

Research Paper

Acas in the NHS: Helping improve employment relations in response to Agenda for Change

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Table of contents

EXECUTIVE SUMMARY	1
1. BACKGROUND	5
1.1 Research aims and methods.....	6
2. FACTORS LEADING TO THE REQUEST FOR ACAS ASSISTANCE	7
2.1 Ineffective negotiation and consultation structures	8
2.2 A desire for partnership	9
2.3 Responding to 'Agenda for Change'	10
2.4 Why choose Acas workplace projects?	10
3. THE ROLE PLAYED BY ACAS ADVISERS IN WORKPLACE PROJECTS	13
3.1 Advisers' facilitation of joint workshops.....	14
3.2 Concerns and challenges.....	16
4. THE IMPACT OF ACAS WORKPLACE PROJECTS	17
4.1 Improved consultative mechanisms.....	17
4.2 The impact on employment relations	18
4.3 Laying a foundation for 'Agenda for Change'	20
5. VIEWS ON THE ACAS INTERVENTION	21
6. CONCLUSIONS	24
APPENDICES	26
Case 1: Basildon Primary Care Trust	26
Case 2: Craven, Harrogate and Rural District Primary Care Trust.....	33
Case 3: Essex Ambulance Service NHS Trust	40
Case 4: North Lincolnshire and Goole Hospitals NHS Trust.....	46
Case 5: Wolverhampton City Primary Care Trust.....	54
REFERENCES	60

EXECUTIVE SUMMARY

This report describes the findings of a study which examined the nature and outcomes of Acas workplace projects conducted in NHS Trusts. The study – carried out by Mark Stuart of the University of Leeds and Miguel Martinez Lucio of the University of Bradford, on behalf of Acas – was qualitative and based upon five case studies of NHS Trusts conducted between July and September 2004. Case studies involved interviews with employer representatives, full-time union officers and workplace union representatives, and Acas advisers involved in each intervention.

The study profiles the role of Acas in facilitating the improvement of workplace relationships and of mechanisms for negotiation and consultation, thus enabling Trusts to effect change in response to the NHS Agenda for Change pay modernisation programme and other internal and external pressures. The first part of the report presents a thematic summary of findings from the cases. The second part – the report Appendices – contains individual in-depth case studies which provide rich and detailed accounts of change imperatives and processes, and the steps taken by Trusts to improve decision-making processes and working relationships. Key findings from the research are summarised below.

Factors underlying the approach to Acas

- In four of the five cases, merger processes which led to the formation of new Trusts provided the key impetus for the approach to Acas. Following merger, Trusts were faced with harmonising diverse terms and conditions of employment, and most were going through processes of renegotiating contracts with services providers that had implications for working practices. Changes in senior management had also, in most cases, led to a re-appraisal of employment relations practices.
- The main mechanisms for dealing with these issues were Joint Negotiation or Consultation Committees, which were operating in all of the trusts, although not effectively. Many Trusts' consultative structures had almost ground to a halt and were unable to set about tackling pressing strategic priorities. This was due to: clashes between representatives from formerly separate sites; a dominant focus on 'trivial' or local operational issues and disputes rather than broader strategic issues; a lack of advance agenda-setting; poorly-managed meetings; low levels of attendance by management and trade union representatives; and committees' lack of credibility within the wider organisation.
- A further desire to embrace 'partnership working' methods was evident in all of the Trusts, and in one case a formerly robust partnership agreement had been suspended, leading management and union representatives to seek Acas' assistance in getting the partnership 'back on track'.

- These issues were heightened by the impending implementation of the new NHS pay and grading system, Agenda for Change, which puts a premium on joint consultation and partnership working in its local implementation. Stakeholders in all of the cases were concerned that the ineffectiveness of their joint consultation machinery would hamper its implementation.
- A key reason that Acas was seen as 'the first choice' of provider when compared with using alternative third party organisations, or internal resources (such as trade union or HR department trainers), was because it was viewed by management and union representatives as impartial, objective and independent. Commissioning Acas was unlikely to be perceived by staff as a management-driven initiative, whereas alternative external consultants could be seen as biased towards management interests.
- Respondents also felt that management and employee representatives were more likely to agree to the involvement of Acas than to alternative providers due to Acas' reputation, its credibility, and its widely-regarded expertise in employment relations matters.

The role played by Acas advisers in workplace projects

- The Acas interventions in the case study organisations ranged from a single one-day workshop, to a series of joint workshops and the establishment of joint working groups to tackle issues over an extended period.
- Where relationships between managers and employee representatives were fraught, Acas advisers would often facilitate workshops with each group separately to allow them to air their views and discuss problems and solutions, and would then bring them together in joint sessions.
- In some cases, the differences in perspective between management and union representatives were initially considered so entrenched that the likelihood of the workshops succeeding was considered remote by participants. But this often turned out not to be the case: management and union representatives typically had similar views on both the nature of problems and how to move forward in addressing them.
- Participants appreciated advisers' approach to facilitation, which involved empowering participants to identify problems for themselves and then work as a group to find agreed solutions. They particularly valued syndicate group exercises, where management and union representatives worked together in mixed groups to solve problems and find solutions. The sharing of perspectives at the workshops and the use of mixed syndicate exercises helped to raise participants' awareness of each others' problems. During discussions, advisers ensured that participants did not get sidetracked and they spent time 'teasing out' points of commonality.

- Other skills of advisers which were valued by participants were their ability to describe examples of similar work they had done in other NHS cases and illustrate, with reference to good practice, how to deal with specific problems. Additionally, where the Acas adviser had previously worked with the Trust, they were able to provide some context and background to current problems by drawing on their knowledge of the organisation's history. This was deemed particularly valuable by stakeholders in Trusts which had experienced high levels of management turnover and thus lacked 'organisational memory'.

