

Staff engagement and partnership working

All staff delivering NHS services should be engaged by their employer in decisions affecting them and the services they provide. This is in line with the commitments in the NHS staff pledges in the NHS Constitution which apply to all providers of NHS services.

What do we mean by staff engagement and partnership working?

Good staff engagement encompasses a range of activities from sharing information and gathering views from staff on issues that affect them to, for staff who are members of trade unions, working in partnership with their representatives on local workplace issues, adhering to legal requirements in respect of trade union membership and representation. Not all independent providers will formally recognise trade unions and engagement may be via less formal routes such as employee forums. You can check this with your HR department.

The best performing organisations have staff that are engaged with their employer and empowered to put forward ways of improving how things are done. This applies equally to both NHS and non-NHS providers of healthcare to NHS patients. Research has shown that high levels of staff engagement have a positive impact on organisational effectiveness, patient satisfaction and contribute to the delivery of high quality patient care. This includes research from Aston University Business School in 2011, research from NHSE in February 2018, and research from NHSE in March 2018.

All organisations should develop an approach to how they will foster staff engagement. Key components of effective staff engagement in the NHS include:

- good leadership and good communication
- valuing staff contribution
- involvement of staff in decision making
- seeking and responding to feedback from staff
- partnership working with staff representatives

How will staff engagement and partnership working change when I transfer?

All providers of NHS services are expected to work closely with their staff, on issues that affect them, whether they are members of a trade union or not, in line with the NHS staff pledges in the NHS Constitution. If you are a member of a trade union, union recognition will transfer under TUPE from your existing NHS employer to your new employer if, following the transfer, the transferring organised grouping of resources or employees retains a *distinct identity* from the remainder of the new employer's undertaking. If you are unsure how this will apply in the case of your transfer you should speak to your line manager, your HR adviser or trade union representative.

Regardless of who your new employer is following transfer, you can expect:

- **Joint working** - Your new employer is committed to the principles of effective joint working as set out in the NHS Constitution. This means that your employer should talk to you, your trade union, where applicable, your professional representative body and other stakeholders, as appropriate, about decisions that affect you and the services you provide.
- **Your right to become and/or remain a member of a trade union** - Your employer will respect your right to either remain a member of a trade union or to join one if you wish (regardless of whether the union is recognised by your new employer or not); to be represented by a recognised trade union; and be entitled to other rights set out in employment law concerning information and consultation. The gov.uk website includes information about trade unions and legal rights concerning union membership.
- **Your right of access to trade unions** - If you are a member of a trade union you have a right to access and make use of the services offered by your union, such as advice (including legal advice), support and assistance, at an appropriate time, regardless of whether your trade union is recognised by your employer.

- **Staff experience survey** - Currently, independent providers do not participate in the NHS Staff Survey. Your new employer (or the principle commissioning organisation) may undertake a staff experience survey at reasonable intervals and you may be invited to take part. A summary of the survey results and actions in response to the results should be available to staff.
- **Openness** - Your new employer should commit to achieving a climate of openness where you feel able to raise concerns, in a reasonable and responsible manner, on any aspect of service delivery without fear of recrimination. Your new employer should have an appropriate speaking up procedure in place, but these may not be provided by some smaller employers. Independent providers that are providing NHS services under the NHS Standard Contract are expected to provide access for you to local freedom to speak up guardians. See the National Guardian website to find your freedom to speak up guardian.