


<b>Document title</b>	Joint Collective Agreement: HR Response to Major Organisational Change
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**Version History**

<b>Version *</b>	<b>History (change)</b>	<b>Author</b>	<b>Date</b>
0.1	First draft developed from Joint Collective Agreement for Olympics and Paralympic games 2012 Policy	Ann Langdon/ Barry Jarvis	July 2013
0.2	Title change and tracked changes removed	Adrian Howles	1 Aug 2013
0.3	Amendments arising from discussion/consultation at SPF	SPF	2 Aug 2013
1.0	Final version	SPF	2 Aug 2013

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## JOINT COLLECTIVE AGREEMENT: HR RESPONSE TO MAJOR ORGANISATIONAL CHANGE

### 1. STATEMENT

- 1.1 This East of England Ambulance Service Agreement documents the temporary arrangements which have been collectively agreed with the Trust's recognised trade union, Unison that will apply during identified periods of major organisational change.
- 1.2 The aim of this Agreement is to maximise the continuance of services during periods of major organisational change as defined by the Trust Executive Leadership Team (ELT).
- 1.3 The Trust will seek, where possible, to continue to operate within its existing employment principles during periods of major organisational change. However, it is envisaged that temporary modifications to our current employment policies, procedures and practices will be necessary.
- 1.4 This Agreement aims to address some key issues that will present a challenge to the Trust during major organisational change and to set out what has been jointly agreed in order to address these.
- 1.5 The contents of this Agreement have been entered into on behalf of all staff following consultation with the Trust's recognised trade union, Unison as agreed by the Trust's Staff Partnership Forum (SPF). The contents of this Agreement will be implemented following its formal approval by the ELT. It is important to note that all and any decisions permitted under this Agreement can, and will be, revoked and a return to normal practice will occur as appropriate under the direction of the Trust Board or ELT in liaison with the Trust's SPF.
- 1.6 This Agreement has been developed and written in partnership by management and staff side.

**2. SCOPE**

- 2.1 This Agreement applies to all staff employed by the Trust.
- 2.2 This Agreement does not deal with the organisation or provision of trust services, other than those relating to human resource policies or employment matters.

**3. ACCESS TO THE AGREEMENT**

- 3.1 All employees are entitled to access to this agreement which is located on the trust's Intranet. If you require this Agreement in any other format please seek guidance from the Human Resources Department, your line management or trade union representative.
- 3.2 Employees and Managers may also wish to consult the Change Management, Redundancy and Redeployment Policy.

**4. ROLES AND RESPONSIBILITIES**

- 4.1 The Human Resources Department is responsible for keeping the provisions within this agreement in line with employment legislation and best practice people management principles, where possible.
- 4.2 Managers, HR staff and trade union representatives are responsible for providing advice and guidance to employees on the application of this Agreement.
- 4.3 Management and trade union representatives are responsible for bringing any mutually beneficial improvements to this Agreement to the attention of the Trust.

**5. IMPLICATIONS OF MAJOR ORGANISATION CHANGE FOR THE TRUST**

- 5.1 In determining the scale of the implications required, the Trust will be guided by:
- The advice given by the ELT;
  - The advice given by the AD of HR;
  - The advice of the Staff Partnership Forum.
- 5.2 During Major Organisational Change, all HR policies will remain in place. If it has not been possible to complete the scheduled review of a policy SPF will automatically roll over the date for review. However, the practical ability to adhere to all aspects within those policies will be reviewed in accordance with any effect on the delivery of services in which case the modifications listed in the table below will automatically apply.
- 5.3 Where statutory timescales are specified within policies every effort will be made to meet these, although it is expected that some deadlines may be extended where physical resources make it impossible to meet these. Where

non-statutory timescales or functions are described, these may be postponed for the duration of the Major Organisational Change.