Concerns and challenges

- Maintaining momentum over time was identified as a challenge. Where a number of workshops were conducted over time, some respondents felt that latter workshops did not seem as effective as the initial workshop, although this was acknowledged to be a reflection of the success of the first workshop in addressing often entrenched problems. Latter workshops were often directed at teasing out the specifics of an agreement or terms of reference (for Joint Committees) and, by definition, may have had less scope to be inspiring.
- Some Trusts faced problems related to a lack of management attendance at workshops, usually where the project involved successive workshops. Management attendance was seen as important in demonstrating, to others in the organisation, managerial commitment to the project.
- Whilst in some Trusts the actions and decisions of workshops and groups were communicated to the workforce, this did not always take place and it was common for respondents to report that this could have been done more systematically.

The impact of Acas workplace projects

- In all cases the effectiveness of consultation machinery improved significantly following Acas' involvement, with committees operating in a more positive and productive fashion. Meeting agenda were now set well in advance, minutes were distributed, and meetings covered all agenda items. Relationships between management and union representatives on the committees had improved and they were better able to work together jointly to resolve issues. Key to this was a renewed appreciation of what consultation meant in practice, and which issues were appropriate for consultation.
- For management, the main benefit of this process was that trivial or local operational issues were no longer brought to committees as a matter of first resort and there was now more emphasis on dealing with such issues via the appropriate line manager, on a day-to-day basis. This left the committees free to focus on more strategic issues.

- By improving the efficacy of consultative machinery, Acas interventions had a related positive impact on employee representation, the implementation of harmonisation policies, and importantly, staff-management relations, all of which provided a foundation for implementing Agenda for Change.
- There were three further aspects to this. First, in most of the Trusts, implementation of Agenda for Change became an established item on the agenda of consultation meetings. Second, the methods of joint working established at the Acas workshops acted as a *modus operandi* for the conduct of the many joint working groups and sub-groups Trusts are setting up to deal with specific issues under Agenda for Change. And third, following Acas projects, a new climate of representation encouraged workforce engagement in Agenda for Change, for example through unions training members to be 'Agenda for Change representatives'.

Participants' views of the Acas intervention

- The majority of respondents were very positive in their assessment of the Acas intervention. This positive perception was due to: advisers' expertise, their knowledge of employment relations and their facilitation skills; the confidence that both parties had in Acas' impartiality; and, most significantly, the quality of the outcome.
- Respondents felt that Acas' 'independent' stance, and its recognised commitment to improving employment relations, led to greater confidence and trust of Acas advisers than of alternative external consultants. Acas' reputation as the 'employment relations expert' lent significant legitimacy to the workshops, more so than if workshops had been conducted internally by Trust managers or trade union officers.
- In cases where managers and union representatives had less experience of employment relations issues, or where there was a tradition of minimal management-staff consultation, the involvement of Acas was seen by participants as the only way the organisation could have moved forward towards a joint working relationship.
- There was general agreement that any internal action taken by the Trusts to improve consultative structures or build relationships without Acas' involvement would have been far riskier, would not have had a mutual gains outcome, and would have taken longer.
- Acas maintained ongoing involvement with the Trusts, conducting reviews of their consultative structures and providing follow-up training sessions aimed at implementing action plans drawn up at workshops, or addressing areas of skill deficit.

1. BACKGROUND

The National Health Service (NHS) is one of the largest employers in Europe, employing over 1.3 million people. December 2004 saw the start of the national roll-out of Agenda for Change, a new pay and reform package aimed at ensuring NHS employees are paid on the basis of equal pay for work of equal value. Agenda for Change applies to all directly employed NHS staff, except very senior managers and those covered by the Doctors' and Dentists' Pay Review Body. The Agenda for Change programme was negotiated jointly in partnership with NHS unions, with a collective agreement reached at the NHS Staff Council in November 2004. Key features of the reform package include the harmonisation of pay scales into nine pay bands; harmonisation of terms and conditions relating to, for example, hours of work, premia payments, and leave provisions; and a new NHS job evaluation scheme and 'Knowledge and Skills Framework'. By August 2005, around 80 per cent of NHS jobs in England were matched to the new pay grades, with around 60 per cent of staff (540,000 individuals) 'assimilated' and paid on their new grades.¹

Agenda for Change represents the largest pay reform process to have ever taken place in the NHS. The Department of Health refers to it as "A radical modernisation of the biggest pay system in Europe". It was initially tested in 12 'early implementer' NHS sites from mid-2003 onwards. Lessons from these sites indicated that implementation is a major exercise, but that positive benefits were found to stem from improved partnership working between management and trade union representatives.

Acas has traditionally provided considerable assistance to NHS Trusts. However the prospect of Agenda for Change, combined with the reconfiguration of many Trusts resulting from merger processes, has resulted in an unprecedented level of requests for Acas' assistance from NHS employers. In response, in 2004, Acas Research and Evaluation Section commissioned research aimed at evaluating the work of Acas advisers who were called in to undertake 'workplace projects' in NHS Trusts. Acas workplace projects involve the provision of in-depth assistance by Acas advisers in order to help organisations improve workplace relationships, facilitate change, implement new policies or structures, or tackle specific problems. Advisers work jointly with management and employee representatives in workshops or joint working groups.² A key aim of this research was to evaluate the extent to which Acas workplace project interventions paved the way for the smoother implementation of Agenda for Change, and the findings are set out in this report.

¹ For more information, visit the Department of Health's website, www.dh.gov.uk, from which most of the information on Agenda for Change in this section is taken.

² Workplace projects (formerly called 'advisory projects') are described in greater depth in Dix and Oxenbridge (2004) and Purcell (2000).

1.1 Research aims and methods

This report presents an evaluation of Acas workplace projects in five NHS Trusts. The evaluation draws on a programme of qualitative research that involved interviews with the key stakeholders (management and trade union representatives, and Acas advisers) involved in each workplace project. The overarching aims of the research were:

To examine and evaluate the nature, role and impact of Acas workplace projects as perceived and experienced by Acas advisers, employers and trade union representatives.

