reported having difficulties recruiting experienced social workers.

### **New legislation to force employers to advertise skilled vacancies at Jobcentre Plus for two weeks before recruiting non-EU workers has caused outrage across the HR profession.**

Leading HR directors have warned the move, expected to come into law on 1 April, is purely "political" to ease taxpayers concerns about rising unemployment, but will only serve to add extra delay and bureaucracy to any recruitment that does occur during the recession.

The UK Border Agency said the new system would help protect jobs for UK-based workers: "We have worked with Jobcentre Plus during the development of this policy," a spokeswoman said.

### **The Health and Safety Executive (HSE) has ordered an NHS Trust to improve its stress management practices.**

The HSE issued an improvement notice against United Lincolnshire Hospitals NHS Trust - only the second ever issued for work-related stress.

Employers have now been warned by the Chartered Institute of Personnel and Development (CIPD) to improve how they manage stress at work.

United Lincolnshire Hospitals NHS Trust said it was already working on action plans to tackle the issue.

### **Hundreds of HR civil service jobs across all Whitehall departments will be cut in a renewed efficiency drive by the government, it has been claimed.**

Hundreds more jobs will go in other back-office functions such as IT and finance, in an effort to generate savings of at least £5bn by 2010-11, according to reports.

The chief secretary to the Treasury, Yvette Cooper, has demanded that all Whitehall departments make job cuts to maintain front-line services such as health and education.

### **Equal pay claims now account for a third of all employment tribunal cases.**

Data released today by the Tribunals Service shows that more than 60,000 equal pay cases were accepted between April 2007 and March 2008 - more than three times the number of equal pay cases received in 2005-06 (17,268) and more than ten times the number of cases received in 2003-04 (4,412).

### **"Appalling" standards in leadership and management at an NHS trust has caused needless deaths, it has been revealed.**

The Healthcare Commission found there was a series of failings at the Mid Staffordshire NHS trust including low staffing levels, inadequate nursing, lack of equipment, lack of leadership, poor training and ineffective systems for identifying when things went wrong.