5.4 During Major Organisational Change, the following will apply and supersede the respective elements of trust employment policies, practices and/or procedures as follows:

<u>POLICY*</u>	<u>VARIATIONS DURING MAJOR ORGANISATIONAL CHANGE</u>
Annual Leave (for staff groups as defined by SPF)	<ul style="list-style-type: none"> <li>○ Requests for annual leave will be made and approved in the usual way and no sooner than 12 months in advance. Decisions to approve annual leave will be dependent on sustaining satisfactory service levels during Major Organisational Change.</li> <li>○ Where annual leave has already been booked and approved, this will be honored (see Annual Leave Policy).</li> <li>○ During Major Organisational Change, should an urgent need arise, members of staff may be approached by the Trust on either a staff-wide (EEAST) basis or on an individual basis and asked if they are willing to work their annual leave. Where a member of staff agrees to work their annual leave, they will attract payment at overtime rate (in this exceptional Agreement, overtime rate will apply to both full-time and part-time staff who work their booked period of annual leave). It should be noted however, that staff can only work annual leave over the 28 statutory days they are required to take under the Working Time Regulations.</li> <li>○ As a means of providing additional flexibility to maximize staff ability to take leave, staff with a personal leave year <b>ending</b> during the period of Major Organisational Change may be permitted to:               <ul style="list-style-type: none"> <li>a) Delay the taking of any outstanding annual leave until after the period of Major Organisational Change where this would not take their combined yearly annual leave and public holiday leave to less than 28 days in either of the applicable years.</li> <li>b) Consider bringing forward up to one week of annual leave from the next leave year to be taken before the end of their personal leave year where this would not take their combined yearly annual leave and public holiday leave to less than 28 days in either of the applicable years.</li> </ul> </li> <li>○ Consideration may be given to increasing the volume of leave available during other parts of the year (where for example, there is a predetermined/known period of Major Organisational Change, i.e. as was the case in</li> </ul>

	<p>respect to the Olympics) to facilitate the taking of annual leave during an individual's personal annual leave year. Any decisions will be communicated via manager briefings and other communications channels.</p>
Collective Grievance	<ul style="list-style-type: none"> <li>○ During the period of Major Organisational Change the Trust will be guided, with advice from the Associate Director of HR, as to whether it is practical to meet any statutory/non-statutory timescales to investigate/hear collective grievance cases or whether they need to be postponed for a defined period.</li> </ul>
Grievance	<ul style="list-style-type: none"> <li>○ During the period of Major Organisational Change the Trust will be guided, with advice from the Associate Director of HR, as to whether it is practical to meet any statutory/non-statutory timescales to investigate/hear grievance cases or whether they need to be postponed for a defined period.</li> </ul>
Dignity at Work	<ul style="list-style-type: none"> <li>○ During the period of Major Organisational Change the Trust will be guided, with advice from the Associate Director of HR, as to whether it is practical to meet any statutory/non-statutory timescales to investigate/hear Dignity at Work cases or whether they need to be postponed for a defined period.</li> </ul>
Disciplinary (Managing Staff Conduct and Performance)	<ul style="list-style-type: none"> <li>○ During the period of Major Organisational Change the Trust will be guided, with advice from the Associate Director of HR, as to whether it is practical to meet any statutory/non-statutory timescales to investigate/hear Disciplinary cases or whether they need to be postponed for a defined period.</li> </ul>
Induction	<ul style="list-style-type: none"> <li>○ Corporate induction programs will be considered on a date by date basis.</li> </ul>
Learning & Development	<ul style="list-style-type: none"> <li>○ Any required changes to clinical training and on-site courses will be considered on an individual basis.</li> </ul>
Maternity and Adoption	<ul style="list-style-type: none"> <li>○ In order to maximize staffing during the period of Major Organisational Change employees who will be on maternity leave in their unpaid additional maternity leave period during this period may be offered the opportunity to return to work for the period of Major Organisational Change and complete the remainder of their unpaid maternity leave after the period has finished. This opportunity cannot be made to persons in receipt of statutory maternity pay as their maternity leave period cannot be broken without losing their entitlement to statutory maternity pay.</li> </ul>