The detailed objectives of the research were to:

- Assess the factors underlying requests for Acas' assistance;
- Gain a sound understanding of the scope of Acas workplace projects, including techniques and processes used;
- Collate feedback from Acas customers on perceptions of the Acas role and satisfaction with the process;
- Evaluate the impact of Acas workplace project interventions.

Five cases of Acas workplace projects in NHS Trusts were chosen for study. The cases were selected by the Acas Research and Evaluation Section in consultation with Acas advisers involved in workplace projects during the period 2002-2004. Detailed case studies of each organisation are presented in the Appendices. The five NHS Trust cases were:

- Basildon Primary Care Trust
- Craven, Harrogate and Rural District Primary Care Trust
- Essex Ambulance Service NHS Trust
- North Lincolnshire and Goole Hospitals NHS Trust
- Wolverhampton City Primary Care Trust

The researchers were provided with the contact details of the key stakeholders involved in the workplace project in each case. This typically involved the Acas adviser responsible for leading the intervention and the lead management and trade union representatives. In some cases the Acas adviser was responsible for two cases, and in one of the cases there were two trade union informants. In addition to the names of the key informants, the researchers were supplied with basic background material on each case. In each case, initial contact with interviewees was made through the Acas adviser, who facilitated the organisation of the research visits.

The empirical approach was qualitative, based on a research protocol for data collection that involved a standardised interview schedule (jointly designed by the researchers and Acas Research and Evaluation Section), tailored to take account of whether the informant was an adviser, management representative or union

representative. Management interviewees included Trust Human Resources managers and Chief Executive Officers. Trade union interviewees included branch secretaries, staff-side chairs (lead union representatives, who may represent a number of workplace unions) and full-time officers (FTOs) of the Royal College of Nursing (RCN) and Unison and Amicus trade unions. Typically, each interview lasted between 60 and 75 minutes, and all interviews were tape-recorded and subsequently transcribed. In total, 16 interviews were conducted across the five NHS cases between July and September 2004. An interview was also conducted with an Acas deputy regional director, prior to the commencement of the case research, in order to gain insights into the nature of Acas workplace project interventions.

The report is structured into five further sections. The first of these considers the factors underlying the approach to Acas and the reasons why Trusts approached Acas as opposed to some other intermediate agent. The following section describes the techniques and processes used by Acas advisers during workplace interventions, and participants' views of these. Following this, immediate and long-term organisational impacts of the workplace projects are considered. The next section provides a general assessment of customers' views of using Acas, and the final section presents a summary of key findings.

2. FACTORS LEADING TO THE REQUEST FOR ACAS ASSISTANCE³

In all of the Trusts, the request for assistance from Acas was precipitated by the imperatives for change that have been experienced in the NHS in recent years. Under the current Labour government the NHS has undergone a period of substantial transformation, not only in terms of Human Resource (HR) strategy in the sector and its attendant emphasis on partnership working, but also in terms of the organisational structure of health care.⁴

Thus, in four of the five cases, the major impetus for approaching Acas derived from the merger process that had led to the formation of new organisational units. For three of the cases (Basildon, Craven and Harrogate and Wolverhampton) this involved the creation of new Primary Care Trusts (PCTs), whilst the North Lincolnshire and Goole (NLAG) Trust was formed through the merger of three previous hospital Trusts. Following merger, all of the cases were faced with the daunting task of harmonising an often diverse range of terms and conditions of employment. In some cases, this meant dealing with longstanding points of contractual differentiation, and contention. Most of the cases were also going through processes of contractual renegotiation with services providers that had implications for established working practices. Changes in senior management had also, in most of the cases, led to a re-appraisal of the ways in which employment relations were conducted.

³ See the Appendices for a detailed analysis of factors influencing the approach to Acas in each case study organisation.

⁴ See Stuart and Martinez Lucio (2000) for a review of the Labour government's approach to employment relations and human resource management policy in the NHS.

2.1 Ineffective negotiation and consultation structures

The main mechanisms for dealing with these processes of organisational change were Joint Negotiation Committees or Joint Consultation Committees. Such committees had been established, in one form or another, in all of the case study organisations, but were not considered by both management and trade union representatives to be operating as effectively as they should have been. Prior to the Acas intervention, many of the Trusts' consultative structures had almost ground to a halt and were unable to move forward on strategic priorities. Recently merged, many of the Trusts were faced with the challenge of harmonising often very diverse, and in some cases archaic, terms and conditions of employment. Alongside this, different cultural legacies and perspectives amongst key management and union representatives, problems of representation (as in the Basildon case) and intra-union rivalries (as in the NLAG case) meant that consultative forums were bogged down in operational issues and it was impossible to agree, and in some cases even discuss, broader strategic matters. It was not uncommon for issues to be brought into discussion at the consultative forums without prior notice, and it was rare for meetings to cover all agenda items. In a number of cases senior management had stopped attending meetings in response to what they perceived to be an emphasis on 'trivial' topics, rather than 'meaty' issues.

In the cases of NLAG and Craven and Harrogate, the merger process had combined sites with very different traditions of employment relations, which meant that representatives on the negotiation and consultation committees often approached issues from 'opposite ends of the spectrum'.

- This was particularly pronounced in the case of NLAG, where there was a marked clash between previous employment relations cultures based around partnership working (the Grimsby site) and adversarialism (the Scunthorpe site). Trade union representatives from the Scunthorpe site were not only at odds with the new management cadre of the unified Trust, but also their trade union counterparts from the Grimsby site. As a result, the new Joint Staff Consultation Committee established after the Trust merger became politically charged, with high levels of attendance, as both union and management representatives from the previous sites sought to look after their local and specific interests. Points of local dispute were frequently raised at the JSCC, without advance notice, and little headway was being made on the implementation of broader strategic issues (such the harmonisation of employment policies).
- In the case of Craven and Harrogate PCT a committee had been established post-merger that alternated, on a monthly basis, between negotiation and consultation. In practice, the differentiation between issues for negotiation and consultation became opaque and problematic. Again, local issues would often be raised at meetings without prior notice, making it difficult for Trust management to pursue issues that it considered to be of 'strategic'

importance. This lack of progress meant that many Directors of Services (such as Nursing) stopped attending the meetings, making it even more difficult to get joint agreement on issues relating to changes in working practices. In both the Craven and Harrogate and NLAG cases management was looking to raise issues for consultation of a strategic nature, yet this was being held back by a tendency for operational issues and disputes, many of which could or should have been discussed at a line management level, to be brought straight into the committees and formalised. The CEO at Craven and Harrogate, for example, referenced an ongoing discussion about the level of organisational subsidy for the office party and Christmas meal as an example of the latter.

