



Transforming Community Services – Suggested Consultation Questions

Transforming Community Services programme was developed during the previous Labour administration to separate PCT provider functions from their commissioning functions. The Coalition Government has confirmed that the programme will continue.

The SHAs commissioning and provider oversight functions will cease by the end of 2010. SHAs will be abolished from 2012/13 and PCTs will be abolished from April 2013.

The White Paper outlines the Government's expectations of organisational structures for the NHS. The Government's aim is "to create the largest social enterprise sector". They want to achieve this by encouraging Foundation Trusts to move down the social enterprise route. All NHS Trusts will be expected to become or be part of a Foundation Trust.

So where does this leave those PCTs who are currently reviewing their options in relation to their provider functions? The options for PCTs remain basically the same with one exception. Under the original TCS guidance, there remained the possibility of PCTs continuing to retain direct provision through an arms length arrangement. Given that the White paper has identified a date for abolishing PCTs, the arms length arrangement is no longer a long-term option.

So possible models for service delivery of PCT provider functions continue to be: Social Enterprises; Community Foundation Trusts; Integration with an NHS acute or mental health provider; integration with another community-based provider; and private/independent/non-NHS sector.

There is now the opportunity for additional organisations to pursue the CFT option. PCT expressions of interest and SHA support needs to be with the Department by the end August and all their documentation for assurance purposes will need to be with their SHAs by the 30th September 2010.

With regard to Social Enterprises there will be a third wave of the right to request scheme before March 2011. Nominations for the third wave of Social Enterprises must be with the DoH via the SHAs by September 30th.

The process for consultation with unions and staff remains strong with clear robust processes, which should be implemented.

Consultation process

The TCS guidance states repeatedly that “early consultation with staff and their representatives is a requirement in any initial consideration, appraisal and development of proposals...” So if your PCT is refusing to involve staff or unions in the process you can refer them to the TCS document and in particular page 77. If the PCT continues to challenge your request for trade union involvement then you should pursue the matter through the RCN regional office, as the Social Partnership Forum at SHA level continues to have the oversight and review for the TCS process, which includes staff and trade union consultation.

This briefing contains some helpful questions, which RCN activists and members may usefully raise during the consultation process. These questions are based on the Department of Health TCS guidance and on the RCN's principles.

The RCN believes that any proposal for changes in local services should be considered on a case by case basis on its merit, in the local context and assessed against RCN principles. These principles are: **Quality, Accountability, Equality and Partnership.**

What this template offers is some suggestions that should be adapted to your local needs and the stage of decision making. The questions could form the start of a dialogue which could develop in a variety of ways depending on the answers to the questions.

Quality including Safety, Dignity, Effectiveness, Efficiency and Sustainability

1. Has there been a review of the quality of the existing service?
2. Is evidence of providers' quality being considered?
3. How will the quality of services be assessed (e.g. what patient reported outcome measures (PROMS) and patient reported experience measures will be recorded and monitored) and assured going forward?
4. Does the provider have an appropriate strategy for maintaining a safe working environment which encompasses health and safety structures and risk assessments?
5. Does the provider have an appropriate strategy for whistleblowing?
6. What Key Performance Indicators (KPIs) will be included in the contract?
7. What triggers will be included to assess whether or not to withdraw the contract going forward?
8. What provisions are included (e.g. continuation of services to patients) if the provider is no longer able to provide a safe, effective, high quality service?

Accountability including Trust, Transparency, Leadership, Confidentiality and Responsibility

1. What is the framework for professional leadership and support?
2. Will board meetings be held in public?
3. Will there be an Executive Nurse?
4. How will the organisation ensure staff training & development is maintained?
5. What are the systems for appraisal and professional supervision?
6. What is the organisation's strategy for recruitment and retention of nursing staff in the future?
7. Will the new provider take nursing students on placement, provide work for newly qualified nurses and play a part in local workforce planning?

Equality including Equity, Diversity, Universality, Accessibility and Advocacy

1. Has there been an Equality Impact Assessment of the change to the service, in relation to both staff and the local community?
2. Does the organisation have an equality and diversity policy?
3. What evidence is there of good practice?
4. What mechanism does the new provider have in place for workforce data collection which records race, gender, age, disability linked to payroll information?
5. How will accessibility be monitored?

Partnership including Consultation and negotiation, Collaborative decision making, Representation, Legitimacy and Involvement

1. Has there been consultation and engagement with;
 - Patients?
 - Public?
 - Staff?
 - Overview and scrutiny committee?
 - LINKS?
2. Will local staff side be involved in selecting a provider? If not, why not?

3. Will the decision making process be subject to Strategic Health Authority¹ assurance processes?
4. What processes will a new provider put in place for appropriate staff side consultation and engagement?
5. What will be the impact on staff? Any changes to place or pattern of work?
6. In the case of TUPE, how will the provider avoid a two-tier workforce? What does their terms and conditions package for new and non transferring staff look like?
7. Will the new provider honour future improvements to NHS pay and conditions and other collective agreements for TUPE transferred staff?
8. What will be the mechanism and process for staff engagement during the transition?
9. Will the new provider continue to recognise the RCN and retain an appropriate negotiating and consultation framework?
10. Is there a continuing commitment to partnership working with the RCN at strategic level?
11. Is there continued commitment to partnership working with the RCN in developing local policies and procedures?
 - Recruitment and retention
 - Equality and diversity
 - Pay and terms and conditions of employment
 - HR policies and procedures
 - Health and safety
 - Service development and redesign
 - Communication
 - Continuing professional development and supervision
 - Occupational Health and Wellbeing
12. Has staff been made aware of the full implications of transferring to the new organisation? i.e. locality, terms & conditions on promotion, pensions issues
13. What is the organisation's future pay strategy?
14. What will the organisation do about staff pensions?
15. What injury benefit scheme will the new provider offer to staff? Is it similar to the NHS Injury benefits scheme?

¹ SHAs are subject to future change.

Value for money

1. Has value for money been considered?
2. What is the evidence that a new provider is better value for money?
3. How robust are the costings?
4. Has there been consideration of unintended consequences and costs?

Further resources

Royal College of Nursing, RCN Principles to inform decision making,
http://www.rcn.org.uk/_data/assets/pdf_file/0009/78696/003034.pdf

Transforming Community Services Joint Trade Union advice and guidance
http://www.rcn.org.uk/_data/assets/pdf_file/0003/310998/TCS-jointunionadvice_and_guidance.pdf

Transforming Community Services joint Union guide supplement April 2010
http://www.rcn.org.uk/_data/assets/pdf_file/0004/310999/TCS-tradeunionguide-sup0410.pdf

Royal College of Nursing Transforming Community Services
http://www.rcn.org.uk/newsevents/news/article/activist/july_2009/transforming_community_services_in_england