



# Branch Newsletter

July 2009  
Issue 28

## " A Million voices for Change "



**This** was the theme of the Conference, a new campaign for action, a united plan to take forward UNISON policies.

The General Secretary Dave Prentis spoke on the first day of the Conference, he made reference to the MP's in the media regarding false expense claims, he stated that the Super Rich believe they are Super Special, and said this is a consequence of a society based on greed. He called for the labour Link to suspend Constituency Development payments, and to only support MPs who stand up for UNISON values on Public Services. Subsequent delegates that spoke felt that the General Secretary's speech was motivating and dynamic, whilst others said, he is only one man, and it is the responsibility of all Unison members to take forward our policies, a man is judged by action, not speak. Stuart Reeves who is currently our Membership Services Officer, Young Members Officer, and Lead County Representative for Hertfordshire moved the first motion of the day, 'Developing our commitment to Apprentices' which was carried by Conference. He also spoke on another issue as Chair of the Young members Branch, 'Young and Active' in our workplace, in our Union, in our society' adding that there needs to be more constructive dialogue with politicians, and that youth is the future of UNISON. Stuart was well prepared, and spoke passionately.

There was a long debate on rule changes regarding expelling members that do not promote UNISON values. The NEC stated that UNISON had 247 members that also belong to the BNP, and under current UNISON rules it would be difficult to expel these members. So the NEC called for rule changes following advice from the legal department. But this was not agreed after a card vote, which did not give a 2 thirds majority. Some delegates felt that the NEC would use this new rule change to expel members that had differing political views than UNISON. As always, Conference always promotes equality, and by doing so reminds me that in-equality is still widespread. I fully recommend anyone interested in attending Conference to make the effort and go.

I thoroughly enjoyed the 4 days at Conference, obviously Brighton is an attraction, as well as meeting people from other branches within UNISON, and networking is always worth while. *June Felstead UNISON Steward LGBT Officer*

### Secretary's Corner



We have now reached the 3rd anniversary of the East of England Ambulance Service Merger, and its very difficult to find anyone within the organisation that can see it as having become anything other than a complete disaster.

Frank Wards "Happy Birthday" article in this Newsletter pretty much sums up where we find ourselves at the present. All of the issues that were raised by the East Anglian Branch of UNISON in our response to the public consultation prior to the merger going ahead have sadly been realised. The benefits to staff and patients can easily be summed up in one word 'ZERO', and if the point of the whole exercise were to save money, then Ambulance Services across have failed miserably on that score as well. Partnership Working has become little more than a 'buzzword' in some, but not all parts of the organisation, which is banded about at times when it suits. The reality is that in the majority of cases we find out about poor management decisions or actions after they have taken place, and we are constantly now fire fighting in an attempt to put things right, that have gone wrong, this uses up valuable time which would be far better spent on dealing with the real issues of improving the working conditions of staff and the professional care they provide to the patients, as well as joining in UNISON's national campaigns in keeping our work out of the hands of private companies.

You may recall that we reported on a meeting that was held with the most Senior managers and Non Executives Directors of the Trust on the 29th April 09, at that meeting a firm commitment was agreed by both sides to seek the advice of an external expert to work together on taking forward the true spirit of partnership working to the benefit of the organisation.

Despite suggesting several dates it would appear that this commitment has found its way onto the "sorry I'm far too busy to make that date" list of most of the management side, and I am not unduly surprised that the grand words that were spoken at that meeting were little more than an attempt at appeasement rather than a genuine commitment.

Another area where we have seen a big cultural change recently is how disciplinary cases are dealt with, some of which are as a result of complaints from the public *cont over-*

Some areas still attempt to deal with these issues quickly and fairly, and in the spirit of a 'no blame culture' others are not. There is clear evidence that disciplinary cases are not dealt with consistently across the trust, and the attitude of some managers is to formally discipline, and suspend as the first course of action, as opposed to the last. As a consequence of this we are finding more and more members of staff approaching us for representation are not members of UNISON. In these cases UNISON rules are quite clear, unfortunately we can only offer advice and not formal representation, if the individual was not a member at the time the incident occurred. This is in no way a rule made to penalise anyone, but a rule designed to show fairness to all those loyal members that pay subscriptions for years and never call upon our services. After all, you wouldn't wait for your house to burn down before taking out an insurance policy would you? With all this in mind I would strongly suggest that any non-members sign up to UNISON now. Not only do you get all the money saving benefits of being a member of one of the country's largest trade unions, you also get professional representation from trained representatives. A vote on major issues such as Pay and Conditions, and if the time comes to take action, we will be doing so with the support and backing of all of our staff.

