

BOARD PAPER - NHS COMMISSIONING BOARD

Title: NHS Commissioning Board Partnership Forum – Terms of Reference

Clearance: Jo-Anne Wass, National Director: HR

Purpose of Paper:

- To inform the Board of the current Terms of Reference (ToR) guiding the work of the NHS Commissioning Board (NHS CB) Partnership Forum, which has been set up to cover the transition period (up to the end of March 2013).
- Recruiting and retaining high quality, committed staff is central to achieving the NHS CB aim of improving patient outcomes. Our policies, procedures and practices, that are currently being developed, demonstrate our commitment to be an exemplar employer. A key factor of our success will be the trust and psychological contract with our staff and the development of a culture of transparency, respecting employees and their rights. Working with the expertise of our trade union (TU) partners, we strive to build an organisation that will hold respect as a key value in its dealings with staff and others. Our staff will be recruited for these values and we will expect them to reflect these in all areas of their work.

Key Issues and Recommendations:

- These ToR embrace the principles and practice of good partnership working during the period of the NHS CB's establishment, which is critical to the development of the NHS CB going forward.
- The NHS has a strong track record of working in partnership with employees and their representatives. This will be particularly important for the NHS CB to maintain, given the known challenges we face.

- We recognise the crucially significant contribution that our employees will make to our success. Evidence shows that organisations with a sense of collective shared purpose are more successful than those which do not have this.
- The people who will work for us will bring a range of experience and a deep well of talent to the NHS CB, and it is important that we harness these for the benefit of the public and patients.
- The attached ToR represent the position we have agreed with our trade union TU partners. The ToR demonstrates the need for flexibility within these working arrangements and is reinforced by a joint commitment to consensual working and partnership.
- Members of the NHS CB Partnership Forum will also design and agree permanent governance arrangements for partnership working, which will come into place in April 2013.

Actions Required by Board Members:

- To approve the current ToR for the NHS CB Partnership Forum for the period to March 2013.

NHS Commissioning Board Partnership Forum

Terms of Reference

Introduction

This protocol determines the arrangements and machinery under which the NHS Commissioning Board (NHS CB) and trade unions, will work together in partnership throughout the transition period and to develop permanent working relationships from 1 April 2013.

Effective employee relations will make a critical contribution to representing the interests of staff and the NHS CB during the work to develop and manage any employee relations activities needed to establish the NHS CB. This protocol embraces the principles and practice of good partnership working and commits all of those involved in this work to establish the NHS CB.

Partnership means working together to achieve shared aims and objectives. All parties should be active participants in the process of formulating proposals, through discussion and agreement.

Commitment to Partnership Working

We are committed to the stated aim of the NHS CB to improve outcomes for patients and the health and wellbeing of the people of England. We believe that we will maximise our mutual and individual contribution to achieving the aims of the NHS CB by working together in a partnership.

Members of the NHS CB Partnership Forum are committed to working in partnership and developing both formal and informal successful working relationships that build trust and share responsibility, while respecting difference.

All parties commit to adopt the following principles in their dealings with each other:

- Build trust and mutual respect for each other's roles and responsibilities.
- Uphold openness, honesty and transparency in communications.
- Top level commitment.
- Work together in a positive and constructive manner.
- Work with and learn from each other.
- Seek to hold timely discussions on emerging issues and maintain dialogue on policy and priorities.

- Demonstrate openness and confidentiality, whilst respecting differing views or positions where appropriate.
- Make the best use of resources.
- Ensure a “no surprises” culture.

Scope

These Terms of Reference (ToR) cover only the establishment and transition period of the NHS CB, and will expire on 31 March 2013, unless all parties agree to their extension.

All trade unions with staff performing functions identified for transfer to NHS CB will be recognised for the purposes of this protocol.

Employees from sending organisations in the civil service and NHS are represented by trade union membership. A list of sender organisations are at Appendix A.

A list of NHS CB Partnership Forum members and membership principles are at Appendix B.

Reaching agreement on an agreed partnership and recognition framework for the NHS CB beyond April 2013 will be a specific work stream of the NHS CB Partnership Forum.

