South East Coast Ambulance Service NHS Trust

Terms and Conditions Working Group
Minutes of meeting held on Thursday 19th May 2011
Brooker Suite, Banstead

Attendees:
Kath Start (Chair) (KS) Director of Workforce and Organisational Development
Sandie Gibs (SG) Head of Human Resources Strategy
Janine Compton (JC) Senior Communications Manager
John Griffiths (JG) Clinical Operations Lead
Sue Skelton (SS) Head of Distribution
Robert Bell (RB) Acting Director of Finance
Rob Mason (RMAS) Head of Operational Planning
Richard Williams (RW) Human Resources Business Partner
Greg Timmins (GT) Head of Operational Finance

Union representatives:
Roger Laxton (RL) Staff co-ordinator
Paul Harris (PH) GMB/ASU Representative
Claire Simpson (CSI) Unite Fulltime Officer
Trevor Freeman (TF) Unite Representative
Rob Macey (RM) GMB Fulltime Officer
Claire Stoner (CSt) Unison Representative

Minute Taker:
Karen Drake (KD) Workforce Support Officer

Apologies for Absence:
David Vincent-Scott (DVS) Employee Services Manager
Mary Laxton (ML) Regional Organiser Unison

1. Welcome and Introductions
1.1 KS welcomed everyone to the meeting. Staff Side were asked to confirm the agenda for the day and RL introduced the agenda as follows:

- Statistics
- ODA Rotas and Impact of these
- Staff working new rotas re staff on old rotas (timeline/implementation date)
- Data from Conference call
- Reference Period
- Annual leave
- Meal Breaks
- Sickness Policy,
- Update re Olympics
Re Olympics – KS stated that a national set of terms and conditions were being produced. RW confirmed he was attending a number of meetings about this over the next few months. RL said staff do need to have an idea of shifts they would be working as soon as possible.

2. **Apologies**
   2.1 Apologies as noted above.

3. **Unsocial Hours Issue**
   3.1 RM stated that he had seen the management’s response in the letter which had been sent out and he was very disappointed. He said the GMB had come up with lots of ideas re unsocial hours and it was time for Management to make their position clear. He stated that KS had sent out the statement and this had not changed anything. As a result of this statement he would be balloting his members on the way forwards.

   3.2 KS asked if that was the position of all Unions? RL replied and said his understanding was that the aim of the day was to resolve issues that we were stuck on with a view to avoiding the need for any formal action. If the issues could not be resolved at this meeting, then they would need to ask their membership what action they should take. CS agreed.

   3.3 The meeting was adjourned to enable management and Staff Side to confirm their respective positions.

   3.4 Following the adjournment, KS stated that Management welcomed the agenda, had heard Staff side’s statement and were happy to continue.

   3.5 RL stated that quite a few stations had already implemented new rotas. There was some evidence that this could impact on 50% of staff, (such as at Redhill), which was totally unacceptable and we would need to do something to assist these stations, hence the need for a deferral.

   3.6 TF stated that there were three issues:
      - Information requested as per point 5.4 of minutes of last meeting
      - Need to see data on how many people impacted
      - Bigger stations are losing far more

   3.7 KS asked if Staff Side had seen the briefing sheets produced for managers. PH said no. RMAS stated that 7 conference calls had been set up for CTLs, COMS and DDMs. 60 people attended conference calls, took their briefing from the SOMs and they were asked to talk to staff re 3 options. This was supported by a briefing sheet and information regarding increasing the reference period and technology.

   3.8 JC asked if there appeared to be support for 3 options. RMAS said there was a general consensus on the principle of unsocial hours and being paid for actual unsocial hours worked. However, there were concerns on how the new rotas were being implemented and the fairness of distribution of unsocial hours. All agreed that unsocial hours needed to be spread fairly and that this would have a positive effect in influencing staff to take shifts that were otherwise difficult to cover.

   3.9 CS reported that there were some concerns regarding whether the reference period should be based on thirteen weeks or on the rota cycle. She said consensus of opinion was length of rota. RMAS stated that this may not be
easily managed as managing rota / payroll could be difficult and may not be cost effective. CST said two other ambulance services were calculating reference periods based on the rota cycle and suggested Payroll should speak to them to find out how they were doing this.