*Kevin Risley Branch Secretary*



## 'Monitor' surveys the foundations



It has been formally announced that we are to seek the status of a Foundation Trust. The Strategic Health Authority (SHA) in conjunction with 'Monitor' the Independent Regulator of the NHS Foundation Trusts, acting in the roles of an 'assessor come watchdog' are responsible for the assessment and authorisation of applicants for Foundation Status and their future regulation. Foundation Status is, in very simple terms, another duplicate re-run of the application for Trust Status, designed to re-energise, and easier to put down than read; its full action plan can be found on the NHS Foundations Trust Website dated Nov 2008. The recent fact finding road shows provided by the C.E. asking how we can improve our performance, and save money were logical enough questions in the light of the poor survey results. Somewhat bafflingly though, while these visits were doing the rounds the Student Ambulance Paramedic training fiasco was also a ticking time bomb. At Boardroom levels it was able to be said that they knew nothing about it. How important does a project have to be before anybody takes responsibility for it? The trend of the 'I didn't know, nothing to do with me' platoon keeps marching on, presumably the Guardians did not know about it either. 'Monitor' may well beg the question; would they have known any more about it, if, like the student paramedics, their own money had been invested in it.

The SAPS result fails to get anywhere near to 'lead by example' never mind elementary management practice, the Students being assessed on a pass or fail, are right to draw the parallels of performance. There is no room for double standards. How can the rest of the trust line management credibly be expected with any confidence go into work-places to face the workforce under fierce criticism and support policy, never mind desperately trying to prop up illogical standards.

One of the assurance indicators needed to gain Foundation Status is that, Quote- "Robust performance management systems have to be in place which are proven to effect decision making" ?

After the road-shows when listening to staff and managers about the general feel, the same answers kept repeating themselves into questions-

Why is it that the trust board does not ask/use its own management structures, for the information ?

I am supposed to be managing, why has no one asked me, I'm not allowed to manage anyway.

Staff question the logic of duplicating a meeting when they already know that their representatives have repetitively repeated the problems at the 'Partnership' forums to the highest levels. It is the same reason why Managers- Directors- Team Leaders that join management with an express desire to change things quickly become disaffected and eventually will disassociate from policy altogether.

We fervently hope that the SHA helped by 'Monitor' the watchdog, will see through all the cracks before issuing the building cards to any of the trusts surging forward seeking this new qualification. Monitor will need as a matter of urgency to action all the written warnings of this trust resulting from previous independent sources including the Inquiry running from 1998 to 2001 which again repeated "The Trust should initiate organisation and management development programmes from January 1999, with a view to exploring Investors in People accreditation in 2- 3 years time"

Investors in People has been out on standby for 12 years waiting for a 999 call from the Trust.

Reporting back to staff what they are achieving within a flawed league table has a hollow ring, particularly for the old man propped up on the trolley waiting for A & E to open, who may well say- "excuse me for needing to live a bit longer but would not the SHA's and Monitors diagnostic talents be better spent, sniffing out the pedigree of present government antics, thereby ensuring that all trust boards are currently accountable and responsible directly to the public in their present format."

As an 'Independent assessor' Monitor should be encouraging the Trust Boards to indulge in a spate of career limitation, to stand up publically and say "To enable us to fully implement the current merger in the interests of patients, service users and our staff we must have an immediate re-assessment of funding requirements to provide the resource and infrastructure needed to do the job properly". At present what the patients and staff are getting is exactly what the Non Executives & Trust Boards keep on signing up too. The Unison Guide to Ambulance Foundation Trusts from the Ambulance Sector Committee can be found on - <http://www.unison.org.uk/foundation/index.asp>

*E. M. Communications*

# The East of England is 3 years old this month !

**Happy Birthday to us ! Have we come of age ? I think not.**

The first three years of a human child's life sees him or her make significant progress in the huge majority of cases. Going from almost immobile to running around, moving from making gurgling noises to attaining about half of their adult vocabulary, progressing from a small world of their immediate family to social intercourse with peers, going from being incontinent to fully in control of bodily functions.

If that analogy were to be used for us then, as an organisation, we are still in nappies!

We see to have lost all momentum, or even given up on trying to become a regional organisation, and 'Partnership' working, which successfully implemented Agenda for Change, and Improving Working Lives throughout the NHS has been marginalised to a 'tick box function, and used selectively by the Trust.

UNISON has striven tirelessly to keep joint working alive and resolve and harmonise Terms & Conditions in conjunction with Working Practice issues, and together with some managers has made some progress. The reality is however that there are a huge number of basic functions of the machinery needed for us to work as one organisation, still not in place. There used to be an old saying even in a single county service that "Ambulance Stations were very independent and did things their own way" we are still clearly doing things at least three different ways.

- At least three different Meal/ Rest Break Agreements/ Arrangements.
- Scheduling/ Rostering/ Relief Working differently across the patch.
- Protocols on which and how Clinicians work on RRV's/FRV's/DMA's
- ECP Community Paramedics working to different procedures
- Fleet/Vehicle Maintenance arrangements different across the patch
- The issue of equipment, including PPE, different across the patch.
- IT Infrastructure not joined up.
- Senior managers structures in a permanent state of flux.
- Payroll arrangements not harmonised
- Patient Report forms not harmonised.

The above is not the famous exhaustive list. The most bonkers example is revealed when you delve into unresolved AFC issues. The reality is that a Technician in Southend still has a different Job Description to a Technician in Southwold, and a Paramedic in Lowestoft still has a different Job Description to a Paramedic in Luton.— and we all work for the same employer !

