

SOUTH WESTERN AMBULANCE BRANCH



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Response to formal proposal on Incremental Progression Restrictions

Dear Sue,

I am responding to your last letter which was sent as a formal proposal to our branch executive meeting held on 7th September. The proposal was tabled at our executive and a long discussion was held.

I would like to outline the views of the executive to the proposal and assure the Trust that we understand the wish of the organisation in seeking to reward good performance.

I feel it helpful to answer each point of the proposal so that our points are succinct.

Formal Disciplinary Warnings

The disciplinary policy already holds sanctions which the Trust can place on its staff. These sanctions can have the ability to prevent promotion and career development. The disciplinary policy should be used to modify behaviour and/or to deal with unacceptable conduct. The proposal does not seem a fair way to deal with performance as misconduct does not link directly with the ability to undertake a person's role. If there are performance issues as a direct result of capability then these should be raised through this policy.

We would also like to state that giving managers a financial incentive to discipline staff goes against established good practice. We would like to raise serious concerns about the risk of implementing a policy which actively contributes to a culture of fear and reprisal among staff and potentially risk exposing the trust to massive risks in terms of patient safety; this was a contributory factor at Mid Staffs.

It is our position that the Trust disciplinary policy is used too frequently in cases of clinical error, rather than other procedures such as Serious Incident or capability, to deal with system and human errors.

We would like to offer to work in partnership to make the disciplinary system fit for purpose and investigate the root cause of any issues with particular departments which you feel would make this process fairer and more effective.

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BRANCH SECRETARY; ALAN LOFTHOUSE

BRANCH CHAIRMAN; IAN KNIGHT

BRANCH TREASURER; GRAHAM ROWLAND

We also need to make it clear that deferral of pay in this context is not included in the handbook and is therefore outside the Agenda for Change agreement and we are not in a position to agree to this on behalf of our members.

Formal Capability Warnings

It was the view of the executive that the Trust already has the ability to limit pay progression, in exceptional circumstances, in line with the “no surprises” culture, and still be in line with Agenda for Change terms, but it would need to be consistent with the provisions as laid out in the handbook. This process needs appropriate and consistent managing through the PDR and KSF process.

We would like to direct the Trust to the Agenda for Change agreement, paragraph 1.8 and 6.21 – 6.31, which identify that pay progression can be withheld and the circumstances and safeguards which apply. These sections of the handbook identify the extraordinary grounds on which deferral of pay progression may occur.

Over the last few years, through the staff survey, we have seen an increase in the number of PDRs taking place whilst staff have voiced concerns that the quality of these PDRs were not of an acceptable standard. It is the quality of these PDRs, and the ability of local managers to highlight potential capability issues, which is key to this process.

Formal Sickness Warnings/monitoring

We have already stated our concerns with linking sickness to pay and these still remain despite your assurances that there will be reasonable adjustments put into place for those who may qualify under the Equality Act 2010.

Deferral of progression on the grounds of sickness is currently the subject of a legal case listed to go to the North West Employment Tribunal in January 2012 and it would therefore seem a huge risk to impose a policy which may be deemed unlawful. Indeed, until the legality of the approach has been established, we would be bound to inform our members that they may have a legal claim in the event that their progression was deferred.

We believe that rather than saving the Trust money, this approach would result in staff side and management being engaged in preparation of legal claims which would incur additional and unnecessary costs and risk eroding our positive working relationship.

It should also be considered that as the implementation of this policy would result in legal proceedings, it would be likely to increase the formal financial risk and be of concern to the board and non-execs in particular.

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In summary our branch executive has rejected the offer on the grounds that it does not give a fair way for the Trust to reward good performance. Instead it is based around paying what is entitled under contract to those that comply within Trust policy. Although the statistics you demonstrate are low, our members are entered into a vocational career and therefore the chance of them being subject to this policy, over the duration of their career, is higher.

We are also concerned that the staff who will bear the worst penalty will be our younger members who are at the beginning, or part way through, their pay bands. These are the very people who should be incentivised through positive reward schemes which could be considered in place of a scheme, which in itself is a breach of contract, to negatively incentivise adherence to Trust procedures.

We believe that the Trust has the correct policies in place to modify behaviour, challenge poor conduct and deal with high sickness without the need for financial penalties placed on members who are already facing real terms pay cuts through wage freezes.

Whilst this letter formally rejects the Trust proposal to link incremental rises to pay progression I would like to echo the comments at the end of your last letter where you state that you would hope that Unison will be as committed as the Trust are to ensure that we motivate and reward good employee engagement and productivity. We are.

However, we do not believe this proposal offers a fair and equitable approach to pay and reward, but we recognise that it is necessary to ensure that poor performance or under achievement is managed fairly and we will continue to work together in partnership to review the policies and procedures of the Trust to ensure this happens.

Kind regards

Alan Lofthouse
Branch Secretary
South Western Ambulance Branch
UNISON

Cc: Regional Organiser
Cc: Branch Executive
Cc: Members

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