- The Basildon Trust was also finding it difficult to consult around the post-merger harmonisation of employment policies and practices, and again there was a tendency for the Joint Staff Forum (JSF) to get “bogged down by trivial issues”. In this case, JSF attendance was a notable problem, with as few as four management and trade union representatives sometimes attending. This was attributed to the lack of dedicated trade union representation in the PCT, coupled with a lack of commitment to the consultation process by some managers.
- The effectiveness of the Joint Negotiation and Consultation (JNCC) machinery was also identified as a problem by management and union representatives at Essex Ambulance Trust. This was not due to structural changes, but to the traditions of employment relations in the Trust. Essex Ambulance had been characterised by a lack of trade union recognition and employee consultation in the early 1990s, and low levels of trust between management and staff. Whilst the Trust did establish a JNCC in the mid 1990s and negotiated a union recognition agreement at the end of the decade, the CEO was hostile to employee involvement. He would frequently overturn decisions made at the JNCC and, as a result, the committee lost its credibility. Following the appointment of a new CEO, the Trust sought to reinvigorate the terms of reference of the JNCC and address a number of longstanding employment anomalies (for example, in relation to work rostering) experienced by relief staff.

2.2 A desire for partnership

In all of the above cases, the ineffectiveness of the extant consultation machinery was recognised and accepted by both management and trade union representatives. When articulating how the joint consultation machinery should develop it was common for respondents to espouse the rhetoric of ‘partnership working’. In most cases this was identified as the ultimate goal for good and effective employment relations. In the case of Basildon, an Acas-facilitated training workshop on partnership working had been held in the past, resulting in a series of partnership principles being added to the Trust’s union recognition agreement (at Acas’ recommendation).

The most advanced case with regard to working in partnership, however, was Wolverhampton City PCT. Following the PCT's formation, an effective system of negotiation and consultation had been built upon further with the development of a partnership agreement. The agreement had been formulated and established with the support of Department for Trade and Industry Partnership Fund monies, and the advisory support of Acas, and had attracted national interest as an example of good practice. Such agreements rest upon a clearly delineated set of principles and procedures for joint working that are acutely sensitive to organisational imperatives. When, in several circumstances, management sought to introduce change without informing or consulting the Trust's unions, union representatives expressed concerns about management commitment to the partnership process. Accordingly, the unions decided to suspend their involvement in the partnership process until the broader question of management commitment was settled.

2.3 Responding to 'Agenda for Change'

It was in recognition of the problems faced in each of the Trusts that Acas was commissioned to work with them. In most of the cases, Acas projects related specifically to the ineffectiveness of the existing consultation machinery, although a number of related initiatives (for example partnership training, or revisions to working practices) also flowed from this work. Acas was typically commissioned to assist in the reformulation of the terms of reference of the various consultation forums, and to advise organisations on where they were going wrong and in how they may improve.

This activity took place against, and was heightened by, the impending implementation of the new NHS pay and (re)grading system, Agenda for Change. According to Unison (2003/4), Agenda for Change represents "the biggest thing to happen to NHS pay and conditions since the health service was formed in 1948". Whilst Agenda for Change will result in a strengthening of national structures of pay negotiation, it puts a premium on joint consultation and partnership working in its local implementation. As a result, stakeholders in all of the cases were concerned that the ineffectiveness of their joint consultation machinery would hamper the implementation of Agenda for Change.

2.4 Why choose Acas workplace projects?

In each case the approach to Acas was discussed and agreed jointly between management and trade union representatives. Respondents' knowledge of Acas varied however, as did the extent to which organisations had previous experience of using Acas. Typically, either a senior trade union representative or management representative had been exposed to Acas workplace project interventions in the past, and acted as the catalyst for the approach to Acas. In all of the cases, there had been extensive turnover of personnel at senior level (most typically among

management staff) and because of this, in none of the cases did both management and union interviewees have previous experience of using Acas.

In the cases of Wolverhampton and Craven and Harrogate PCTs, Acas had been involved at an early stage of developments, in terms of assisting in the formation of a partnership agreement in the former case, and in the establishment of a Joint Negotiation and Consultation Committee in the latter case. At Craven and Harrogate PCT, Acas advisers and some Trust staff had changed since the JNCC had been established and so a new relationship was established. However at Wolverhampton PCT, advisers had developed a working relationship with key players in the organisations and an in-depth knowledge of employment relations at each Trust. At both Wolverhampton and Basildon PCTs, the lead HR representatives had a track record of commissioning Acas workplace projects at previous organisations. The Head of HR at Basildon, for example, had commissioned and worked with the same Acas adviser at no less than three previous NHS organisations, and they had also developed a relationship through regional employment and health networks. As the Head of HR explained, "I have worked with (the Acas adviser) previously and she's extremely good and there was already that working relationship".

In general, trade union representatives – and particularly full-time officers – exhibited a high degree of knowledge and experience of Acas, but they were more likely to associate Acas with arbitration and mediation services rather than workplace projects. Thus union representatives were more likely to report that they had come across Acas through Employment Tribunal cases, or when there was "breakdown and conflict" or "things got hairy". Workplace representatives in several cases, however, provided the impetus to first contact Acas, supported by management. All the trade union respondents regarded Acas as impartial, objective and independent. And it was specifically these qualities, and the fact that commissioning Acas was unlikely to be perceived by staff as being management-driven, that convinced many of the management respondents of the virtues of Acas. As the following quotes indicate, it was this perceived objectivity that was seen as one of the main reasons for, and benefits of, commissioning Acas as opposed to alternative third party organisations:

"Acas has the benefit, they are explicitly seen to be neutral, so it's generally an easy sell with a staff-side, as opposed to someone they don't know, that there is a risk of a management agenda there."

