

Staff partnership forum Meeting Date: 23rd October 2017

Title:	Late finishes Meal Break Dispute		
Purpose:	Information. Disclosable.		
Prepared by:	Fraer Stevenson UNISON Branch Secretary	Presented by:	Fraer Stevenson UNISON Branch Secretary

At the September SPF, UNISON set out the letter we had sent to Robert Morton on 6th September in relation to our dispute:

*From: Fraer Stevenson
Sent: 06 September 2017 10:00
To: Robert Morton
Cc: B.wood@unison.co.uk; S.Pearce2@unison.co.uk; Darren Jones (Bury Station); Barry Jarvis
Subject: Late finishes and meal break dispute*

Hello Robert,

I write to inform you that the Branch Committee have made a decision to escalate the dispute over late finishes and meal breaks.

It has been over 12 months since we commenced the pilot to try and resolve our dispute. As you know, the dispute was raised in December 2016, with an indicative ballot in January and issuing of ballot notices on a number of occasions last year.

There was a commitment in writing from the Director of People and Culture, dated 18th April 2017, copied to yourself, setting out that the Trust would put in place IXO as business as usual across the Trust from 12th June 2017. This commitment has not been honoured.

The Trust put in place a one week pilot, which our members have told us worsened the situation. I wrote to you personally outlining our concerns with the rationale. We also spoke to Gary Morgan and others on a conference call, prior to the pilot commencing, to verbally put across our concerns. Our concerns about this pilot were ignored and the pilot was not developed or monitored in partnership. We have subsequently raised with Gary Morgan and others, concerns about negative measures within the pilot that are still in place - and have received a non committal and evasive response from the Trust. This is despite a written assurance from yourself that the changes within the pilot in relation to meal breaks have been reversed at the end of the pilot. Our members have given us evidence that is not the case and the removal of cross border protection is worsening late finishes for our members.

We have also seen the staff support desk being left uncovered for long periods, which our members have raised with us as a concern. We were informed by the Trust that the staff support desk would be removed for financial reasons, on the basis of SSG's recommendation. The Trust has refused to shared openly the report from SSG and given we understand from another Ambulance Trust they charge a daily rate of £1500 per consultant, it is very likely the cost of their involvement with our Trust would have paid for the staff support desk several times over.

We have also seen the Trust refusing to share the removal of fixed meal break dates and this has had to be escalated to the Information Commission. The Trust in response has written the Commissioner outlining that the information is available to UNISON, where clearly it is not.

We reiterated at the ACAS joint meeting that due to the timescales, we had been given a mandate from the Branch Committee to escalate the dispute, in response to our members growing concerns. We clearly put across the need for a meeting specifically about late finishes/meal breaks before early September. This has not been forthcoming.

We have also repeatedly requested data to be shared over late finishes, as well as continuing to ask for meetings with management. The data has been refused and we have been informed by Gary Morgan that the Trust will not meet with us outside of SPF over these issues.

The Trust has chosen to reduce support to cover frontline shifts in many areas, for financial reasons, while choosing to increase management layers, private consultancy spend and lease cars - those choices have worsened the situation for our members in relation to late finishes.

Our members have been very clear with us over the impact of late finishes. We have repeatedly raised this with the Trust and last year we undertook considerable campaigning, which rallied significant public support for our staff.

Yesterday we had information under the Freedom of Information Act relating to late finishes refused and a s14 exemption claimed, relating to vexatious requests. We will be seeking the assistance of the Information Commissioner, once we have exhausted the internal review process. It is really disappointing that the Trust is now not willing to share any data in relation to late finishes and it is not clear how the Trust expected UNISON to respond.

We remain very open to meeting with the Trust and working in partnership, although given the above, the length of time that has passed, the lack of traction, as well as the broken promises, we will be going out to our members this week to ask them if they wished to be balloted over this issue.

We will also be recommencing campaigning, as we do not have confidence the Trust is willing to address the issues, or to openly share information, which was part of the agreement around the pilot.

If you would like to discuss this and if the Trust is willing to address the above, please can you let me know by the end of today.

On behalf of the Branch Committee,

*Fraer Stevenson
UNISON Branch Secretary*

The Trust commitment to meeting with UNISON and this took place on 9th October. At that meeting we were informed over the changes the Trust had made to ESOPs, due to ARP, and we were not afforded any genuine involvement in their development.

There have also been a number of email exchanges to the Executives since then, relating to concerns that have not been addressed. We feel we have therefore reached an impasse.

The Trust has, under the guise of ARP, removed cross border protection, removed the staff support desk, not kept the commitment to IX0 as per the letter from the Director of People and Culture from April, removed the fixed meal break points, and removed all access to late finishes/meal break data by claiming s.14 exemptions. We have had to rely on using the FOI Act, due to the refusal of the Trust to provide us with data. The ICO sets out in their guidance about s.14 exemptions that,

'We would advise any public authority that is considering the application of section 14(1) to take a step back and review the situation before making a final decision. This is because refusing a request as vexatious is particularly likely to elicit a complaint from the requester and may serve to escalate any pre-existing disputes between the respective parties.'

We have written to the CEO and the Executives about the late finishes data. There can be no doubt over what data we have been requesting, as this was previously provided.

The letters claiming exemptions were copied to the Director of People and Culture. The first letter related to a request from June 2017. According to the Information Commissioner, anyone giving Senior agreement for a s.14 exemption to be used, would have needed to have read and understood the request, so we're assured the decision had Executive sign off and that the full details of the data requested is known.

Given the above and the extended timeline, our members and reps have been calling for us to escalate our dispute.

The Branch Committee met on 18th October and they have decided that we have no choice now but to escalate our dispute, as we feel the Trust is not willing to listen, to genuinely engage, or to be open with UNISON over these serious H&S issues for our members. The Trust has also not kept it's commitment in relation to the dispute and the business as usual IX0.