



South East Coast Ambulance Service NHS Foundation Trust

Human Resources Review

October 2022

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1. Purpose of the review

On 20 July 2022, the CQC wrote to the Trust raising concerns regarding:

- Staff treatment and potential repercussions when they raise concerns
- Failure to investigate and manage complaints effectively
- HR processes which do not comply with HR policies
- Concerns regarding the competency of HR staff, including an over-reliance on external legal advice

This, together with an increase in employee relations cases led to an independent review being commissioned. The themes and methodology for the review are shown in section 2.

- Findings, recommendations and conclusion

2. Key lines of enquiry and triangulation of data

1. Number and management of ER cases	→	Number, trends and themes of ER cases–BI tool	Interviews with Trade Unions, Board, Line Managers and FTSU Guardian	Sample case quality review , Employment Tribunal, Regional review
2. Wider performance of HR	→	Staff Survey results and regional comparison	Workforce Strategy and Board Assurance Framework (risk register)	Board interviews Workforce and Wellbeing Committee
3. Relationship with Trade Unions and ‘Speak up’ issues relating to HR	→	Interviews with Trade Unions, Line Managers/FTSU Guardian	Joint Partnership Forum minutes	Sample case quality review
4. Confidence in the HR Function at Board level	→	Interviews with Board Members	Board Assurance Framework (risk register), WWC effectiveness review, DBS report	Review of the qualifications and experience of the HR team
5. Quality and delivery of the workforce plan	→	Workforce strategy and plan	Plan progress reports to the Board/WWC	Board interviews

3. Findings

(a) Theme one – Number and management of Employee relations cases

- The Trust has an exceptional level of employee relations cases, some of which are very complex
- The level of cases has the potential to overwhelm the HR Team (and place pressure on Trade Union representatives, Line Managers and investigating officers)
- There is a need for greater consistency of advice and for the HR team to have the courage to stand by their decisions, particularly where there may be a risk to patients or colleagues
- HR are failing to set and maintain standards by not challenging poor behaviours, consistently adhering to policies or taking sufficient action to listen and respond to issues raised – some of which are highly concerning
- Within the Trust there is a culture of escalating issues through formal processes rather than resolving promptly within the workplace through good communication, mediation and support
- The Trust needs to ensure the senior team responsible for employee relations management have the required level of experience and capability
- There is a lack of strategic approach – a ‘stop and review’ to managing the number of cases, to understand and then make the process improvements required
- Line Manager competency regarding conflict resolution and management of HR issues needs to be improved. Relevant training should be designed and delivery as soon as possible and standard templates (commonly used letters) etc put in place as a guide for Manager.

4. Findings

(b) Theme two -Wider performance of HR

Capacity

- The Trust has high absence levels, particularly amongst operational staff
- There is a workforce plan within the Trust but this is not for all staff. The plan is predominantly developed by operational and finance leads. Progress regarding delivery of this is reported to the Board but development and ownership of the plan requires stronger HR involvement
- Progress to appoint to priority roles such as emergency call handlers/111 call handlers is slow
- Turnover is increasing with 49% of staff reporting they are thinking of leaving the organisation. The levels of new staff leaving is particularly concerning with 27% of new starters leaving within the first 6 months of employment

Morale

- Staff survey results for 2021 are poor and despite the Trust placing the actions needed to respond to the staff survey at the heart of their improvement plan, indications are that the results from 2022 may decline further, predominantly relating to the ineffective management of employee relations within the trust
- All data examined and interviews undertaken demonstrate a lack of confidence and trust in the organisation's ability to manage staff concerns and employee relations processes

Findings – theme twocontinued

Strategy and risk

- The Trust does not have a workforce strategy, or any document which demonstrates an understanding of the required direction of travel, the core workforce issues to address and how the actions it is taking relate to these
- The Workforce and Wellbeing Committee (WWC) has a 'cycle of business plan' but this is predominantly focused on HR process improvement
- There are workforce related risks on the Board Assurance Framework but these are not raised by the HR team and do not reflect the key workforce risks to the organisation – for example the declining workforce capacity or the increasingly negative relationship with the Trade Unions
- The Trust has a good workforce data set and business intelligence tool but needs a standardised workforce reporting process so that trends can be understood by line managers/WWC/JPF etc. There is an over reliance on line managers accessing data routinely