Action: RB

3.10 Responses from conference call were shared with the group. TF agreed that it was fair that staff should work a whole range of shifts. Staff doing flexible working options would need to be considered to ensure the allocation of unsocial hours shifts were shared out fairly.

3.11 Staff side stated that there was a perceived advantage for those that work fixed shifts and we need fairness for all. It was agreed that TF/RB/RW would look at the existing policy on those doing fixed shifts on social hours and those doing fixed shifts on unsocial hours.

Action: TF/RB

3.12 RL expressed concerns about the September deadline for completing the work on the rotas and asked for an extension.

3.13 RM stated that he was here to represent the staff and was looking for management to move on their position. CSI said she was looking to take something back to her members today. RM said he was looking for management to give something on relief.

3.14 RMAS asked RM what solution he was seeking on relief periods.

3.15 RM replied that the whole of relief should count as unsocial.

3.16 KS stated that initial data was very historic and proposed putting original data where it belongs i.e with original minutes.

3.17 The meeting was adjourned at this point.

3.18 When the meeting reconvened, GT stated that he had had a conversation with the payroll Provider and could possibly produce data based on the rota lengths. He stated more discussion was required but he was prepared to explore this option in further detail. GT will look to develop and improve GRS.

3.19 CST confirmed that she had spoken with National Officers re Trusts who were operating length of Rota calculations and they were Yorkshire, North West and North East. All had gone smoothly and so needed to be followed up.

3.20 The meeting was adjourned again to enable Staff Side to place on the table the areas they would wish to cover as the basis for a possible agreement.

3.21 Staff side returned and stated four items were required:

a. Data for all stations and not just a sample. The data should show the percentage of staff for all stations for the three month period January/February/March.

b. Length of Rota reference period

c. Relief weeks – full Unsocial Hours

d. Implementation date deferred until January

3.22 KS reminded the group that there was an expectation from the Board not to allow further slippage and KS would need to look at the impact of the Trust’s financial situation and therefore could not give an answer at the meeting today.
3.23 The meeting was adjourned to enable management to consider Staff Side’s four pre-requisites for a possible agreement.

3.24 When the meeting reconvened, RMAS stated that management also wished to seek a resolution. He addressed the four issues in turn:

a. Data – there was no problem obtaining this and we will get it to Staff side by the next meeting.

b. Reference period – it is either 13 weeks or rota length. There is no problem using the rota as the reference period.

c. Relief paid fully: we will be able to guarantee to allocate Unsocial Hours shifts in relief weeks and therefore staff will be paid Unsocial Hours for shifts that they have actually worked. In the event that we reallocate the shift, this would still be paid as if it were an Unsocial Hours shift. If we need to change shifts 24/48 hours beforehand, we will still guarantee unsocial hours. The Relief policy remains as it is at the moment.

d. If we can reach agreement on these issues, there will not be a need to defer until January. Therefore, we are looking at implementation at the earliest date of 1/9/11.

3.25 RMAS assured RL that we would facilitate moving shifts if stations such as Redhill came up well below the required threshold.

3.26 The meeting was adjourned to enable Staff Side to consider management’s response.

3.27 When the meeting reconvened, RM thanked management for their response and for listening to Staff Side’s concerns. He said the first three items were positive and a helpful step forward. With regards to the issue of the implementation date, Staff Side were still of the view that they needed the extra time as they would not be in a position to reach agreement at this meeting, given that they would need to consult their members. They were also concerned to see the data first as it may highlight issues and affect people. RM stated that the fourth point was a deal breaker for today. Overall it was a big step forward and much appreciated.

3.28 KS said she would discuss with the Board on 2 June and report back at the next meeting, (discussion followed on the need to change the date of the next meeting due to non-availability of a number of members).

3.29 RM said it was not a problem to wait until the next meeting.

3.30 KS stated that she did appreciate the need to see the data. She thanked Staff side for the comments about other Ambulance Services’ payroll programmes.

3.31 RM stated that he was not agreeing, but taking back what Management had said to members to get their views.

3.32 RL enquired about how relief weeks would be calculated between now and January. Management replied that, for unsocial shifts worked we would pay Unsocial Hours up to 25%. Short-term sickness, (the first 28 days), would be covered for unsocial hours.