The recent debacle around our Student Ambulance Paramedics is an example of an organisation which is still in disharmony trying to roll out something new. I suspect the Emergency Care Assistants will be a similar 'dogs breakfast'.

So, What's the answer— maybe the answer is a question.

Has the Merger been a success ? If not then should we persevere with a 'bad marriage' seek serious reconciliation, or consult the layers on a divorce ?

Whatever the answer is, some serious soul searching needs to take place within this organisation, and I suggest that is recognised sooner rather than later.

*Frank Ward—Staff Partnership Co-coordinator & Essex Divisional Secretary*

## UNISON's campaign against Needlestick agony wins through



UNISON's long running campaign to introduce safer needles and prevent 'sharps injuries in the NHS paid dividends today with the announcement of strict European union guidelines to protect staff ahead of new legislation. The UK's largest health union has fought hard and long to end the agony of sharps and needle stick injuries, estimated to be as high as 100,000 a year. Karen Jennings Uniison's head of Health led a series of intense negotiations at EU level between the European federation of public service unions ESP & the European hospital and healthcare employers association. This agreement aims to prevent the incidence of injuries with contaminated sharps, protect the workers at risk and to establish an appropriate response and follow up practice. Karen said- "I am pleased that the hard work and determination of the unions has paid off at last. Subjecting thousands of NHS workers every year is unnecessary when safer needles are available and cost very little more. Instead of losing time while legislation goes through Europe the DOH should take the initiative and adopt the guidelines now. Sadly health workers have died as a result of accidents involving needles which also lead to potentially life threatening diseases such as hepatitis, HIV & Aids. The cost is minimal especially when adding together time off and compensation let alone human misery."

**Dave Edwards Health & Safety lead Norfolk / Disabled Members Officer**

## UNISON Officers Branch Officer Listing 2009

Please note where a Branch Officer has taken on other roles these are also listed below

Chairperson	Ross Stanton	07733225887	ross.stanton@eastamb.nhs.uk zolaisgod@hotmail.co.uk
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Branch Health & Safety Officer	Alan Chamberlain	07736110725	alan.chamberlain@eastamb.nhs.uk alan@archamberlain.co.uk
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Education Co-ordinator	Ian Cook	07932680885	Ian.cook@eastamb.nhs.uk ikcook@aol.com
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Non Emergency Services	Carole Taylor	07745549287	carole.taylor@eastamb.nhs.uk
Disabled Members & Norfolk County H & S lead	Dave Edwards	07884327916	dave.edwards@eastamb.nhs.uk redfire@googlemail.com
Information Communication & Technology	Darren Meads	07534900247	dmeads@eeas-unison.com
Pensions Retired Members Officer	Ian Mc Kenna	07870544241	ian.mckenna@eastamb.nhs.uk iantracey@mckenna2003.fsnet.co.uk
LGBT Members Herts County H & S Lead	June Felstead	07903585081	june.felstead@ntworld.com felstead@bhamb.nhs.uk
Womens Officer Job Shared with	Carole Taylor NSC Lesley Hilton BHE	07745549287 07989786661	carole.taylor@eastamb.nhs.uk lesley.hilton@sky.com
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Suffolk County lead Rep	Tim Ingall	07920442315	tim@driftway.plus.com
Essex County H & S lead	Peter Kelly		peter.kelly@essexamb.nhs.uk Peter.kelly@talktalk.net
Beds County H & S lead	Vacant		
Suffolk County H & S lead	Vacant		

## CONTRACTS-

### The Basic legal Rules

**Employment rights depend**, as a minimum, on there being-  
“an Employment Relationship.”

This implies some contractual obligations between the employer and the worker.

To obtain some statutory employment rights. An individual needs to prove that there is a contractual relationship with the employer; in general this means an obligation to work in return for an obligation to pay for the work.

An important issue for Contract law is the legal status of the person doing the work. Someone with a contract of service is an “employee” and has more statutory rights than a “worker” an individual who works under a contract for services.

Contract Terms can be express (clearly stated), either orally or in writing, or implied.

Employees cannot normally enforce an express term if it is explicitly subject to the employers discretion.

Terms are implied from surrounding circumstances where there is no express term. In addition, implied terms include terms which are so central to a contract, that it would not exist without them– for example, every contract of employment has an implied term, that the Employer will take reasonable care of the employees health, that includes ‘mental health’

Terms can be incorporated; this occurs if a term agreed between two parties, for example– the EMPLOYER and the UNION becomes part of individual employees contracts.

If a contractual term is breached, a Legal claim can be taken against the party that caused it. A ‘Constructive dismissal’ occurs when the employer does something that amounts to a fundamental breach of contract, and the employee resigns as a direct result of that breach.

*End*

*The Branch subscribes to the labour Research Dept on UNISON members behalf and this article is a direct lift from the Employment Law Journal May 09. As can be seen, the basic rules as stated above, are open in most cases to ‘definition’ Therefore-*

*Members are strongly advised to seek further advice from their Branch, who would involve the Regional Organiser John Toomey of UNISON who is well versed in Employment law, including as importantly, ‘updated Case Law’ E.M Communications*