

By email to: Victoria.Dunlop@Candi.nhs.uk tony.gibney@nhs.net

Date: 5 January 2024

Initial Measures

Dear Tony and Victoria,

Re Kingston Community Adult Drug & Alcohol Services - Change of service provider with effect from 01 April 2024 – Initial Measures

I am writing to you about the forthcoming transfer to Via and the planned engagement, information providing and 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 fully reviewed the due diligence information and commenced consulted with those affected.

Transfer date

With effect from 01 April 2024, the affected employees will become employees of Via and transfer to the Via payroll. Employment with Camden and Islington NHS Foundation Trust will cease on 31 March 2024.

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.

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.

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.

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.

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.

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; 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 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. 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. Those who are already in a pension scheme will transfer to Via's scheme and employer contributions will be matched up to a maximum and employees will continue to pay their 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%.

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 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.

For those transferring employees who remain eligible for the NHS Pension Scheme, but who are not currently members, they will be re-enrolled 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 <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.

We will write again to confirm the final proposed measures in a letter following review of the due diligence and consultation commencing. 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 us.

Yours sincerely,

Marina Deeny
Director of People