

## **Useful resources and information**

## Resources

- [NHS Terms and Conditions of Service Handbook](#)
- [Medical and Dental Terms and Conditions](#)
- [New Fair Deal](#)
- [Access to the NHS Pension Scheme for independent providers](#)
- [NHS Business Services Authority](#)
- [NHS Standard Contract](#)
- [The NHS Constitution](#)
- [NHS Staff Survey](#)
- [Speaking up](#)
- [NHS Health and Wellbeing Framework](#)
- [SPF Partnership Agreement](#)
- [Staff Transfers in the Public Sector Statement of Practice](#)
- [Local Government Association: Public health transfer: Working in local government](#)
- [NHS website](#)
- [Gov.uk – joining a trade union](#)

## Staff engagement and organisational effectiveness

In 2011, the Aston University Business School conducted research on behalf of the Department of Health, which provided evidence of the link between good staff experience and good patient experience. More recent research has identified links between engagement and absence levels, employee engagement, sickness absence and agency spend in NHS trusts (March 2018) and has highlighted the links

between NHS staff experience and patient satisfaction: analysis of surveys from 2014 and 2015 (February 2018).

## **Application of the TUPE regulations (The Transfer of Undertakings Protection of Employment)**

TUPE applies when there is a relevant transfer. A relevant transfer may include:

- a transfer of an undertaking, business or part of an undertaking or business where there is a transfer of an economic entity that retains its identity; or
- a service provision change, where a contractor takes on a contract to provide a service for a client from another contractor.

However, the law relating to transfers is complex; TUPE may not necessarily apply so you should contact your HR department, trade union or staff representative to get further advice.

For more information on TUPE see the [gov.uk](http://gov.uk) website.

## **Announcement of the withdrawal of the agreement 'Agenda for Change and NHS Contractors Staff – A Joint Statement'**

On 13 December 2010, the Government announced the withdrawal of the 2005 'Code of Practice on Workforce Matters in Public Sector Service Contracts' (commonly referred to as the Two-Tier Code). The withdrawal of the Code brought into question the agreement 'Agenda for Change and NHS Contractors Staff – A Joint Statement' - which was based on the principle enshrined in the wider code of practice. The Department of Health has withdrawn the Joint Statement with immediate effect.

The Joint Statement was agreed in 2005 and extended Agenda for Change (AfC) terms and conditions to staff that had transferred outside the NHS before the introduction of AfC in 2004. There was an expectation on all sides that the terms of the joint statement would

be observed and implemented. These protections went beyond those afforded by the Transfer of Undertaking (Protection of Employment) Regulations (TUPE), as well as the Cabinet Office Statement of Practice.

Where the Joint Statement has already been implemented there should be no need for any action as the pay improvements are now part of employee's terms and conditions and protected by employment law and private contractor company contracts with NHS trusts will have been varied to reflect this ongoing obligation for the life of each contract.

The NHS Standard Contract has been amended to reflect the withdrawal of the joint statement and the two-tier code. NHS contractors are, however, encouraged to adhere to the Principles of Good Employment Practice that have replaced the two-tier code.

Where a contract was signed prior to the introduction of the current revised standard contract, the parties to that contract – the NHS trust and the NHS contractor - will, as part of their contractual commitments, continue to be covered by the obligation to conform with the standards and principles within the Joint Statement and the two-tier code.