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We've come so far

Time for reflection

I'm feeling as wistful and reflective as the mellow autumn days we are experiencing at the moment. I've just left my job as HR Director at WLMHT and Broadmoor after 13 years, and it's a time to reflect before moving forward again.

Of course there is nobody so popular as somebody who is leaving an organisation, but my send off was truly touching. It was epitomised by a phone call from a doctor colleague (who frankly I thought regarded me as working for the SS!) who ran through a list of things that had changed for the better in the past 13 years; it wasn't a eulogy for me but rather a helpful reminder of all the good things that have happened in the NHS over the past decade or so of which Broadmoor Hospital - my former main base - is part.

In that time alone the patient staff ratio has almost doubled; the quality of care and therapies is much improved; the length of stay reduced; the estate of much better quality; staff better paid, trained and supported ...I could go on. And, I will admit with no embarrassment, the HR function is transformed and almost every staffing activity of a far more sophisticated level. I'm sure all HPMA members could tell similar stories; and yet if you read any newspaper you'd think the NHS was once again "in crisis"; why are we so hard to please?

Well whilst it's clearly good to always strive for improvement, I fear that if we don't learn from the past then we will never understand the future. We are in a vicious cycle at the moment: media hammers government; politicians hammer civil servants; civil servants hammer trust management and so on. Scrutiny and monitoring are important, but they must be delivered in a balanced way with perspective. I can't help feeling that if the Care Quality Commission had inspected the pyramids soon after they were built the criticism would be that they lacked air conditioning! In short we are in desperate need of a sense of perspective, not the least so that staff and leaders feel their efforts (which are often heroic) are valued and we can all strive to improve with a sense of optimism.

Kelvin Cheatle HPMA President
Director of Workforce/Environment, WLMHT

2010 HPMA Excellence in HRM Awards
WILL YOU MAKE THE FINALS?

What about the workers?

Rachael Heenan of Beachcroft looks at another aspect of the swine flu challenges

beachcroft

Further information
For further details of this case or how our specialist national equal pay unit can help you, please contact:

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Swine flu is back in the headlines again, with an apparent upturn in cases coinciding, as expected, with the start of the new school year. The NHS Confederation estimates that some organisations may face up to 25% staff absence during a pandemic.

Of course any staff who display symptoms of H1N1 virus should be sent home, with sick pay, until fully recovered. If it's suspected that an employee is not genuinely ill, it is unlikely to be feasible to carry out investigations and disciplinary hearings at the peak of the epidemic and it may well be difficult to obtain convincing evidence one way or another in any event.

Fear of catching swine flu isn't, in itself, a sufficient reason for absence. Dealing with health risks is nothing new for health workers. The question will be, of course, has an organisation done enough to manage the swine flu risk?

Pregnant women are particularly vulnerable to swine flu and employers should carry out tailored health and safety assessments and consider moving workers to minimise the risks. If risks can't be adequately managed then, ultimately, pregnant workers can be suspended, with pay, on health and safety grounds.

Some staff may be fit and well but still need to take time off work to care for others who are sick or because schools have closed. Employees have a legal right to take reasonable time off work, unpaid, to assist someone who is ill or dealing with unexpected incidents involving a dependent child in school hours. Dependants include a spouse, civil partner, child, parent, or a person who lives in the same household as the employee. It can also include those who rely on an employee for the provision of care such as an elderly neighbour. The right to take leave is not opened ended, however. Some employers have allowed paid leave but should take care to apply a consistent policy, to avoid claims of unfair treatment and even discrimination.

There have already been calls from the Royal College of Surgeons and Doctors' pressure groups to suspend the Working Time Directive and so allow more than an average of 48 hours to be worked in a week. In fact the WTD already allows working during rest times in certain emergency situations. However if rest times have had to be worked, then compensatory rest must be allowed in all but the most exceptional circumstances and even then the workers' health and safety must be safeguarded.

Health organisations can encourage (but not compel) front line staff to get vaccinated (when vaccines are available) against seasonal flu and swine flu. Preventative anti-virals can be issued but only, national guidance provides, in specific circumstances.