Board/Senior leadership team and Region

- All recognise that the people agenda within the Trust does not sit purely with HR
- Region report that the Trust is connecting well with them regarding EDI and Health and Wellbeing
- The Board recognise that improvements have been made regarding core HR processes since the current HR team have been in place
- Releasing operational staff for training/to manage HR issues has been and remains difficult
- At times there is a lack of cohesion between some Directors/senior leaders within the Trust. This can be seen in meetings such as the Joint Partnership Forum (JPF), which could further deteriorate trust between management and Trade Unions

Findings

(c) Theme three - Relationship with Trade Unions and Speak Up issues relating to HR

- The relationship between Trade Unions and HR is very poor and is declining
- There is a 'wariness' of dealing with Trade Union representatives which is hindering levels of trust and honest conversations about what is in the best interests of the organisation and the communities it cares for
- Consistent delays in resolving issues, reviewing policies, implementing new ways of working have caused the Trade Unions to lose confidence in HR, as has the variation in the application of HR policies and processes
- Frustrations between HR and Trade Unions are widely known across the organisation
- The 'speak up' process is often used by staff to raise concerns where the HR team is felt to be not responding or responding inappropriately
- The Trust has had a high turnover of HR staff, particularly those at senior levels, over recent years

Findings

(d) Theme four - Confidence in the HR function at Board level

- There was a notable difference between the confidence shown in the HR function by the Non-Executive Directors compared to the Directors (the NEDs being more confident)
- The confidence from Board overall did decline when members were asked to describe the routes by which they gained assurance – particularly relating to data which would be used to measure strategic and relationship HR delivery
- [redacted]
- It was rare to see sound measurement of the right things in the right forums with the 'so what' question being asked, including at Board and WWC (taken from minutes and the WWC effectiveness review)

Findings

(e) Theme five – Quality and Delivery of the Workforce Plan

- The Trust has a workforce plan which is sound for the roles covered
- There is no workforce plan for some areas of the Trust, such as corporate functions
- Progress reports are shared with the board regularly, with a planned progress report to the WWC
- Without a workforce strategy, it is not clear whether the plan will be sufficient and what contingencies there are when core operational roles cannot be recruited to
- The Trust is reporting high levels of applicants for vacant roles but the time to recruit and onboard staff is not at the pace required
- The workforce planning process is led by the operational and finance teams within the Trust – HR involvement is there but needs to be strengthened

4. Risks to the organisation

- The high level of employee relations cases and relationship with Trade Unions presents a risk to the Trust, specifically with regard to:
 - HR, Line Manager and Staff Side representative workload
 - Reputation – impacting upon the Trust's ability to attract and retain staff
 - The Trust's ability to make progress with operational issues – some of which may be business critical
- The staff survey feedback portrays a workforce who feel unsupported, who lack confidence in HR processes and who are considering leaving the Trust
- The Trust does not have a workforce strategy to set out a vision for its people and ensure all actions and measurements are aligned to this
- By not managing Employee relations cases safely and effectively, the Trust is at risk of not keeping patients/staff safe or not being seen to do this
- Line Managers are not well equipped to swiftly resolve minor issues within their team
- The Board and Senior Leadership team are not sufficiently sighted on core workforce risks to the organisation, reducing their opportunity to mitigate against these risks

5. Recommendations – (a) Employee relations and culture (1)

1. A strategic review of employee relations cases should take place at pace, leading to the development of a management plan for all cases.
2. A balance of probability approach (rather than proving beyond reasonable doubt) must be taken where there is a risk to patient or staff safety. It is recommended that a review of all current 'high risk' cases takes place.
3. The Trust's employee relations policies must be updated – the disciplinary policy must include a section permitting investigators to consider previous allegations where there is a client/patient safety risk (to be used in exceptional circumstances).
4. The ways of working with Trade Union representatives should be reviewed. New arrangements should include, a renewed approach to the Joint Partnership Forum (JPF) and the implementation of a Staff Side Chair.
5. The DWOD and his senior team should take part in mediation with the key Trade Union representatives to improve working relationships, this should include an agreement that HR team members should attend sensitive or complex staff meetings/hearings in person, wherever possible.
6. HRBPs and Staff Side should meet monthly to consider themes, case timings, complex case reviews, until the ER position is more settled this should include either the DWOD or one of his deputies
7. The senior HR team, HRBPs/HRAs need a period of intensive support, training and mentorship regarding complex case management – this should led by an individual who is highly experienced within a unionised NHS setting.
8. With the support of an independent assessor, the DWOD should undertake a review of his senior leadership team to ensure the team have the qualifications, experience and capabilities required.

