

People Team
18 Dartmouth Street
London
SW1H 9BL
www.viaorg.uk



Jenny Carlin

Regional HR Advisor

Change Grow Live (CGL)

By email to: Jenny.carlin@cgl.org.uk

28 November 2023

Dear Jenny

Re Gloucestershire Community Adult Drug & Alcohol Services - Change of service provider with effect from 01 April 2024

I am writing to you concerning the forthcoming transfer to Via and further to recent engagement, information providing and planned consultation meetings with affected individuals and representatives.

The purpose of this letter is to inform you of the main points in relation to the transfer and to set out any changes that we propose to make with effect from the date of transfer. Please share these initial measures with Unions and Employee Representatives as part of the consultation process. Via may update these measures once we have received and reviewed the due diligence information and consulted with those affected.

Transfer date

With effect from 01 April 2024, transferring employees will become employees of Via and employment with **CGL** will cease on 31 March 2024. Employees will transfer to the payroll of Via.

New Service Structure

In line with the commissioner's requirements for the new service, we will be delivering a new model of service with a new staffing structure which will be shared at the group consultation stage. We will continue to take feedback on this and the service delivery model during mobilisation. The structure that has been commissioned relates to the delivery of **Gloucestershire Community Adult Drug & Alcohol Services**.

Change of Base

Via plan to continue to deliver services and satellite provision from the same locations currently in use by this service where possible, that is to say the Gloucester, Cheltenham, Stroud and Cinderford Hubs. Any potential change of base will be discussed at 121s.

Operating Hours

The normal operating hours for the new service will be based on the needs of the service and service users. These will be broadly 9am - 5pm Monday to Friday, plus some late evenings and weekend cover, where assessed local need has shown that it is required. Any new hours outside of Monday to Friday 9am - 5pm would be delivered by way of a staff rota and phased introduction.

Job Descriptions

Transferring employees will move to Via's job descriptions in line with the staffing structure in order that job descriptions reflect the duties of the role and the reporting structure of the organisation. We will request copies of existing job descriptions and will share Via Job Descriptions on the Via microsite.

Job Titles

Employee job titles may change in line with the job descriptions provided. This is to bring job titles in line with our organisational structures and to ensure that job titles are congruent with the job description and those across the rest of the organisation.

Potential Redundancy

Whilst we do not envisage a redundancy situation arising, we cannot confirm until we are in receipt of all Employee Liability Information requested. Should a redundancy situation arise, Via will meet with all statutory redundancy obligations and any potential consultations would not commence until post transfer.

NVQ Level 3 in Health & Social Care (or equivalent)

Employees delivering front line work who do not have an NVQ Level 3, or equivalent, will be supported post transfer to complete this qualification or equivalent, in line with CQC requirements. An equivalent could be the OCN Tackling Substance Misuse Level 3 Qualification. Satisfactory completion of this qualification within reasonable timescales will be an occupational requirement and organisational support will be available.

Pay

If transferring employees have a contractual pay scale and are entitled to contractual and automatic incremental increases each year, they will move across on their current pay scales and continue to increment to the top of their scale, as they do now. If employees are on a spot salary with no incremental rises, they will transfer on that salary and will remain on this pay point.

Post transfer, pay reviews will be in line with Via's pay processes and transferring employees will be eligible for Via's non-contractual annual cost-of-living award. Any cost-of-living payments collectively agreed *prior* to the transfer date will be paid.

There is no legal requirement for Via to honour any changes negotiated by a previous employer under a collective agreement that take place after transfer date.

Pay Date

The pay date will change to the 25th of the month or the nearest Friday if the 25th falls on a weekend or public holiday; our December pay date is usually brought forward to allow for Christmas. Employees will receive their first pay from Via on 25 April 2024. Via pay 3 weeks in arrears and 1 weeks in advance. However, we wish to ensure that employees suffer no detriment through this pay date change and will therefore be happy to discuss interim arrangements, if necessary, through further consultation. Employees will be paid by BACS transfer directly into their bank account.