No one solution can provide the complete answer to meeting the staffing challenges posed by swine flu. Adopting several solutions will help organisations to meet the challenges but ultimately it will be the staff's commitment to ensuring that patients receive the health care they need, that enables the system to cope.

PANDEMIC STAFF PLANNING OPTIONS

- redeploying staff with appropriate skills to depleted services
- utilising reserve or bank staff
- short term re-employment of recently retired staff
- extended working hours
- refusing requests for annual leave in the winter
- allowing flexible working
- allowing home working
- asking part-time staff to consider working full-time hours
- offering vaccinations to front line NHS staff

Are your HPMA colleagues getting e*Network*?

If you or any of your colleagues have experienced problems downloading, viewing or receiving the latest issues of the electronic newsletter please email Lauren@chamberdunn.co.uk at Chamberlain Dunn Associates.

BRANCH MEETINGS

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

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

Leading Champions at South Downs Health NHS Trust

In times of unprecedented change, resource pressure and demand for world-class patient care, leaders are under intense pressure on a daily basis. They need to be resilient, adaptable and innovative in order to lead multi-professional teams through periods of significant organisational change.

Focused on developing its leaders' capability to create compelling visions and optimise team performance, South Downs Health NHS Trust delivered the Leading Champions Programme for senior leaders.

"Partnering with Lane4, we made sure that high performance was at the heart of the programme. A session was run for our Board which was followed by workshops for leaders covering performance coaching, leadership behaviour as well as developing creativity and innovation explains Organisational Learning Manager, Sarah Thomas.

Alongside workshop learning, leaders underwent a tailored 360 degree feedback process. The questionnaire incorporated behaviours from Lane4's leadership research as well as learning outcomes specified for the programme and South Downs NHS Trust.

Of the five workshops throughout the nine month programme, the first three focused on creating a high performance environment and developing practical coaching skills for leaders. During the final two workshops, leaders were challenged to develop a creative edge when it came to business development. As part of Leading Champions, leaders experienced 1:1 performance coaching and action learning groups together where they had chance to make sense of learning and challenges.

Following the programme, the 360 degree feedback was re-measured with results demonstrating improved leadership, coaching and creativity. Participants also commented on benefits of the programme at an individual and organisational level. "It was a very enjoyable experience, which I think will continue to have an effect and impact over the next year as I have the opportunities to put the knowledge into practice."

The impact of the programme has been such that South Downs NHS Trust intends to develop this work for the wider leadership population. Leading Champions will provide further support for organisational change as the organisation extends its provision of primary care services to West Sussex.

Practice Director at Lane4, Jon Harding explains, "The next focus will be to identify a set of leadership qualities for South Downs that are aligned with the NHS Constitution Values. We want to really involve and engage leaders to live these values and drive the organisation's performance."

Lane4

Dr Liz Campbell
For more information visit:
www.lane4performance.com

Sickness and holidays: latest ruling could cause problems for employers

The European Court of Justice (ECJ) has ruled that workers who go on sick leave during a period scheduled as annual leave for the purposes of the Working Time Directive should be allowed to reschedule their holidays, even if that means allowing leave to be carried forward into a subsequent holiday year (*Pereda v Madrid Movilidad SA*, 10 September 2009).

This latest decision follows the ruling earlier this year in the Stringer case, which decided that workers can opt to take paid annual leave under the Working Time Regulations even when off sick (see June 2009 edition of Network). This new ruling takes things one step further, saying that workers on sick leave have a choice: they can take annual leave if they wish, or alternatively can postpone their annual leave and take it at a later date, possibly even in a subsequent leave year.

Carrying forward leave

Even though this case says workers should be allowed to carry forward leave in some cases, it is not yet clear that UK law (in the shape of the WTR) requires, or even allows, this. So private sector employers may still be able to argue against leave being carried forward.

However, NHS employers, being public sector bodies, might have to give effect to the Directive rather than UK law and allow leave to be carried forward. In practice this will not always be problematic as often it will be possible to absorb carried forward leave within the following year's more generous contractual leave entitlement.

