

# Kingston Collective Consultation

16th January 2024

*Tom Sackville*  
*Executive Director of Services*



## The plan for today

- Welcome and introductions
- What to expect from today
- What is TUPE?
- Our proposal for Kingston Services
- Our Measures including our Staff Structure
- Timeline and next steps
- Breakout session

## What is TUPE?

The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)

When a service transfers from one employer to another under these circumstances there are regulations that apply to protect the employees affected

The legislation designed to protect employees; employment will automatically transfer from to Via on 01 April 2024

Obligations on both transferor and transferee organisations to inform and consult over likely implications of the transfer

Duty is to inform and consult with recognised Trade Union and/or Elected Representatives

Today is the start of Via's (transferee) consultation with you

## What inform and consult means for you

ACAS advice is to keep all affected employees updated about the transfer, even if there are representatives

**'Inform'** is about telling you the facts about the transfer; this information must be provided to you before the transfer takes place on 01 April 2024

**'Consult'** is when you are asked for your feedback on the changes to working practices ('measures') that the transfer will bring, so that transferor and transferee (Via) organisations may consider your feedback ('representations') before making decisions

Making

Service Delivery Model

La

change

## Key features of our proposal

- Building on current best practice
- Reaching more people across the borough
- Stakeholder work and maintaining key contacts
- Women-only provision in safe spaces
- Aftercare and social enterprise
- Via Core model and programmes such as Next Steps and NOVA – tools to adapt to local context

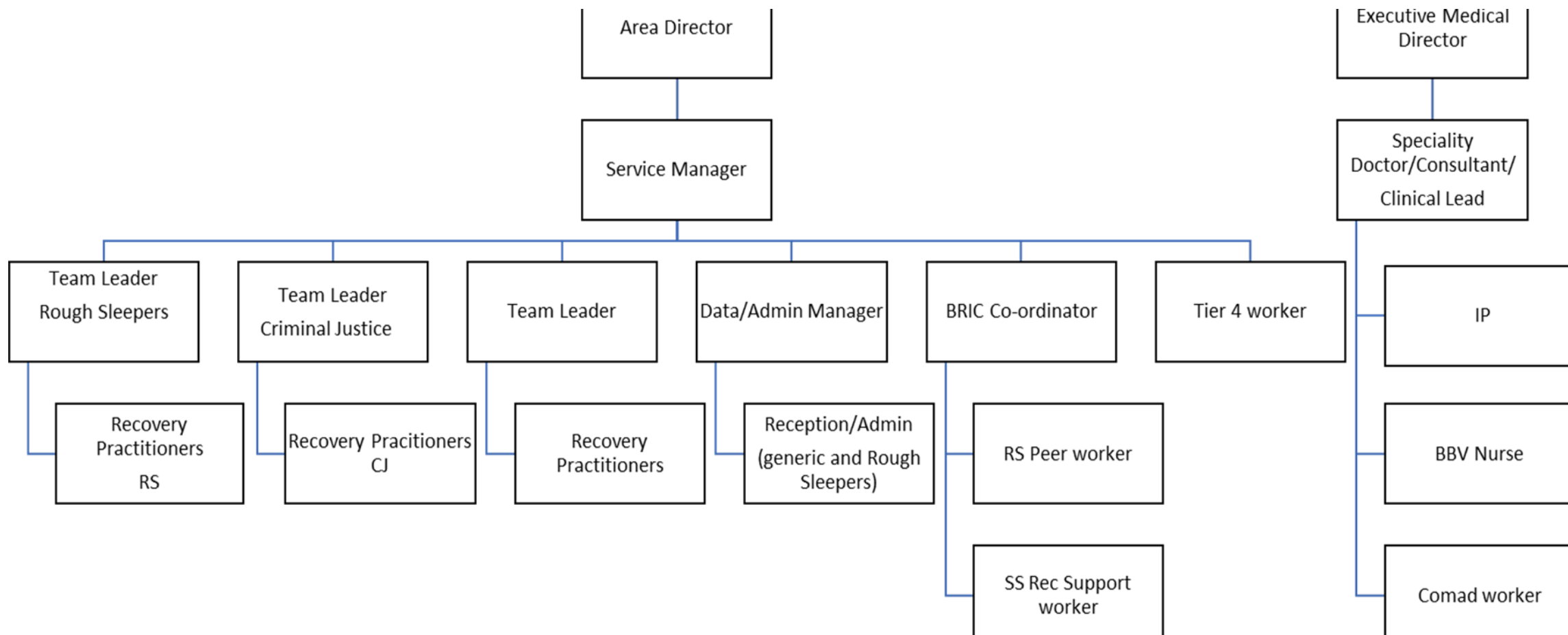
## **Contract Partnership**

Via will be working in a formal sub-contract arrangement with St Georges NHS Trust