Policies

Employees will no longer follow the current employment related policies or procedures that may be provided as part of due diligence. Employees will transfer to the equivalent Via policies and procedures except for any entitlements to pay or pay related elements which remain part of their contractual terms. This relates to employment related policies, rather than clinical policies.

Annual Leave Year

Via operate an April – March annual leave year. Should any changes be needed, we will look to pro rata transferring employee annual leave to 31 March 2024 for them to start a new leave year on 01 April 2024 with a full entitlement and will deduct any leave already taken. Therefore, their new leave year will be 01 April - 31 March. Employees will not be at any detriment through this change and the change will not affect employees' annual leave entitlement, this will transfer to Via as per current entitlements. We ask that all transferring employees discharge their 2023 - 2024 entitlement to 31 March 2024, notwithstanding any exceptional circumstances, such as Maternity Leave or Long-Term Sickness Absence. In

such circumstances carry over of annual leave would need to be expressly agreed in writing, and prior to the transfer date.

Death in Service

Employees who transfer to Via will become members of the Group Life Assurance Scheme that entitles the next of kin or a nominated person of an employee member that dies in service to a tax-free lump sum. For transferring employees this will be 2 x their annual salary. Via believes this is an important benefit and hopefully a source of reassurance to colleagues. Death in Service cover will be in place up until an employee's 75th birthday.

Pension (for non-statutory pension members):

Via are required to provide a comparable pension scheme in respect of TUPE. Employees who are already in a pension scheme will transfer to Via's scheme and employer contributions will be matched up to a maximum of 3% and employees will continue to pay their current employee contribution, although may pay in more if they wish to. The total contribution rate (employer and employee combined) must be a minimum of 8%. Any employees who are not in a pension scheme at point of transfer will be auto-enrolled into Via's scheme after 3 months of employment at employee contribution rate of 5% and employer contribution rate of 3% if they meet the eligibility criteria. Unless there is a specific request to opt out of this following auto enrolment if they wish. Employees may also wish to join the scheme on transfer and can contact people@viaorg.uk once they are Via employees, to find out more information.

NHSPS

We recognise that some employees may be members of the NHS Pension Scheme (NHSPS) in which case Via will make an application to the relevant scheme for Direction Status during the transfer process. This process can take several months to complete. Via will deduct the employee pension contribution from salary and will retain those contributions and the employer contributions paid by Via and these payments will be paid over to the NHS Pension once the Direction status is received. There will be no break in the pension scheme and pensionable service is backdated to the transfer date.

Via will provide a further measure for any employees identified as having Mental Health Officer or Special Class Status following receipt and review of the due diligence.

Those transferring employees who remain eligible for the NHS Pension Scheme, but who are not currently members, Via are required by law, to re-enrol them into the NHS Scheme from their first day of employment. Those employees who do not wish to be re-enrolled into the scheme should complete an SD502 form (available on the NHS website

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<https://www.nhsbsa.nhs.uk> This should be completed within 30 days of joining Via and sent to people@viaorg.uk Please be aware that forms received after 30 days may result in contributions being deducted from salary and a refund may not be applicable.

Trade Union Recognition

Under voluntary recognition arrangements, there is no automatic right for the current terms, agreed between the Trade Union and current provider, to transfer under TUPE for those employees transferring. However, Via are always happy to discuss the possibility of forming new local partnerships with recognised trade unions, in respect of the transferring staff if it is recognised with the current employer.

In the spirit of Recognition, and once we are in receipt of any existing Agreement(s), we would like to meet with the Employee Representatives. As part of the commissioned Service, we would like to explore any proposal for a local partnership agreement in respect of transferring staff and we propose commencement of these discussions as soon as possible, and on receipt of the existing Agreement(s).

We will write again to confirm the final proposed measures in a letter to you following full disclosure and our subsequent review of the due diligence. Via will consult regarding the measures and transfer with the representatives and with all transferring employees and will discharge all obligations relating to any changes as a result of Economic, Technical or Organisational reasons.

If you have queries concerning any of the above, please do not hesitate to contact me.

Regards

Ali Plummer
Head of People Delivery