Rescheduling holidays

The ruling also suggests that workers who fall ill during annual leave may be able to have their annual leave 'reinstated' to be taken at a different time.

In the case before the ECJ, the claimant went on sick leave shortly before his annual leave was due to start. But what if a worker falls ill after annual leave has started? There seems to be no reason in principle for treating this situation any differently.

So what evidence of illness must the worker produce? Until the courts say otherwise, our view is that employers are entitled to require workers to produce convincing evidence of their illness and that it would have rendered them unfit for work before allowing workers to reschedule holidays.

EVERSHEDS

Shirley Wright, partner,
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Creating a recession-proof HR department

The chief nursing officer for England recently invited nurses to contribute to the definition of the Top Ten high impact actions that will change the way nurses work and save the NHS millions. One wonders quite what has been going on over the past decade with successive 'modernisation' initiatives, rethinking the patient pathway, Lean Thinking and so on. Perhaps adversity will achieve what the good times have failed to achieve.

The healthcare HRM world, however, has already done plenty of homework on highlighting the high impact actions which make the difference and defining the value of HRM interventions. Now is the time to dust off that research and put it into practice as the NHS faces tougher times ahead with £15bn efficiency savings to find.

HPMA members will already be focusing on what their teams can uniquely contribute to deliver high quality patient care in the difficult period ahead. In the coming months there will be a need to examine HR staffing and skills, efficiency and effectiveness, and alternative ways of delivering HR expertise within your organisation so that you can demonstrate added value. The Darzi challenge of engaging clinicians is one which HR people are well positioned to take up.

Some members will still be battling to establish the credentials of their departments. Here 's where you will need to draw on the excellent body of research on how people management can help deliver high quality patient services. Human capital remains the NHS's greatest resource which it squanders at its peril. In the fight to win the hearts and minds of the board, you will need to know how to cope with the new financial challenges and convince the board that HR means business.

Our learning and development division, GateHouse, has teamed up with Noel Plumridge, the former NHS finance director who now helps organisations with their leadership development and change programmes, to run two crucial and timely courses to help HR managers thrive in NHS. Go to www.GateHouseCouses.com to find out more.

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Patient and Staff Satisfaction

Sharon Gregory,
for Croner
www.sgtd.co.uk

The Kings Fund have recently conducted a new survey into the links between positive staff feedback and positive patient experiences in 166 acute and specialist trusts in England entitled 'Quality and Safety in Healthcare'. The report showed significant associations between positive staff feedback and positive patient experiences pointing to the possibility that improving working conditions for staff could be a key strategy in improving the quality and safety of healthcare.

Of particular note was the fact that there was direct correlation between staff saying they felt supported by their manager and patient reports of good team work between doctors and nurses, and patients reporting that they felt they had been treated with respect and dignity.

There was also very significant correlation between positive patient feedback and the following staff experiences;

- Feeling supported by their line manager
- Good availability of handwashing facilities
- Feeling able to report a potential error
- Availability of health and safety training
- Lower levels of staff working extra hours

The Health and Social care regulator, the Care Quality Commission (CQC) published the performance ratings for 329 NHS organisations on 15 October 2009. The CQC's ratings framework for the annual health check has a clinical and financial emphasis but it also includes a number of workforce indicators such as employment checks, access to education and training and also a score for overall staff satisfaction.

Interestingly, in the context of the recent Kings Fund report this survey also showed a clear association between below average scores for staff engagement/satisfaction and overall problems with performance.

Staff engagement continues to be a core theme for NHS Employers in the coming months in terms of activity and development initiatives. An updated staff engagement briefing will be available on the NHS Employers website from November which will bring together current research findings and best practice recommendations.

TUPE – mobility clauses and post-transfer change in work location

The latest decision under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) is *Tapere v South London and Maudsley NHS Trust*, which looked at the common situation of an employee's work place changing as a result of a TUPE transfer.

Ms Tapere worked for Lewisham PCT and transferred to South London and Maudsley NHS Trust under TUPE. During consultation, Ms Tapere was informed that there would be a change to her work place as soon as possible after the transfer.