3.34 PH replied that Surrey Staff would reject on that basis as 50% of their Annual Leave was on Relief. He couldn’t put this to members.
3.35 The voting period for the Annual Leave options was between 13 June to 22 July and this would need to be brought forward to tie in with the 1 September implementation date for the unsocial hours. RM said that he needed to ballot members but could not do this without the data. It was considered that questions regarding the Annual Leave options and Unsocial Hours could be dealt with at the same time.

3.36 RM asked if Management could make an offer on time. KS stated that we made an offer on time at the last meeting and went outside parameters then. KS said, if we were to defer again, we would be looking for full implementation of Annual Leave and Unsocial Hours and needed a guarantee that the ballot would be done in time. All the Union reps agreed. The meeting was adjourned to consider this point.

3.37 KS stated that she had made a couple of telephone calls and considered the proposal. From our point of view, October would be our preference for the deferred implementation date and if we do move to November, then KS would have to be able to say to the Board that we are in a position of agreement and support for the changes in respect of the way we are bringing in new rotas/annual leave etc. KS said she had already exceeded the parameters set at the last meeting. However, she was seeking a guarantee that all issues would be resolved by August if we were to defer the implementation date until November.

3.38 RM replied that if Staff Side were satisfied with the data following consultation, then he would make sure the GMB ballot was done in time and would promote to his members.

3.39 CSi stated that she would be happy after seeing data.

3.40 RL said that we had moved a long way from where we were and would be asking his members to support. He would be prepared to put in the ballot that he would be promoting the proposal.

3.41 RMAS said 1/11 is operationally pressured. There will be a period of adjustment and we need to avoid any further slippage on this date. RM said that GMB would not ask for another delay. KS agreed that if the data shows that one station is disproportionate, KS would be prepared to discuss this as a separate issue.

4. Approval of minutes of last meeting 6.5.11

4.1 KS apologised for not asking for approval at the beginning of the meeting and asked for any comments or amendments. Point 5.19 should be changed from “full time” officer to “National” Officer.

4.2 KS also agreed to the following joint statement being issued after this meeting.

The Terms & Conditions Working Group met today - Thursday, 19 May 2011. In attendance were management representatives plus representatives from Unite, GMB and Unison.

After lengthy discussions, the following actions were agreed as a way forwards:

- In order to allow full consideration to be given to any potential impact of changes to how unsocial hours payments will be paid, it has been agreed that an analysis will be undertaken for every operational rota covering A&E, PTS, EDC and fleet staff. This will
be shared with members of the Working Group in advance of the next meeting on 15 June 2011.

- In line with Annexe E of the Agenda for Change hand-book, the reference period to be utilised when calculating the reference period can either be 13 weeks or the individual length of the rota, depending on which is felt to be most accurate. The Working Group recognised that, depending on the views of staff, either option could be utilised to calculate unsocial hours moving forwards.
- During the meeting, staff-side representatives were keen to discuss the possible options for how relief weeks would be handled. As a way forwards, management representatives proposed that in future all shifts during relief weeks will be allocated as unsocial and paid as such for hours worked. This will apply even if the shift allocated is a social shift.

At the meeting on 15 June 2011, the implications of the data received will be reviewed by the Working Group, who will look to resolve any issues that arise. Once the Working Group are satisfied, the views of staff will be sought by the trade union organisations.

5. AOB

5.1 Meal break Survey
RM reported the GMB’s survey results as follows:

1. Staff must carry food on vehicle 1%
2. No staff to carry food 35%
3. Carry or leave at base 63%

5.2 COMs
JG gave an overview of the paper which had been circulated for consideration at this meeting. He reported that the COMs Group were asking if it might be possible to receive an all encompassing salary inclusive of the On Call Allowance and other pay components. Staff Side rejected this proposal and management agreed it would not be possible to consider proposals such as this without Staff Side agreement to go outside of Agenda for Change. JG also reported that the Lease car policy would be discussed at the next meeting planned for 14 June.

5.3 Maternity/Sickness
RL said Staff Side wished to seek an official view from the NHS Staff Council on the payment of unsocial hours for pregnant workers on alternative duties, and also on management’s interpretation of long-term sickness where unsocial hours would not be paid to staff who had been sick for more than 28 days. RL agreed to work with SG to compose the questions to be raised with the NHS Staff Council.

6. Date of next meeting
6.1 15 June 10 am to 2pm at Banstead (to be confirmed). GT to book room.