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Paternity	<ul style="list-style-type: none"> <li>○ Every effort will be made to adhere to statutory timescales, where possible.</li> </ul>
PDR	<ul style="list-style-type: none"> <li>○ It is anticipated that PDRs may be delayed during the period of Major Organisational Change.</li> </ul>
Recruitment and Selection	<ul style="list-style-type: none"> <li>○ As far as reasonably possible normal recruitment activity will continue for those roles for which recruitment has been authorised.</li> </ul>
Secondment	<ul style="list-style-type: none"> <li>○ All secondments in place before the commencement of a period of Major Organisational Change may be reviewed. This may result in these: a) being extended for this period where these support service delivery requirements. If so, the secondee will continue to attract the appropriate pay; or b) these being brought to a necessary end</li> </ul>
Sickness Absence Management	<ul style="list-style-type: none"> <li>○ Return to work interviews will be carried out where possible as per existing process.</li> <li>○ Any changes to absence reporting procedures necessary during the period of Major Organisational Change will be communicated to staff and managers via normal communication mechanisms.</li> </ul>
Special Leave	<ul style="list-style-type: none"> <li>○ Employees asking to take time off for public duties leave as set out in the policy may have this leave declined during the period of Major Organisational Change.</li> <li>○ Where employees are notified of Jury Service, the Trust may request them to ask that this be deferred wherever possible; the Trust will provide supporting evidence if necessary;</li> <li>○ The Trust may request that attendance at any professional/regulatory bodies will be deferred wherever possible.</li> </ul>
Standards of Business Conduct, Conflicts of Interest and Secondary Employment	<ul style="list-style-type: none"> <li>○ Employees are reminded that where their employment with EEAST is their primary employment, this must take precedent over any secondary employment.</li> </ul>
Variations in Clinical Practice	<ul style="list-style-type: none"> <li>○ During the period of Major Organisational Change, the Trust will be guided, with advice from the Director responsible for the provision of clinical care, as to whether it is practical to meet any statutory/non-statutory timescales to investigate/hear Clinical Variation issues or whether they need to be postponed for a defined period.</li> </ul>
Flexible Working Requests	<ul style="list-style-type: none"> <li>○ Statutory timescales may need to be extended or formal requests put on hold.</li> </ul>

*(\*Where, at the time of writing, a policy is not listed in the table above it is not expected that there will be any changes to its content during the period of Major Organisational Change . However, if it is found that other policies are affected these will be added to the table above and once signed off by SPF, this policy document will be published in its amended form).*

- 5.5 The advice, guidance and policies contained within the national NHS Terms and Conditions of Service Handbook remain relevant and in force during the period of Major Organisational Change.

## **6. ADDITIONAL FLEXIBILITY OF STAFF / RESOURCES**

- 6.1 Should staff resources be unexpectedly depleted in any particular department during the period of Major Organisational Change, the Trust may draw on a range of staff to offset any impact due to absence and may ask staff to work flexibly and/or take on new roles where this is reasonably practical (any such role would be within their abilities/training/experience etc). The Trust will seek to focus only on essential work in order to maximise the number of staff available. Staff may need to be redeployed to other work, locations or functions. This may vary by location depending on the localised effects.

- 6.2 Part-time staff may be asked to increase their hours, where practicable, for a temporary period. Any decision to do so will be on a temporary basis at the discretion of the employee.

- 6.3 A temporary review may be made of employees working patterns/hours/locations/shifts; balancing the need to sustain services with the pressures that will fall on employees who have childcare and other caring responsibilities (including possible home-working and working from other Trust/NHS sites where this is viable).

## **7. WORKING TIME DIRECTIVE PROVISIONS**

- 7.1 In order to enable the Trust to maintain service delivery during the period of Major Organisational Change, staff may be asked to increase their hours. To ensure compliance with the working time directive, the reference period for the calculation of working hours will be extended from 17 to 52 weeks. This extension will be reviewed by SPF, in line with paragraph 1.5.

- 7.2 Staff have been offered the opportunity to voluntarily 'opt out' of the 48 hour working week, if considered necessary. The management of compensatory rest periods will be managed locally and monitoring of this and overall hours working will continue to take place.

- 7.3 It should be noted that the SPF will be monitoring the working hours of staff during the period of Major Organisational Change to ensure the well-being and safety of staff.

## **8. POLICY REVIEW**

- 8.1 This Agreement and decisions falling under this Agreement will be subject to continual review and monitored at SPF on a monthly basis during the period of Major Organisational Change.