(HR manager, NLAG)

"They (Acas) would be able to come in unbiased and be objective and help us work out where we needed to go, a joint venture really."

(Amicus representative, Basildon)

"Whereas an outside consultancy would have a brief from management or staff-side, and no side would know who's working for who ... and if you're paid by the Trust then you may be following the Trust's agenda rather than, shall we say, a more objective approach."

(RCN FTO, Craven and Harrogate)

"Because Acas are impartial, they have credibility with our accredited trade unions. We could have gone down the road of asking some HR consultant to come in and do this piece of work, but I'm not sure that would have had the same credibility as using Acas."

(Head of HR, Basildon)

This perceived objectivity acted as an important point of differentiation between Acas and alternative management consultants. There was sensitivity in all of the cases to the fact that an external consultant, commissioned and paid for by the Trust's management, could potentially be seen by trade unions and staff as biased towards the interests of management. Thus, in a number of cases it was reported that Acas was seen as the 'first choice' when it came to commissioning employment relations interventions. Indeed, in none of the cases was an external consultant considered prior to approaching Acas. In contrast, alternative *internal* resources, either trade union or human resource trainers, were often considered, but were again rejected on the grounds of perceived bias. Interviewees described their rationale for choosing Acas above other service providers:

"It would have been very difficult for all groups to own the project if we hadn't had someone as unbiased as Acas."

(Amicus representative, Basildon)

"We felt comfortable with them (Acas) as an organisation who had some independence ... we didn't actually discuss going down the consultant route. We did discuss whether there was anyone in the trade union organisation who facilitated and that's what led us onto a discussion about Acas."

(HR manager, Wolverhampton)

"A lot of hard work had gone into getting the partnership up and running and it had run very well until the last few months and we thought, 'We've got to get it back on track'. And that's why Acas were approached, because we felt we couldn't do it ourselves, we had to have an outside body to come in and sort this out for us, with us ... We felt it needed somebody who wasn't involved with either party."

(Unison representative, Wolverhampton)

The expertise and reputation of Acas in employment relations matters were also specifically referred to as reasons for commissioning Acas by management and union representatives in several cases. The HR manager at Essex Ambulance noted that a key factor in choosing Acas was "their reputation", whilst the CEO at Craven and Harrogate claimed that when it came to employment relations advice, Acas was a "known product". A number of union representatives also referred to Acas' reputation and broad employment relations knowledge:

"They have a name, I think that was the name that most people have heard of ... we needed somebody to get through all the baggage ... The Acas name is fairly synonymous with trust, and certainly the ordinary working guy has heard of them and he or she thinks, if they're (Acas) involved in something, they would trust the outcome."

(Unison representative, Essex)

"We just thought that they'd got a broader perspective than we had, from an NHS point of view."

(Unison representative, NLAG)

More cynically, a number of trade union representatives also suggested that the fact that the Acas intervention was free of charge was also a factor in eliciting management support, particularly where Trusts were in financial difficulties. But again, it was noted that even though Acas may be cheaper than consultants it was their track record that was of most value:

"I believe a number of employers use them (Acas) on the basis that a lot of advice has been free, and to use some private consultants would be extremely expensive. I believe if there was an option to use Acas (it would be) not only on the cheapness side, but because of the track record in trying to resolve disputes etc ... that they appear to have had more experience. And whilst you might use a private consultancy, you might be coughing up a lot of money for nothing."

(Unison FTO, Craven and Harrogate)

3. THE ROLE PLAYED BY ACAS ADVISERS IN WORKPLACE PROJECTS

The role played by Acas advisers in the case study organisations provides further support for the findings of Dix and Oxenbridge (2004:523-524). They describe advisers' role as "centred on acting as a facilitator to establish facts, clarify problems, and help(ing) to identify solutions in order to promote joint agreements. Advisers do not act as an arbiter, or decide on the merit of competing positions." In all of the cases, use of this approach was evident from the Trusts' initial contact with Acas through to the specific project intervention itself. After being approached, advisers sought to clarify the potential problem with management and union representatives, and once all parties had agreed this, a joint working project was suggested and planned. This initial process often involved advisers observing Joint Staff Forums and then feeding their views back to participants on what they saw as problematic. The interventions themselves ranged from a single workshop to a more sustained series of joint workshops and joint working groups.⁵

The research also confirmed the findings of Dix and Oxenbridge (2004) that clients valued syndicate group exercises, where management and union representatives work together in mixed groups to solve problems and agree solutions. Syndicate exercises were used by advisers during workshops in all of the case studies and were perceived by respondents to be very effective. In some of the cases, however, the adviser perceived the difficulties between the parties to be so entrenched that there

⁵ The techniques and exercises used by advisers are explored more fully in the individual case studies contained in the Appendices.

would be little benefit in conducting mixed groups in the first instance. In these cases, advisers instead took the first step of splitting participants into their respective management and union constituencies so that they could discuss openly and candidly what they perceived the problems to be for them, and what they thought could be done about it. As the Acas adviser in the Craven and Harrogate case explained:

"I think they needed the opportunity to get ideas out and onto the flipchart, with a bit of a comfort factor, and then move into the idea of 'Well now we can expose what we've come up with, and they can expose what they've come up with, and maybe we can try to work jointly from there'."

