



Collaboration: system change and staff portability

North SPF Joint Chairs Meeting

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25 January 2019

What are the different workforce models?



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- Joint management/working model (existing flexibilities)
 - Secondments
 - Joint ventures – new company
 - Lead/single employer model
 - Collaborative banks



Contractual flexibility



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- Look at existing contractual flexibilities
 - Place of work clauses
 - What is covered?
 - Flexibility clauses
 - Reasonableness
 - Trust and confidence
 - Consultation and discussion with unions



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- Permits a change to employee's place of work
 - Trust and confidence
 - Notice
 - Limitations
 - Tapere v South London and the Maudsley NHSFT [2008]

Mobility clauses



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- Look at the individual employee's ability/willingness to travel
 - What adjustments could be made to facilitate this?
 - adjusting working hours
 - start and finish times
 - agile working
 - Think about travel expenses – who pays?

Workforce sharing



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- Workforce sharing/service level agreement
 - Employees remain with employer but are moved to a host organisation, short term or long term
 - Secondment agreements/licences to attend
 - Use existing flexibilities where possible
 - Consult with staff
 - Whose policies apply?

Workforce sharing agreement



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- Two/multi party
 - Set out expectations of parties
 - Host responsibilities
 - Employer responsibilities
 - Legal issues
 - Practical issues

Workforce sharing - legal considerations



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- Data protection
 - Equal pay
 - Working time
 - Right to work checks
 - DBS checks
 - Pensions

Workforce sharing – practical points



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- Uniforms
 - Security passes
 - IT access
 - Car park charges
 - Training

Secondments



- Secondment model is an alternative to a TUPE transfer
- Could TUPE apply anyway (*Celtec*)?
- Risks, liabilities to third parties and management issues need to be addressed in secondment agreements
- Honorary contracts/licences to attend?



Secondment agreement



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- Duties and obligations
 - Day to day management
 - Payment
 - Annual leave

 - Duration

 - Termination

 - Liabilities and indemnities

Joint employment



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- Joint employment contract with two organisations
 - Possible but not usually best option



Licence to attend



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- Permission to attend the host
 - Does not create an employment relationship
 - Indemnity for clinical staff

Collaboration - practical steps



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- Local discussions and engagement on the best way to deliver integrated care
 - What are the potential staffing models that can be used to deliver that model
 - What are the likely advantages, disadvantages and costs of different models

Case Study: London Cancer Vanguard



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- Clinical steering group
 - Legal framework for sharing employees
 - Statutory and mandatory training
 - Right to work checks
 - Information governance
 - Policies and procedures
 - Indemnities and funding
 - Mobility clauses

Any questions?

