

**FAQs on NHS England and NHS Improvement's Guidance on the employment commitment:  
Supporting the development and transition towards statutory Integrated Care Systems (ICSs)  
July 2021**

**1. What does the employment commitment mean for me?**

It provides a commitment to employment stability throughout the transition period, minimising uncertainty as much as reasonably possible for staff.

This means there is a commitment not to make significant changes to roles below the most senior leadership roles during this transition, to minimise the impact of organisational change and to offer opportunities for continued employment for all those who wish to play a part in the future.

Your employer will change but your contractual terms and conditions of employment will remain the same. However, some of your day-to-day duties and responsibilities may change. Your place of work will most likely remain the same but may change over time.

The [employment commitment](#) is in place to support your transition to the new ICSs. Once the ICS statutory body is established employment protection continues to apply, either under the TUPE regulations or the COSOP code of practice.

**2. Will I keep my terms and conditions? For example, my pay, banding, continuity of service, my accrued annual leave and pension benefits.**

Yes, you will transfer on your current terms and conditions in line with the Agenda for Change NHS Terms and Conditions of Service Handbook. Your NHS Pension rights will also be preserved as you will continue to be employed within the NHS.

This in line with TUPE and COSOP.

**3. What do TUPE and COSOP mean and which one will apply?**

The HR Framework technical guidance will set out whether TUPE or COSOP will apply.

TUPE stands for the Transfer of Undertakings (Protection of Employment) Regulations 2006 and provides a legal framework to ensure that employees' jobs, rights, terms and conditions of employment are protected when they are transferred to a new employer. Under TUPE it is illegal to dismiss any member of staff because of the transfer.

COSOP stands for the Cabinet Office Statement of Practice and is a code of practice to be followed when transferring and moving staff between public sector employers.

There is no end date on the legal protection provided to staff under these regulations. However, the new ICSs will continue to evolve following their establishment, and it is therefore anticipated that there will need to be organisational change to fulfil the statutory functions set out by the ICS proposals.

If change is required you will be consulted in line with local organisational change policies. This process will identify the economic, technical, or organisational reason for the change as required under the TUPE or COSOP.

#### **4. When will I transfer to the new ICS Employer?**

The national timeline proposes that the new arrangements will be in place by 1 April 2022 subject to the timely passage of the Health and Care Bill through Parliament. Staff and their trade union representatives will be fully informed and consulted as appropriate before this date.

#### **5. What does the term lift and shift mean?**

The term lift and shift means that staff will move across to the new employer with minimal, if any, impact in terms of how they work.

#### **6. I am currently off on leave, what happens to me? For example, maternity, paternity, adoption or sickness leave.**

For staff currently on any form of extended leave your substantive role will transfer to the new employer when the NHS ICS statutory body is established with no change to your role. The HR Framework technical guidance will set out in more detail the terms which are applicable for you.

During the period of transition your employer will ensure you are engaged and involved.

#### **7. What if I am on a secondment?**

For staff on a secondment, within or external to a Clinical Commissioning Group (CCG), your substantive role will transfer to the new NHS ICS statutory body with no change to your terms and conditions of employment. The HR Framework technical guidance will set out in more detail the terms which are applicable for you.

During the period of transition your employer will ensure you are engaged and involved.

#### **8. What if I am on a fixed term contract?**

For staff on a fixed term contract of employment, the impact on you will be dependent on the terms of your contract, the duration of the contract and whether or not you are providing cover for a substantive member of staff (for example someone on maternity leave).

Essentially the contract you are currently on should continue on the same terms, with a simple change of employer. A fixed term contract of employment will automatically transfer to the ICS if it is due to end after the intended transfer date.

Our aim is to retain talent and provide continuity wherever possible and we are working at national and system level to find solutions that provide stability and remove uncertainty.

We will set out more detail about how these changes will affect you in the HR Framework technical guidance. During the period of transition your employer will ensure you are engaged and involved.

#### **9. I am employed by a Commissioning Support Unit (CSU) delivering work for a CCG under a contract between the organisations. How will the move to ICSs affect me?**

The contract which your employing CSU holds with the CCG will continue. However, the contract ownership will transfer to the new ICS. You will remain employed by your CSU.

#### **10. I work part-time or have flexible working arrangements; how will these be affected by the transition?**

The employment commitment means you will transfer to the ICS with your current working arrangements and contracted hours intact.

#### **11. Is my job likely to change after I have transferred?**

Possibly. The ICS will still be doing a lot of the work that the CCG does now, but its scope will be much broader as we work more as a system alongside other employers such as NHS trusts, councils and other providers.

As we're working more closely together it's likely that some of us will be working more collaboratively within the system. Some roles may change after the transfer to support these new arrangements. This can happen legally providing the ICS can establish an economic, technical or organisational reason for the change, and providing they, consult fully with staff and their trade union representatives.

### 12. What if I don't want to transfer? Can I apply for voluntary redundancy?

The [employment commitment](#) aims to ensure that the continuation of the good work being carried out by the current group of staff is prioritised by minimising disruption. As a result, no redundancies are required below board level because of the transfer. This is not a cost cutting exercise.

If you did decide that you do not want to transfer, then this would be regarded as a resignation.

### 13. How will I know what is going on? How will I be involved?

The employment commitment is made in the spirit of ensuring that our colleagues feel valued and supported during the period of transition and we are committed to the core principles set out in it.

Employers and systems will be responsible for sharing and disseminating information to staff. Each employer will have its own method of communicating and involving staff which will ensure people can ask questions and get involved. Where appropriate, existing forums, committees and staff groups will be used.

The nationally recognised trade unions will be involved throughout at a national, regional and system level.

### 14. What support is available for me?

The [employment commitment](#) is made in the spirit of ensuring that our colleagues feel valued and supported during this transitional process and we are committed to the core principles set out in it.

Support is available for staff in line with our national [NHS People Promise](#). Staff are encouraged to speak to their line manager in the first instance to discuss their personal circumstances. Staff may also wish to access to support from trade unions as part of their membership.

In terms of staff wellbeing, staff will be able to access their Employee Assistance Programme and Occupational Health both nationally and locally, as well as a range of tools, offers and resources.

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