

**12 September 2012**

**To:**

All chief executives in NHS trusts in England  
All chief executives in NHS foundation trusts in England  
All chief executives in primary care trust clusters in England  
All chief executives in strategic health authority clusters in England  
All chief executives in special health authorities in England  
All chairs of NHS organisations in England

**cc:**

HR Strategy Group  
SHA HR Leads

**Gateway reference number: 18139**

Dear Colleagues,

**‘Planning for a Secure Transition’ – HR guidance**

Sir David Nicholson wrote to the service on 13 August 2012 setting out plans for an incremental approach to secure transition to the new health and care system (copies attached at Annex A and Annex B). This approach to transition aims to achieve the right combination of resilience in the current system and effective leadership of the new system through the transition process. The letter emphasised the need for robust local arrangements to implement the approach as differing structures mean that there is no ‘one size fits all’. The aim is to have transitional arrangements in place from 1 October.

The principles underpinning this approach are:

- The strong focus on and attention to delivery of performance continues to be the key principle during transition.
- Existing bodies retain their statutory functions, so accountability for delivery and statutory functions remains with PCTs and SHAs until April 2013.
- New organisations can only be accountable for responsibilities consistent with their roles for planning for 2013/14. They will not take on responsibility for current delivery in 2012/13.
- Governance and accountability mechanisms need to be very clear in relation to which decisions can be taken by which bodies.
- Governance arrangements should be consistent with the NQB’s report on managing quality through transition.
- Complexity and ambiguity for any individual should be minimised.

Discussions are now taking place between SHA Chief Executives and senior leaders on how the approach will be implemented locally. This note is to provide clarity on the HR guidance to be followed to ensure that we continue to manage the impact of transition on all employees in a way which treats individuals with dignity and respect and reinforces the strong and effective partnerships we have built with organisations, leaders at all levels and trade union representatives. MiP (Managers in Partnership) Trade Union have helped to develop this note and have agreed its content.

While the transitional arrangements under discussion primarily affect PCT Cluster Chief Executives and SHA Directors, I would also like to clarify that where proposed local arrangements affect other senior leaders, they should also be consulted appropriately on any impact in relation to their employment rights.

Where discussions on transitional arrangements and /or redundancy consultation have already taken place prior to Sir David Nicholson's letter and agreements have been made with individuals, these agreements should only be varied following consultation and agreement with the individuals concerned and their trade union representatives as appropriate.

All transitional arrangements agreed with individuals must consider our overarching objective to minimise redundancies and maximise the retention of skills. They should comply with relevant guidance on redundancy and payment in lieu of notice:

- 'NHS Redundancy Terms' (<http://www.hrtransition.co.uk/hr-zone/>)
- 30<sup>th</sup> August 2012 Dear Colleague letter 'Process for Making Severance Payments to Very Senior Managers in Strategic Health Authorities and Primary Care Trusts' ( <http://www.dh.gov.uk/health/2012/08/severance-payments-vsm/>)

Any changes agreed to an individual employee's duties for the remainder of the transition period should not be taken as a change to their substantive role and status for the purposes of offers of suitable alternative employment. Any offers of alternative employment or any changes to duties in notice periods should be considered in relation to their substantive role.

Finally, I would like to take the opportunity to thank HR leads for the constructive and flexible approach they have shown during a challenging period. I know that you will continue to support the transition process in a fair and consistent way, working with organisations and their boards and in partnership with staff side colleagues. The dedication, hard work and resilience of staff across the system will be key to our success in achieving the secure transition we all want to see. I want to assure you that the Transition HR Strategy Group will be happy to provide any further guidance you need over the remainder of the transition period.

Yours faithfully,



**Sir Neil McKay CB**  
**SRO for HR Transition**  
**Chief Executive NHS Midlands and East**

Attachments:

Annex A 'Planning for a secure transition' letter to service, 13 August

Annex B 'Planning for a secure transition letter SHA and PCT chairs', 13 August