

Influencing service reviews and changes in your workplace: a guide for BAPO members

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Introduction

Many health providers and services throughout the UK are currently subject to proposals to save money or restructure.

Where services are no longer meeting the needs of patients, UNISON is supportive of considered re-structuring based on broad consultation with service users and staff. However, many of these reviews and restructuring programmes appear to be knee-jerk reactions to the current financial climate seem in some instances to be used as a cloak for cuts.

UNISON believes that ill-considered service cuts based on financial rather than service-need will result in long-term detriment to the health service and that the people who are most likely to be affected are the most vulnerable groups of people within our society.

As health staff brace themselves against the effects of reduced budgets, vacancy freezes and cuts to jobs and services, there has never been a more critical time for prosthetic and orthotic staff to insist on involvement in the review and restructuring of the services you provide.

UNISON has developed this guidance to assist BAPO members to influence service reviews and give you an idea of the types of questions you could be raising with your Trust managers where cuts or changes to services are proposed.

Good practise on reviews/restructuring

Here are some key principles that your employer or the commissioner of the service should be adhering to when developing any proposals for change:

- It should be made clear to staff, both directly employed or contracted how they will be involved in the development and improvement of any proposals for change.
- Changes which have an impact on jobs will need to be compliant with best practice, collective agreements within the employing organisation and employment law.

If you work for a private company you should ask to see a copy of your local terms and conditions for staff, as well as your employer's policies for consultation and managing change in the event of cuts in the service where you are contracted to work.

If you work in the NHS you should download a copy of the Agenda for Change NHS terms and conditions handbook at

www.nhsemployers.org/PayAndContracts/AgendaForChange. You should also look the document 'Meeting the Quality and Productivity Challenge for the NHS in Partnership' which includes a set of principles agreed by the NHS Social Partnership Forum for dealing with financial challenges. (available to download from www.socialpartnershipforum.org)

- Registered professionals will need to operate within the Health Professions Council standards of conduct, performance and ethics, so any service changes need to be checked against these to make sure standards and quality are not compromised.
- Changes to service provision must be subject to formal checks and consultation mechanisms – establish early on how you can put your feedback and suggestions through the relevant procedures.
- If you work for a public authority, they will need to conduct an Equality Impact Assessment to make sure that the changes do not have unintended consequences for particular groups of service users/patients.
- Having involvement from a union representative from the outset of any restructuring process will help to flag up any areas of concern and get the right advice.

If you need UNISON advice or representation, call our UNISON Direct enquiry line on 0845 355 0845. Opening times are 6am-midnight Monday-Friday and 9am-4pm on Saturdays. Calls are at local rate. UNISON Direct offers help and advice and can put you in touch with someone you can speak to on a confidential basis to gain guidance and support on the best course of action for you.

Ensuring you are fully consulted

You have a right to be consulted on changes to the service that you provide. Your manager or employer should issue guidance on how you and your colleagues can respond to any proposed changes. However, if you have not been given the opportunity to be consulted, you should, in the first instance, write to your Head of Service, contract manager or line manager notifying him/her that you and your colleagues wish to respond to the proposals. If you have already tried this approach and do not feel that your concerns have been taken into account, or your Head of Service shares your concerns, you should write to the Chief Executive.

The Cabinet Office has issued a Code of Practice on Consultation, which was last updated in July 2008. Although the code does not have legal force, it should be regarded as binding on government departments unless there are exceptional circumstances. Download a copy at: <http://www.berr.gov.uk/files/file47158.pdf>

There are six consultation criteria which your employer should take into account.

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.

3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation coordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Although not a strict test, if any of the above criteria have not been followed, this could be evidence that the consultation has not been properly carried out. You should therefore look carefully at what has been proposed, consider the above criteria and see whether or not the consultation can be challenged. If a situation arises where it appears that the requirement to consult has not been complied with, legal remedies may be available to delay matters until the consultation is carried out. In these circumstances, advice should be sought from UNISON.