This change would affect her route into work and require her to use the M25. The extra travel time also potentially upset her child care arrangements. She made it clear to her new employer that she was not happy with this. The new employer suggested a later start time and that they would see how things went.

Little else happened between the transfer on 1 April 2007 and Ms Tapere going on holiday in August. While she was on holiday the office move took place. The letter informing Ms Tapere of the move was sent while she was away. Without having read the letter, Ms Tapere went back to work, only to find an empty office. As a result, she went off sick and resigned a few days later. She brought claims for constructive unfair dismissal and breach of Regulation 4(9) of TUPE.

The EAT considered the mobility clause in Ms Tapere's contract that allowed her employer to require her to work at other locations "within the Trust". South London and Maudsley NHS Trust, as the new employer, argued that having inherited this contractual term, it could rely on it to mean locations within its Trust, not the predecessor employer, Lewisham PCT.

The EAT looked at the purpose of the Directive, which TUPE implements. The effect of TUPE could not be to give Ms Tapere less protection than she had before the transfer, by allowing her new employer to require her to work over a wider area. The mobility clause had to be interpreted to mean locations within Lewisham PCT and not South London and Maudsley NHS Trust. The new employer was in breach of contract by moving her to the new location.

Regulation 4(9) allows an employee to treat his or her contract of employment as terminated where the transfer involves a substantial change to working conditions that are to the employee's material detriment. The EAT found that working conditions should be widely interpreted to include contractual terms, as well as physical conditions. Whether a change is "substantial" is a question of fact. Tribunals should look at the nature and the degree of change.

In this case, Ms Tapere felt that the change in location meant a potential disruption to her child care arrangements and a slightly longer or at least altered journey involving using the M25, which she did not find "attractive". The Tribunal should have looked at whether Ms Tapere considered this to be detrimental and if so, whether it was reasonable for her to do so. As such, the EAT found Ms Tapere was entitled to treat herself as dismissed under Regulation 4(9). The case was remitted to the Tribunal to consider if the dismissal was fair.

Bevan Brittan

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20% SAVING FOR HPMA MEMBERS

Strategic HR Management in the NHS

A one-day practical workshop for HR managers on how to add value. Includes tools and techniques for analysing current HR performance, and understanding how and where to apply best HR practice to make the most impact on the whole organisation's performance. See http://www.thehubevents.com/strategic-hr-management-in-the-nhs/prod_20.html for details.

Monday 26 November London **Tuesday 9 February** Birmingham

Use the discount code HR20 to secure your saving.

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HPMA consultant proposals

With new funding to support branch development work the Association is keen to use the best consultant support available. So HPMA have now opened 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

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

STOP PRESS

Congratulations

Sally Story has just started as Director of HR and OD at St Georges Healthcare NHS Trust, taking over from Helen Gordon who has gone off for a year on adoption leave. We all wish Helen and her family the very best, and congratulations to Sally on her appointment.

Branch news

The HPMA NI branch held its Annual General Meeting on Thursday 15 October 2009. The committee reported a very good year of 3 well attended workshops and a successful Annual Conference Event. All information can be found on HPMA website www.hpma.org.uk/NIConf2009.php.

The newly elected officers of the committee consists of:

Therese McKernan	Chair
Jacinta Melaugh	Vice Chair
Pat Hannaway	Secretary/ Events
Raymond Irvine	Treasurer/ Membership Secretary
Gladys McKibben	PR. Officer

For the next 12 months, the committee plan to facilitate 4 half day workshops on topical issues in the coming year and have agreed to host the Annual Conference for 20th and 21st May 2010.

Meet the president!

HPMA are exhibiting at the NHS Employers conference (3-5 Nov) at the ICC in Birmingham – pop along and say hello to Kelvin, we will be at stand 33, and we may have a special gift for you!

2010

HPMA Excellence in HRM Awards

Programme launch December 2009
see www.hpma.org.uk for details
Entry deadline Wednesday 31 March 2010
Awards ceremony and black-tie dinner June 2010

There is still time to get involved as a sponsor contact Lauren@chamberdunn.co.uk or call **020 8334 4530** for details.

