

Report to the Trust Board

Meeting Date:	14 th March 2011
Title:	Employment Checks for PCT staff transferring to RWHT
Executive Summary:	As part of the transfer of staff from the PCT to RWHT it has been identified that a number of employment checks are not portable and therefore will need to be re-done by RWHT. Although we recognise the risk that this poses to the organisation at the point of transfer we are mindful of the messages that a whole scale checking programme will send to our new employees. They are after all not new starters and as such we do not want to appear to be treating them as such. We have therefore sought to propose an approach that achieves an appropriate balance between mitigating the organisational risk, preserving good employee relations with staff transferring as well as taking into account the operational impact.
Action Requested:	The Trust Board is asked to approve the proposals and timescales for completion.
Report of:	Director of HR
Author: Contact Details:	Gemma Smallwood, HR Manager - Resourcing Email:Gemma.Smallwood@nhs.net
Resource Implications:	
References: (eg from/to other committees)	
Appendices/ References/ Background Reading	
NHS Constitution: (How it impacts on any decision-making)	In determining this matter, the Trust Board should have regard to the Core principles contained in the Constitution of: <ul style="list-style-type: none"> ✚ Equality of treatment and access to services ✚ High standards of excellence and professionalism ✚ Service user preferences ✚ Cross community working ✚ Best Value ✚ Accountability through local influence and scrutiny

Background Details

1 It has been confirmed by the Trust Lawyers that CRBs are not portable, even within the context of a TUPE transfer. The Trust has also been made aware of a risk regarding Right to Work checks; this was highlighted as an area for concern as part of the due diligence report. We have however assumed that the remaining employment checks stipulated for new employees within the NHS Employment Check Standards have been completed. These are:

1. Occupational Health
2. References & Employment History
3. Identity
4. Right to Work
5. Registrations and Qualifications (*if applicable to position*)
6. CRB (*if applicable to position*)

We are therefore only proposing to conduct CRB and Right to Work Checks on the transferring staff. Although as part of our existing governance arrangements all checks will eventually be subject to scrutiny.

In determining the scale of the risk to the Trust we should be mindful of the fact that the employees we are referring to were, pre-transfer to RWHT, working in the same positions, carrying out the same service with broadly the same management structure. In addition we have been assured by the PCT that those staff transferring to RWHT have had CRB checks completed within the last 3 years and therefore the “real” risk is anticipated to be minimal.

2 Proposed roll out – CRB and Right to Work

Taking into account the risks, employee relations and operational impact we are recommending that we allow a ‘settling in’ period for the transferring staff before checks commence. Checks would then commence in May 2011 via a phased approach. The broad phases based on an assessment of risk to the organisation are detailed below but we will work with the community teams to perfect these:

- Phase 1 - Child Health & Related Services (approx 418 staff)
- Phase 2 - Community & Paramedic (approx 584 staff)
- Phase 3 - All other staff groups (approx 691 staff)

A central dedicated team resourced predominantly from outside of the current establishment would ensure these checks can be concluded in the shortest time possible. To complete the relevant document checks based on approximately 1700 staff, the below table highlights the estimated timelines of when the Trust will be ‘de-risked’:

Resource Req. (band 2)	Child Health & Related Services	Community & Paramedic	All other staff groups
1 WTE	12 weeks	17 weeks	25 weeks
2 WTE	10 weeks	13 weeks	19 weeks
3 WTE	9 weeks	10 weeks	13 weeks
4 WTE	9 weeks	9 weeks	12 weeks

	<p>The timescales allow for a rolling drop-in clinic approach based at locations suitable to the employees to minimise impact on service provision. Furthermore we intend to maximize the efficiencies of e-Disclosure, an online CRB application process, which is assured to significantly reduce the processing time.</p> <p>In addition to the above timescales, extra time will be required for data entry of the checks onto ESR; the timescales for this will be dependent on additional resources. This does not affect the risk level but may affect compliance reporting ability immediately following the completion of each phase.</p> <p>Based on the above timescales is it recommended 3WTE are recruited to de-risk the RWHT within a time period of approximately 13 weeks. Due to the short timescale, it is recommended fixed term or agency staff are recruited to administer the project. This would be overseen by experienced HR/Recruitment member of staff.</p> <p>This approach would be mirrored for bank staff “transferring” from the PCT Bank. Clearly new Bank staff would go through the full checking process.</p>
3	<p><u>Summary</u></p> <p>We believe that the proposed approach achieves an appropriate balance between risk, employee relations and operational impact and therefore we would seek Trust Board approval.</p>
4	<p><u>Recommendation</u></p> <p>The purpose of this paper is to seek Trust Board approval for the proposed approach and timescales in light of the risk position that this potentially exposes the Trust to.</p>

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