If you work in the NHS or the changes to your service are the result of decisions being made by a public health or social care organisation then they have an additional statutory duty to involve and consult all key stakeholders under Section 11 of the Health and Social Care Act. This includes a requirement to consult staff and service users. The Act can be found at: <http://www.opsi.gov.uk/ACTS/acts2001/20010015.htm>

Making the case for prosthetic and orthotic services

When changes are proposed in your workplace you should try to work together with your fellow BAPO members to identify the key issues. You will probably want to make a formal response to any proposals that affect you – and attempt to influence the final decisions. Here are some questions you may want to think about:

- Who are the key decision makers? What are their terms of reference? What is the timetable for making a decision?
- Who are your likely allies and how can you work together?
- If your employer is undertaking a service review before deciding on any proposals, what are the parameters of the review and do they have preconceived ideas of the outcome? See the section on 'Understanding service reviews' for more information on the service review process).
- What are the details of proposals and the timeline for decision-making? How are staff being consulted? Can you request an extension to the timeline, to give staff time to prepare their response? What is the process for you to give your feedback?
- Will the changes be piloted/trialled/tested first, before they are introduced?

When preparing your response you should think about the services you provide and how the proposals would impact on these services. You might also want to include your own alternatives to the proposals or offer suggestions or ideas for improving the service. You should think about:

- What is the benefit of having prosthetic and orthotic services for patients/clients?
- What is the benefit of having prosthetic and orthotic services for the health provider/s?
- How will patients/service users be affected by any proposed changes? e.g. health inequalities, lowering standards, unmanageable caseload, patients put at risk, lack of patient engagement in decisions that are being made about the services they access.

- Could the changes jeopardise good clinical governance? e.g. access to competent clinical supervision, appraisals carried out by trained staff, resources and protected time for training and CPD, effective workforce planning, Could the changes impact on health and safety of staff? e.g. lone working, heavy lifting, safe record keeping, increased workload, morale, stress, staff leaving the service
- Is there evidence you can gather on the effectiveness of the service, e.g. statistics on health improvements or increased outputs, testimonials from services users, profession-based or clinical research, efficiency savings

The more staff you involve in putting together your response, the better. You could hold a meeting and discuss some of the issues flagged up in the questions above get a wide range of evidence, examples and case studies. You may also want to consider working with other departments or teams if the proposals are for far-reaching cuts or changes.

Support for your response

If you feel that you have not had a satisfactory response when trying to raise your concerns internally, you should try and flag up your concerns with other relevant stakeholders. People who would be particularly useful for you to involve/copy into your response include:

- Board members or Non-exec directors
- Staff/managers in other services which would be adversely affected
- Patient/ Service User groups representing individuals who could be affected by the changes
- Local councillors (details from your local authority website)
- Your MP (use the link www.theyworkforyou.com to find your MP)

Listed below are several independent scrutiny bodies which gather information on public need and gauge the opinion of service users and the public. An important part of their role is to promote the inclusion of patients, communities and other stakeholders in the planning and delivery of health and social care services, including scrutinising any proposals to change services. You may want to liaise with them to raise any concerns you have regarding changes to your service.

England:	Health Overview & Scrutiny Committees (see the UNISON briefing at: www.unison.org.uk/acrobat/17621.pdf) Local Involvement Networks (LINKs) (see the UNISON briefing: www.unison.org.uk/acrobat/A6681.pdf)
Scotland:	Local Advisory Councils; Community Health Partnerships and Public Partnership Forums.
Northern Ireland:	Patient and Client Council - it has five local offices operating within the geographical areas covered by the five integrated Health and Social Services Trusts and Local Commissioning Groups .
Cymru/Wales:	Community Health Councils - There are six CHCs matched to each respective Local Health Board.

Accessing information from your employer

Sometimes your employer may not wish to share with you all the information you need to assess and respond to the changes that are proposed for your organisation.

UNISON's Bargaining Information System (BIS) covers thousands of employers and has information on the organisation, contracts and agreements. Contact bsg@unison.co.uk to see if we have any information on your employer which may be helpful.