Once the separate exercises had been conducted, management and union representatives were then brought together to share their views and, following this, mixed group exercises were conducted. One notable outcome of this initial 'divide and share' approach was the extent to which it worked to dispel any initial concerns that participants might have about the likely success of the workshops. Whilst none of the management or trade union representatives suggested that they saw the involvement of Acas as carrying any risks, doubts were expressed over the potential of the workshops to address the perceived problems. In some cases, the differences in perspective between management and union representatives were considered so entrenched that the likelihood of the workshops succeeding was considered remote. Yet, this turned out not to be the case: management and union representatives typically had similar views on both the nature of the problem and how to move forward in addressing it. The sharing of perspectives was important in building a foundation not only for effective joint working in the facilitated workshops, but in raising confidence in participants' ability to address their problems and in establishing a longer-term basis of trust between management and union representatives:

"I think they (management) were wary of the process, just the same as the trade unions were wary of the process from its infancy. I think some confidence both in the management and union side developed out of it."

(Unison FTO, Craven and Harrogate)

Both the sharing of their respective perspectives and the use of mixed syndicate exercises helped to raise participants' awareness of each others' problems, as the Unison FTO for Craven and Harrogate explained:

"It gave a clearer understanding both from the management side and the trade union side of each others' perspective about 'We've a job to do, you may not like our decisions but then sometimes we don't like them, but if you learn to respect one another, then we can move along'."

3.1 Advisers' facilitation of joint workshops

The skills of the Acas advisers were recognised and valued by participants in all of the cases. Participants found particularly helpful advisers' ability to refer to examples

of similar work they had done in other NHS cases and to illustrate, with reference to good practice, how and how not to deal with specific problems. Most highly valued was the objective and impartial approach to facilitation taken by the advisers, which did not lay down a prescriptive position that participants were expected to follow, but empowered the participants to identify problems for themselves and then work as a group to find jointly-agreed solutions. Key here was providing an environment where all participants felt free and able to contribute, without any fear of intimidation. In one case, as the trade union representative explained, the Chief Executive had a tendency to dominate meetings and would prevent other people from speaking, but the Acas adviser skilfully ensured that the Chief Executive did not dominate discussions and that others got a chance to have their say. In all cases, as discussion started to flow, the Acas adviser played an important role in ensuring that participants did not get sidetracked and that points of commonality were teased out. These points are illustrated by the following quotes:

"You start to expose your inner core and that's what partnership is about, letting down some of those barriers, not having hidden agendas, having seen agendas and being confident, safe, 'This is my agenda, this is where I come from'. Part of Acas' role is trying to tease some of those issues out. It can be like pulling teeth because we have built so many barriers around each other ... It's drawing out commonalities, and what Acas is good at is seeing commonalities from both sides and saying 'Right, this is your position ... can you move on that position, is there a middle ground?' And all the things that Acas are really strong at. And again there was a confidence in the group for that to happen because of the trust and respect that Acas have."

(RCN FTO, Craven and Harrogate)

"It didn't feel that somebody (Acas) was coming in, telling us things ... giving us their views on what we should be doing."

(Amicus representative, Basildon)

An important contribution of Acas advisers in workshops was the way in which they instilled certain behavioural expectations and standards amongst participants and set clear ground rules for engagement during workshop sessions (to ensure, as one adviser joked, 'no spitting, no gouging!'). Advisers also played an important role in drawing back from discussion of specific problems and issues to focus on underlying principles around, for example, the nature of consultation and negotiation, different approaches to employee involvement and the principles of partnership working. Advisers stressed the need to bring participants back to key underlying principles, even where participants may have felt that all that was needed was a short-term repair job. Given the difficulties that many of the Trusts were facing in differentiating between what was an issue for consultation and negotiation, this 'back to basics' approach was imperative in getting participants to think more deeply beyond immediate issues of disagreement. In such cases, having agreed jointly what consultation was, and how it should be conducted, participants had a far clearer view of how their consultation committees should work in the future.

Providing 'organisational memory'

In many of the Trust cases, respondents had little knowledge of key employment relations events in the organisation's past. This was due to a lack of record-keeping by past managers, and high turnover among key managers, particular HR managers. Management turnover created 'memory gaps' in many organisations, and this created opportunities and challenges for Acas advisers. Where advisers had worked with Trusts over time, they played a prominent role in recording events and organisational developments. This allowed them to advise participants – including 'new' managers and employee representatives - not just about sectoral developments and good practice, but also about the history, challenges and successes of their employing organisation. Advisers were therefore able to place emerging issues or problems within a historical organisational context, which provided an important explanatory tool for all participants.

However, turnover among HR staff also meant that advisers were often not able to deal with consistent points of reference within organisations. This brings to the fore the importance of Acas' presence within broader practitioner communities, networks and forums. The strong focus on regional networking within Acas is important for maintaining continuous contact with regional HR management and trade union networks, whose members may move between organisations frequently. Human resources managers and union representatives can thus maintain relationships with Acas advisers and see Acas assistance as they move between posts in the same regional area, as exemplified by the Basildon case.

3.2 Concerns and challenges

Few respondents had any criticisms of the workshop activities. The only minor concerns or challenges identified are described below:

- Workshops were often "time constrained" and it was not always possible to do everything that was planned in the allotted time.
- Where there was a series of workshops conducted over time, a key challenge related to maintaining momentum amongst participants. In such cases, it was often noted that latter workshops did not seem to be as effective as the initial workshop, although this was acknowledged to be a reflection, if anything, of the success of the first workshop in addressing what had often been entrenched problems. Having established a *modus operandi* for joint working, the latter workshops were often directed at teasing out the specifics of an agreement or terms of reference (for Joint Committees) and, by definition, may have had less scope to be inspiring.
- Related to this was the problem identified in some of the Trusts of persuading middle and line managers to attend workshops. Their attendance was seen by participants to be vital, as the implementation of action plans agreed at workshops would require their ongoing support. Lack of attendance by managers was more of a problem where the project involved successive

workshops. It was reported in two cases that the key issues were often resolved during the first workshop, and there was less certainty over the value of subsequent sessions. However where there was positive support and attendance by the Chief Executive at such events, this was successful in demonstrating, to the wider management constituency, senior management commitment to the project.