Principles

- All parties have a common objective in ensuring an effective transition and the establishment of the NHS CB.
- Trade unions recognise the NHS CB’s responsibility to plan, organise and manage the activities necessary to establish the NHS CB.
- All parties recognise the importance of good employee relations and the need for joint consultation on establishing the NHS CB.
- All parties acknowledge the value of providing each other with up-to-date relevant information on issues relevant to establishing the NHS CB, which affect staff;
- All parties conduct business openly, whilst at the same time respecting the confidentiality and rights of all parties.
- The NHS CB will seek to involve Trade Unions throughout the process and at the earliest stage of proposals. Plans should include time for Trade Unions’ internal consultation.
- All parties commit to working jointly to solve problems and difficulties during the establishment of NHS CB and to promoting best practice in doing so.
- Existing employee relations partnership and recognition agreements for the Department of Health, sender organisations and their Trade Unions remain in force during the establishment of the NHS CB. This protocol complements the arrangements in place in these organisations.

Operating approach

These ToR determine that the NHS CB Partnership Forum should be considered the NHS CB main vehicle for discussion, consultation and negotiation between the NHS CB and Trade Unions, managing the employee relations activities needed to establish the NHS CB. Trade union membership will ensure employees from the civil service and NHS are represented.

Regular meetings will be scheduled to ensure the work programme and transition timetable can be delivered for the establishment of the NHS CB. This will include sub-groups focusing on specific issues where deemed necessary.

Key work streams that have been identified so far are:

- Policy development and harmonisation.
- Job evaluation assessment and consistency checking.
- Future partnership working arrangements.
- Communications and governance.

Objectives:

- to share, discuss and consult on information on the development of the NHS CB structure;
- to agree approaches to the implementation of national policies and guidance within the NHS CB;
- to ensure effective arrangements for functional and staff transfers to the NHS CB are in place and are operating via a tripartite agreement;
- to discuss and agree the approach to consultation and engagement arrangements for senders and for the NHS CB;
- to identify and plan to mitigate key HR risks associated with the transfers to the NHS CB;
- to develop and agree a set of policies for use by the NHS CB for newly appointed staff during transition up to April 2013 and for use post April 2013, on all non-contractual policies;
- to develop and agree partnership arrangements for the NHS CB from April 2013;
- to ensure that equality and diversity principles are fully integrated into NHS CB transition activity and future practice; and
- to agree key messages and communication channels for the wider group of stakeholders.

Arrangements for meetings

The NHS CB Partnership Forum will convene on a monthly basis for at least a half-day meeting. The NHS CB will provide the secretariat for meetings and will aim to send agendas and papers a week ahead of each meeting. Draft minutes will be circulated within one week of a Partnership Forum meeting and will be formally agreed at subsequent meetings. Partners will work together to source and supply appropriate venues for meetings.

The first formal meeting was held in July 2012. Future meetings will focus on the scope of work for consultation and negotiation over subsequent meetings.

The NHS CB Partnership Forum meeting will be quorate if two members of the management side and two Trade Union organisations are present.

Communications

Parties commit to produce a joint note for circulation to all NHS CB Partnership Forum members within two weeks of each meeting.

The NHS CB and trade unions will also provide regular updates and reports to their respective fora and boards, to raise and/or listen to issues.

Appendix A: Sending Organisations

Employees from sending organisations in the civil service and NHS are represented by Trade Union membership. A list of sender organisations are below:

- Primary Care Trusts
- Strategic Health Authorities
- Department of Health
- National Patient Safety Agency
- NHS Institute for Improvement and Innovation
- Arm's Length Bodies (ALBs) including
 - NHS Information Centre
 - Connecting for Health

The sending organisations listed above are in line with national policy on the filling of posts in receiver organisations, which were agreed nationally and in partnership with the National Transition Partnership Forum.

Appendix B: Membership

Chair:

The NHS CB Partnership Forum will be co-chaired by the NHS CB Director of HR and the lead full time Trade Union Officer, with the responsibility for the Chair alternating between meetings.

Members:

NHS CB: National Director: HR
 Director of HR

Director of OD
Director of HR and OD (Service Design)
Programme Director for People Transition
Regional Directors of HR and OD
(North/South/London/Midlands and the East)
Operational representation to be determined in consultation with
the Operations Directorate
National Improvement Body HR Lead
NHS Leadership Academy HR Lead
Chief Executive – by invitation for specific items/meetings

Trade Union: UNISON
RCN
MiP
BMA
Unite
PCS

Senders: Invited as and when required

Principles of Membership:

- Each member will ensure that the groups/staff they represent are kept informed of the work of the group.
- We will avoid wherever possible the use of deputies in our meetings to ensure continuity but accept this could be unavoidable on occasion.
- Where deputies are used, it is important that they are briefed on the issues under discussion and authorised, where possible, to reach agreement on behalf of their constituency
- The membership of the NHS CB Partnership Forum will be kept under regular review to ensure it continues to reflect the changing environment during transition.