Information and Consultation of Employees (ICE) Regulations can give workers the right to be informed and consulted about an employer's current situation and future plans. A factsheet is available at www.unison.org.uk/acrobat/B1462.pdf

If reports or documents that you have requested from your employer are not forthcoming, then you may wish to consider using the powerful Freedom of Information Act. This applies to all public authorities, and covers all recorded information that they hold including contracts, reports, minutes and correspondence. See UNISON's guide to the Act at www.unison.org.uk/acrobat/B1959.pdf

Equality Impact Assessment

Public authorities are legally bound to carry out equality impact assessments (also known as regulatory impact assessments) on all new and existing policies. It is their legal responsibility to ensure that no staff groups or groups in the community are disadvantaged as a result of an organisation's policies and procedures. Equality Impact Assessments should be used to assess the relative impact of proposals on the terms and conditions of the relevant target groups with respect to: Gender, Race, Disability, Sexual Orientation, Religion or Belief, Age and Main Occupational Groups/Part time staff.

If you work in a public authority, no staffing or service changes should take place in your organisation without first having an Equality Impact Assessment. You have the right to challenge your employer if you feel that they are not undertaking a thorough and systematic analysis of a policy to ensure it is not discriminating against any particular group.

Understanding service reviews

Ideally, a proper review of your service should take place before there are any changes proposed to the way you work or the way you deliver services. Any decisions should be based on clear evidence that has been gathered and analysed as part of the review process.

Service reviews can be part of an organisation's continuous monitoring process or they can be undertaken prior to mergers or service integration; prior to commissioning/tendering or when there are opportunities to innovate or improve services

Service reviews look at: why and how a service is being provided, the performance of the service, and where improvements can be made. They can apply to a small part of a service or a big department. Service reviews should NOT be a cloak for cutting services nor the start of an outsourcing or privatisation programme.

Service reviews should be from the service user's point of view and should take on board the views of service users, staff, unions and wider community. You and your colleagues should get involved in any service reviews. You are best placed to identify weaknesses and problems and suggest ways services can be improved.

Here is a summary of the main steps of a service review

1. Establishing a frame of reference: Before the review starts it must be made clear what the objectives of the review are, and what outcome is expected. At its most general level this will usually be the achievement of the organisation's objectives at minimum cost.

2. Collecting baseline info on the services e.g. what does the service do? why does it do it? how much does it cost? how many people does it employ? how does the service gauge whether it has done what it says it is going to do?
3. Evaluating service performance e.g. can the service demonstrate it's contribution to the overall delivery of the organisation/company's policy objectives? Can the service demonstrate continuous improvement, e.g. increased outputs, improved outcomes, meeting short term targets, efficiency savings? Can the service demonstrate sustainable development, equalities, diversity and community wellbeing?
4. Views of service users and staff e.g. What are the views of service users expressed through customer care systems and community organisations? What are the views of staff and trade unions and their commitment to service improvement? What are the implications for jobs, terms and conditions?
5. The outcome of the review
There are a number of possible outcomes:
 1. The service meets the necessary performance standards and requirements of service users. Plans are put in place to drive continuous improvement until the next review.
 2. The review points to service weakness, and a Service Improvement Plan (SIP) is developed. Service improvement should be the first step before any transfers or outsourcing options are considered.

A Service Improvement Plan (SIP) is a commitment to improve the quality of the service. It should identify what is going to be monitored and how and what improvement is expected. It will set out a vision and strategy over a three-year period the achievable actions required to meet this vision. Staff should be involved in shaping a SIP and the agreed actions.

You should try to ensure changes to staff working practices and/or terms and conditions are subject to proper consultation and negotiation and request that clauses are included in any contracts or tendering documents that protect current workplace policies and staff terms and conditions Get involved in monitoring and reviewing SIP outcomes and use it as a tool to hold management accountable for progress, to build staff support, facilitate wider community engagement and enable scrutiny to assess the improvement programme.

Electing a BAPO/UNISON steward or workplace contact

The BAPO members in your workplace can nominate someone to become an accredited UNISON steward to represent your views and needs during the many changes that take place in your workplace. Stewards talk to members, distribute information and get their views; help members get advice on workplace problems; and act as spokesperson for their workgroup. With experience, they can also choose to represent members in grievance or disciplinary meetings and be involved in high level negotiating – but you can do as much or as little as you want. Training is provided directly by Unison. All trade union training is accredited and you are entitled to paid time off to carry out your duties.

If you and your colleagues don't feel able to nominate a steward just yet, then maybe you could identify one or two workplace contacts. Workplace contacts can get involved by supporting members and distributing information. It is an ideal role for members who do not want to take on the full role of elected steward. For more info email health@unison.co.uk