- For the agreements and processes that emerge from Acas projects to be maintained and sustained, organisations must set in place strategies for communicating the outputs of projects. Whilst in some Trusts the actions and decisions of workshops and groups were communicated to the workforce, this did not always take place. It was common for management and trade union representatives to report that this could have been done more systematically. Acas can provide advice on best practice methods of communicating decisions to the workforce. Ultimately, however, this is a process that is reliant on the commitment of organisational stakeholders to carry it forward.

4. THE IMPACT OF ACAS WORKPLACE PROJECTS

In all of the case study organisations, the most immediate output of Acas interventions was an action plan. As one adviser explained, action plans were a necessary end product, otherwise the workshops would be nothing more than “talking shops”. Given the emphasis in most of the cases on tackling deficiencies in consultative mechanisms, the action plans typically focused on the implementation of new ‘Terms of Reference’ or framework agreements for consultative machinery. These invariably set out protocols relating to meeting attendance and agenda-setting and provided clear definitions of issues appropriate for consultation. In the Basildon case, the action plan, while centred on the Joint Consultative machinery, included broader aspects of employee representation. Similarly, in the Wolverhampton case, the workshop led to the development of a revised partnership agreement covering a range of issues relating to the conduct of employment relations within the Trust.

4.1 Improved consultative mechanisms

Given the above, the obvious starting point in any assessment of the impact of Acas workplace projects is the conduct and efficacy of the consultative machinery post-intervention. In all cases, both trade union and management representatives described highly positive outcomes of the projects. They reported that following the Acas project, the effectiveness of their consultation machinery had improved significantly and committees were operating in a more positive and productive fashion. Both the organisation and conduct of consultative committees had improved. Meeting agenda were now set well in advance of meetings, minutes were distributed throughout the organisation in a more transparent way, and meetings covered all agenda items. Significantly, the relationships between management and union

representatives sitting on the committees had improved and, as result, they were more able to engage in joint working to resolve issues. As the RCN FTO in the Craven and Harrogate case explained, improvements in joint working processes and in the relationships between management and trade union representatives also meant that both sides had a greater degree of confidence in decisions taken, and there was more respect of each party's respective roles and responsibilities:

"Decisions that have been taken have had a more democratic feel about them and people have understood more 'If I feel strongly against a decision, people can accept that as well.' I think that's part of it, the acceptance."

Key to this was a renewed appreciation of what consultation meant in practice, and which issues were appropriate for consultation. The significance of this was most obvious in the case of Craven and Harrogate, where the former Joint Negotiating and Consultation Committee was subsequently separated into two clearly delineated Negotiation and Consultation Committees.

For management, the main benefit of this process was that 'trivial' or purely 'local operational' issues were no longer brought to the committees as a matter of first resort. Whereas before the Acas intervention union representatives commonly brought local grievances and disputes to committees in the first instance, there was now more of an emphasis on dealing with such issues on a local basis, via the appropriate line manager, and on a day-to-day basis. The corollary of this was that the committees were now free to focus on more strategic issues facing the Trusts, such as harmonisation processes.

4.2 The impact on employment relations

Linking the direct improvements in how consultative structures now function – post-Acas intervention – with hard, measurable indicators of performance is problematic. As Dix and Oxenbridge (2004) note, a wide range of intervening and mediating variables make causal extrapolation complex, and in any case, often organisations do not collect sophisticated performance data. To this must be added the fact that none of the Trusts sought to evaluate the impact or outcomes of the Acas projects. Evaluation of impact – had it occurred – would be complicated further by considerable turnover of key organisational stakeholders, particularly on the management side. Nonetheless, respondents in most cases (from both management and trade union side) reported that they were very satisfied with the outcome of Acas interventions, and they were relatively confident that the improvements in working relations between management and union representatives were having a broader impact throughout the organisation.

The demonstrated improvements in the effectiveness of consultative structures impacted positively on the general climate and conduct of employment relations in the Trusts. The consultative committees occupied a central role in the governance of the Trusts and, as such, connected to a wide range of employment relations issues, management policies, and developments in working practices. By directly impacting

on the efficacy of the consultative machinery, Acas interventions also had indirect but significant positive impacts on employee representation, the implementation of harmonisation policies, and importantly, staff-management relations and the preparatory process of the Agenda for Change programme.

In the Basildon case, for example, the need to improve the effectiveness of the JCC was predicated on strengthening the representational apparatus (and hence voice) of Trust employees. Following the Acas intervention, a number of new trade union representatives were appointed and trained and a non-union staff representative was also appointed. As a result of this increase in representative activity (or looking at it the other way, the decreased 'representation gap') it was reported that trade union membership had increased (although no hard data was provided to support this assertion). This led to a more robust engagement between staff and management, with both parties' confidence strengthening following the Acas-facilitated workshops. The staff-side chair (Amicus representative) at Basildon saw this as part and parcel of good employment relations, where staff are able to question and challenge managerial decisions, within an overall climate of respect:

"There are probably more tensions now than there was, but I think it's partly due to a lot of the staff-side (union) members being more aware, and a lot stronger. I think it's down to people accepting that things can be challenged now. The organisation has grown and it's actually probably quite healthy ... as the organisation's grown, management has become stronger and at the moment we (union representatives) are rising to that challenge."

Improved confidence amongst trade union representatives was mentioned in a number of cases. In several cases this was linked to the negotiation – within the consultative committee – of new trade union facilities agreements, and the roll out of new harmonised policies following the Acas project.

As described previously, all respondents related how management-union working relations within consultative meetings had perceptibly improved, and it was suggested that this had a wider impact in terms of greater levels of trust and day-to-day dialogue between management and staff. This was often as a direct result of the increased management interest and engagement that followed from improvements in the consultative machinery. General levels of communication within the Trusts have also improved, although both management and union representatives suggested that this could be improved further. Alongside this, decision-making within the Trusts had become more expeditious as the number of 'trivial' issues brought to the consultative structures has diminished and informal workplace relations have improved, allowing earlier resolution of disputes and other issues at line-management level. More broadly, for the Craven and Harrogate CEO, this enabled the Trust to move forward with changes in working practices, such as teamworking, in a number of key service areas – the implementation of which had previously stalled going through the Joint Negotiation and Consultation machinery.