## **Delivery Sites**



# Proposed Staffing Structure





your  
Starting journey

Measures

---

## **Informing & Consulting on the transfer and the TUPE Measures**

- We are consulting individually and collectively on the process, proposed structure and the other measures.
- Initial measures were shared on 5 January 2024: letter available on the microsite
- We'll take you through those measures today
- They'll be opportunity to further discuss the measures at your 121s
- Feedback and/or written representations are invited
- Before we make any final decisions, we'll have informed you of the changes, listened to and fully considered your suggestions and tried to reach agreement

---

## Process

- Series of consultation meetings and information providing meetings plus questions can be asked outside of meetings
- Collective – 16 January, 121s on 23,24,25 January, you can bring your employee rep with you
- Please review the microsite and unless you work with Via already, complete the new starter forms
- Feedback throughout the process
- Job matching will then take place
- Consultation aims to end by 6 March 2024
- Transfer on 1 April 2024 (Easter Monday) With effect from 01 April 2024, transferring employees will become employees of Via and employment with C&I NHS Trust will cease on 31 Mar 2024.



---

## **Initial intended measures**

### **Location and Base**

Via plan to continue to deliver services from the same one primary location continuing to use a second space as a separate part of the same location. There are no proposed changes to these arrangements.

### **Operating Hours**

The normal operating hours for the new service will be based on the needs of the service and people who use our services. 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.

### **New Service Structure**

In line with the commissioner's requirements for the service, we will be delivering a refreshed model of service with an adapted staffing structure which will be shared with affected employees and their representatives. 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 Kingston Adult Drug & Alcohol Services.

---

## **Initial intended measures**

### **Annual Leave Year**

Via operate an April – March annual leave year. Please discharge all outstanding annual leave unless exceptions

### **Level 3 qualification in Substance Misuse (or equivalent)**

Employees delivering front line work who do not have a relevant Level 3 qualification, or equivalent, will be supported post transfer to complete 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. There is no financial cost to individuals in completing this qualification and we welcome all front line employees on to the training, even if they have a similar qualification.

### **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.

## **Initial intended measures**

### **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 pay review. Any contractual payments collectively agreed *prior* to the transfer date will be paid. Following the legal position, Via will not implement any pay changes negotiated by a previous employer under a collective agreement which takes place *after* the 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

---

## Initial intended measures

### **Pension** (for non-statutory pension members):

Via will provide a comparable pension scheme for affected employees. 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.

### **NHSPS**

Via will make an application to the relevant scheme for Direction Status during the transfer process. This process can take several months to complete so in the meantime 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 this in the due diligence.



## **Initial intended measures**

### **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 have received copies of existing job descriptions and will share Via Job Descriptions with affected staff and their representatives 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.

## **Initial intended measures**

### **Potential Redundancy**

We do not envisage any redundancy situation arising and will confirm this once we have reviewed all the Employee Liability Information and undertaken consultation. In the unlikely event of a redundancy situation arising, Via will meet with all statutory redundancy obligations including appropriate consultation.

### **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.

### **Death in Service benefit**

You'll become a member of the Group Life Assurance Scheme which entitles your next of kin or a nominated person to a tax-free lump sum, should you die in service. This will be 2 x your annual salary



Next steps

ahead

step

One



## Timeline and Next Steps

16 Jan 2024	Consultation starts with this meeting
22 Jan 2024	121 Consultations commence please book in
29 Feb 2024	Job matching completed and confirmation of role
06 Mar 2024	Consultation ends
1 April 2024	Transfer to Via

## Timeline and Next Steps

Thu 28 Mar 2024	Likely last working day with your current employer
Sun 31 Mar 2024	Last day of employment with your current employer
Mon 01 Apr 2024	Easter Monday (BH); your employment TUPE transfers to Via
Tue 02 Apr 2024	First working day

**Q&A**

**Microsite: <https://www.viaorg.uk/transfers/kingston>**

**Password: Kingston2024**

**Any Questions?**

**v-i-a**