

HR policies and practices

Staff delivering NHS services can expect to work for an employer of choice. That is, an employer who provides a high quality working environment for their staff, an employer people choose to work for and stay with.

One way of ensuring a high quality workplace is by having good HR policies and practices. These may include policies and practices developed by your employer in partnership with local trade union representatives, where they are recognised, which have an effect on your employment. Although developed locally, they may be based on national initiatives and guidance such as those provided by the Advisory, Conciliation and Arbitration Service (ACAS). Areas covered by such policies include equality and diversity, health, wellbeing and safety, work life balance and flexible working, discipline and grievance, speaking up/raising concerns and whistleblowing and recruitment and promotion.

In the NHS there are a number of good employer initiatives that have been developed nationally in partnership with NHS Employers, the government, arm's length bodies and trade unions. Such initiatives include the Health and Wellbeing framework (2021), Workplace Health and Safety Standards, and part 5 of the NHS Terms and Conditions of Service Handbook – Equal Opportunities.

The SPF's speaking up page signposts resources available to employers to help them put in place policies and practices to enable staff to raise concerns. This includes a national policy produced to help standardise speaking up procedures across the NHS. The web page also links to speak up, which offers free independent confidential advice on the speaking up process for employers and employees in the NHS and adult social care.

The good practice guidance contained within these key national resources is accessible to both NHS and non-NHS employers to help develop local policies and practices in partnership with staff and trade union representatives.

How will my transfer affect me?

If you leave direct NHS employment to join an independent provider (this includes private sector companies, charities, not for profit organisations, and social enterprises) providing health care services to the NHS you will not necessarily continue with exactly the same HR policies and practices you had with your former employer, unless they form part of your existing contractual terms and conditions of employment. You may wish to discuss with your HR or trade union representative in advance of your transfer to confirm which policies and practices will be transferring.

Your new employer may take some or all of your former employer's policies and practices and amend these to reflect the structure and size of the new organisation. Alternatively, they may decide to develop a new set of policies and practices or, they may already have a set of existing policies and practices. These decisions should be subject to discussion with the employee representatives, which may include trade union representatives.

Contractual terms and conditions of employment are protected in a TUPE transfer except in very exceptional circumstances. If you are unsure what is included as part of your contract of employment you should speak to your HR department and/or trade union representative.

Independent providers of NHS services are required through the NHS procurement process to demonstrate good HR policies and practices which, in turn, support a positive working environment where staff can provide better care and services. In fact, sometimes the benefits and ways of working in independent providers may be more favourable for your own personal circumstances. Regardless of who your new employer is following transfer, you can expect, as a minimum, the HR policies and practices of your new employing organisation to not only meet the requirements of employment and discrimination law but also, to reflect a commitment to the provision of a high quality workplace and to being a good employer, as stated in the NHS Constitution. Your existing employer should work closely with you, your trade union representatives and your new employer to achieve this.

FAQs

Visit our [frequently asked questions web page](#) for more information.