5. Recommendations – (a) Employee relations and culture (2)

9. Line manager training regarding conflict resolution and management of HR issues must be implemented, together with standard templates (commonly used letters) etc put in place as a guide for Managers.
10. Directors and Senior Leaders should meet regularly regarding core employee relations issues so that they are clear regarding the organisation's position prior to meeting with Trade Unions/staff. This should not prevent healthy debate within the organisation and leaders changing their approach where this is in the best interests of the Trust.
11. Senior leaders must create the culture they wish to be part of and challenge poor behaviours in meetings, either at the time of in private afterwards.
12. To assure staff and their representatives that they are being listened to, the workforce team should lead regular – 'you said, we did' engagement events

5. Recommendations – (b) Strategy, risk and assurance

1. An interim workforce strategy should be developed at pace, describing the actions needed to ensure the Trust has the people, processes and culture needed.
2. A regular workforce reporting framework needs to be introduced to ensure key stakeholders within the organisation are sighted on workforce performance, risks and opportunities.
3. The strategic workforce risks for the Trust should be placed on the Board Assurance Framework and managed appropriately. Risks should inform the agenda of the Workforce and Wellbeing Committee (WWC).
4. The WWC should ensure an interim workforce strategy and a full organisational workforce plan for 23/23 is developed, and put in place appropriate monitoring processes to ensure delivery takes place.
5. The WWC would benefit from a development session ensuring there is sufficient focus on the strategic and transformational workforce requirements, whilst still ensuring the basic improvements are progressing.
6. The Board should undertake a development session focused on understanding the workforce risks and agreeing how they will obtain the assurance required.

6. Conclusions

- The review revealed that the Trust is not short of workforce initiatives but lacks a clear and concise people strategy showing the workforce-related actions the Trust needs to take to ensure its goals are achieved. Without this it is difficult to see how interventions introduced are the right ones, how progress can be measured and how risks are known and managed.
- The workforce plan is clear for operational roles but is not complete for the whole organisation. Progress against this is reported but the right questions do not appear to be asked regarding lack of progress in recruitment, despite there being a good level of applicants for many roles.
- The Workforce and Wellbeing Committee meets regularly and has driven improvements in core HR functions. In the future it needs to focus on assuring that the workforce strategy is delivered and that there is alignment between the WWC agenda and the organisation's risks.
- Despite there being significant risks to the organisation from a workforce perspective, there is little evidence of these being placed on the Board Assurance Framework and therefore the Board are not as well-sighted as they should be. The increasing number of grievances, and deteriorating relationship between HR and Trade Unions are issues which should be recorded, given the risks they present to the organisation.
- The Trust has made good progress with its Business Intelligence Tool and has a strong workforce data set. There is an over-reliance, however, on Line Managers and the Senior Team accessing this rather than expert HR analysis being provided as part of a standardised workforce report.

6. Conclusions ... continued

- There is recognition that the People agenda is owned by everyone and that operational leaders are fundamental in setting and maintaining a positive culture within the Trust. Line Manager training has been difficult to deliver due to operational pressures but should now be seen as a priority. Additionally, both line manager and HR team time could be saved by the introduction of standard templates for commonly used letters/emails.
- At the time of writing this report the relationship and trust between HR and Trade Union representatives was poor and declining. Positive manager-employee relationships in the workplace encourage productivity and cooperation. There is little doubt the existing relationship is causing an increase in employee relations cases, a toxic environment within some meetings and is stifling progress with some areas of transformation.
- High functioning organisations encourage healthy debate but it was noted that within some meetings there were strongly opposing views between operational and HR leads. Leaders should consider where pre-meetings are best held, particularly relating to contentious or complex issues.
- The Trust requires a confident, capable, experienced and visible employee relations team to manage the levels and complexity of caseload it has. The Director of Workforce and OD must ensure he has the team needed to deliver a high quality HR service and must ensure a strategic approach is taken to returning the Trust to an acceptable level of employee relations cases. Consideration should be given to finding alternative solutions to reducing the current caseload.

7. Summary

Whilst it is recognised there is growing discontentment amongst all public service staff and in particular within the ambulance sector, SECamb is struggling more than most to create a positive and healthy working culture. The HR team have not sufficiently demonstrated to staff and their representatives that they listening, are doing all they can to support staff during difficult times and can be trusted to respond fairly and consistently when concerns are raised.

Through the recommendations made; creating a clearer direction of travel, being more visible, and a fresh approach to employee relations within the Trust it is likely the culture will improve, trust will grow and SECamb will progress to being recognised as a great place to work.