Recruitment habits and attitudes: survey highlights

The NHS Purchasing & Supply Agency (PASA) has recently awarded commercial HPMA member Fine Green Associates a place on the newly launched Commercial Resources Framework (ie senior non-clinical interim staff).

This month Neil Fineberg, director at Fine Green Associates shares a brief selection of findings from their client survey which surveyed 200 NHS HR Executives on their habits and attitudes towards the marketplace.

Q1

What % of your non-clinical managerial/executive level (AfC Band 7 – VSM) permanent roles are filled by only advertising on www.jobs.nhs.uk?

Answers varied hugely depending on the type of role and location, average figure 59% from entire group.

Q2

What are currently the most problematic roles for you to fill?

Most common answers were governance, commissioning and general management.

Q3

What do you consider an acceptable number of applications and size of shortlist?

Most frequent answer was 20 applications, and a 7-strong shortlist.

Q4

What are your the biggest frustrations with www.jobs.nhs.uk?

Respondent answers included:

- Contending with weak and small shortlists
- Applicants cutting & pasting applications and not making the effort to tailor application for a specific role
- Applications only partially completed
- Candidates being invited for interview but not attending
- Not suitable for immediate or interim roles.

Q5

What factors contribute to engagement of a third party recruitment consultancy to assist with a permanent role?

Respondent answers included:

- Previous experience; we know that the role is challenging to fill
- The need to ensure the widest possible shortlist
- Failure to appoint using NHS Jobs and/or own advert
- Need external administration of CV filtering and initial interviews
- Lower than expected fees

Q6

What criteria rank most highly when selecting a recruitment consultancy to assist with healthcare non-clinical managerial roles?

NHS PASA 'Awarded'	30%
Recommendation/track record within the organisation	21%
They contacted me at the right time	15%
"They Placed me"	17%
They are NHS specialists	13%
Other	4%

Neil Fineberg
director, Fine Green Associates
www.finegreen.co.uk

For more details on our business and the reasons why we are one of the UK's fastest growing NHS recruitment suppliers please visit our website www.finegreen.co.uk or visit our stand at the forthcoming NHS Employers conference.

FREE delegate pass for NHS Employers Conference

3-5 November 2009 ICC Birmingham

Fine Green Associates are offering one lucky HPMA member a free delegate place at the NHS Employers Conference at the ICC Birmingham on Tuesday 3 – Thursday 5 November 2009.

To enter the draw, please send an email with your full contact details to adam.green@finegreen.co.uk

Closing date is 12 noon on Wednesday 28 October 2009

HPMA membership

Discounted individual and corporate HPMA membership is now available for the remainder of 2009/10 membership year (ending 31 March 2010):

Individual (band 4 or below and retired members)	**£12**	(Previously £20)
Individual (band 4 or above)	**£25**	(Previously £45)
Corporate (turnover <£150m)	**£195**	(Previously £350)
Corporate (turnover >£150m)	**£250**	(Previously £450)

Inform your network – let's build our membership.

Download a membership form online at www.hpma.org.uk or call 020 8334 4530

DATES FOR YOUR DIARY

- **NHS Employers annual conference and exhibition** 3-5 November 2009
  Birmingham ICC
  http://www.nhsemployers.org/ABOUTUS/EVENTS/CONFERENCE/Pages/Leadingworkforcethinking2009.aspx
- **HPMA Wales Winter Event & AGM** 6 November 2009 YMCA, Newport
- **NHS EFM Workforce Challenge Conference** 13 November 2009 Leeds
  http://www.mvue.uk.net/efm
- **HPMA Excellence in HRM Awards 2010**
  Launch December 2009
  Entry deadline 31 March 2010
  Awards ceremony and black-tie dinner June 2010
- **HSJ World Class Workforce** 19-20 January 2010
- **NHS Confederation Annual Conference & Exhibition** 23-25 June 2010 ACC, Liverpool
  http://www.nhsconfed.org/Events/2010/Pages/2010.aspx
- **HPMA NI Annual Conference** 20-21 May 2010
  http://www.hpma.org.uk/NIConf2009.php

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 sucess, ask for help or get colleagues thinking.