While it is of interest to draw out the impact of Acas interventions on key organisational structures, practices and outcomes, it is also important to consider the possible consequences (both immediate and long-term) had Acas assistance not

been sought. In the Wolverhampton case, this was straightforward. Having already suspended the partnership agreement, the Unison representative explained that the union would have gone into dispute with the Trust. Given the fact this was a high-profile agreement, lauded by the trade (and HR) press and used as a benchmark within the NHS, the contribution of the Acas facilitated workshop towards resuscitating the agreement was significant. In all the other cases, respondents speculated that whilst their organisations may have attended to their difficulties in the long-term, this was not assured, and they were certain that the consultative machinery would not have been 'repaired' as expeditiously without Acas intervention.

4.3 Laying a foundation for 'Agenda for Change'

The Trusts' new-found ability to work jointly towards managing strategic initiatives was seen to have particular resonance within the context of the implementation of Agenda for Change. The need to establish productive structures of consultation was heightened by the imperatives of this nationwide process of modernising pay, terms and conditions and working practices. As Bach (2004:3) notes, '[A]t the core of these (Agenda for Change) proposals is an emphasis on partnership working with trade unions to ensure that union representatives have adequate time and support to participate in the implementation of the Agenda for Change proposals at Trust level'.

In all of the Trusts, the ability to engage in partnership working was intimately related to the effectiveness of the main forum for consultation, and many respondents suggested that the improvements effected in their consultative structures had laid crucial foundations for the implementation of Agenda for Change. In other words, the transaction costs of dealing with the implementation process would have been far higher had effective consultative structures not been in operation. This is difficult to quantify in a financial sense or in terms of overall organisational performance. However, it is clear that if many of the Trusts had entered the implementation process without having addressed entrenched problems around an inability to engage in joint working, the costs would have been higher in terms of time taken to implement Agenda for Change, not to mention the heightened possibility of disputes occurring.

Two examples of how Acas interventions helped provide a foundation for change can be identified. First, as part of the Agenda for Change process, Trusts are increasingly setting up joint working groups and sub-groups to deal with specific issues. The methods of joint working established at the Acas-facilitated workshops have acted as a *modus operandi* for the conduct of these working groups in the case organisations. Second, the Basildon case indicates how a new climate of representation can encourage workforce engagement in Agenda for Change project work. In this case, the union trained a number of members to be 'Agenda for Change representatives'. And in this Trust, as in most of the others, Agenda for Change had become an established item on the agenda of consultation meetings.

It was also recognised, however, that Agenda for Change would represent a fundamental challenge for the future conduct of employment relations within the

NHS. As noted, in all of the cases participants espoused a commitment to developing more effective modes of partnership working. Yet it was suggested that how, and whether, partnership would develop would revolve around the relative success of implementing Agenda for Change. As the Unison representative in the Wolverhampton case noted, "Agenda for Change will either make or break partnership".

Thus, whilst there was a degree of optimism and confidence amongst both management and union representatives about their organisations' capacity to deal with the implementation process – in large part as a result of the Acas interventions – there was also a degree of caution and concern, particularly amongst union representatives. Most notably, it was common for union representatives to complain that despite having recently re-negotiated facilities agreements, they sometimes found it difficult to get shop stewards and Agenda for Change representatives released to spend time on union duties. This often stemmed from immediate operational and workload pressures, but was also related to the approach taken by line managers with regard to trade union release and joint working more generally.

5. VIEWS ON THE ACAS INTERVENTION

The majority of respondents were very positive in their assessment of the Acas intervention. This positive perception was due to: the perceived expertise of advisers, their knowledge of employment relations and their facilitation skills; the confidence that both parties had in Acas' independence; and, most significantly, the quality of the outcome. There was also an acknowledgement that Acas offered something different from other HR consultancies. Respondents' views of Acas after the intervention echoed those detailed in section 2.4 (motives for choosing Acas over alternative providers) and are highlighted in the following responses to questions asking their opinion of the Acas intervention:

"We're extremely satisfied ... our staff reps have felt confident with Acas facilitating workshops, and certainly trust them. If we brought in an external HR consultant to do this I don't think there would have been that level of trust and confidence. They (Acas) are the experts on employee relations issues, they've got a wealth of knowledge on doing this sort of work and supporting organisations. So, I couldn't think of anybody else that could be better than them, for that sort of role."

(Head of HR, Basildon)

"We do a lot of training and I think that the quality of the Acas workshop is excellent. Having been to lots of different workshops, they (Acas) have something ... the three days that I've attended have just been stimulating throughout, open throughout, they've had a very definite outcome, which is what you want. It's been very, very well led."

(Amicus representative, Basildon)

"... excellent, because they're totally independent, you know, they have a reputation. If you went to a private company (and) you had to pay money for it, you're never quite sure whether they've got your best interests at heart, whereas Acas, that's what it's there for: it is to improve employment relations."

(HR manager, Essex)

The only case in which the HR and trade union respondents were less than effusive was the NLAG case. This seemed to hang on the fact that the nature of the workshops, the way they were organised and the material covered appeared relatively "simple", rather than revelatory; the HR director, for example, cited an exercise in the workshop involving the compiling of lists. Respondents felt that the Acas adviser did not do anything revolutionary or offer any sophisticated solutions to the problems they faced. Yet, on reflection, this was not seen as a weakness, but rather as a strength of good facilitation, as participants recognised that it was down to them to address problems jointly. In this case, the very fact that management and union representatives had got together in a room was seen as a major step forward. As the Unison representative explained, the key benefit was:

" ... to see, for one day, us all being equal ... and there was a commitment from the Trust management that they would work in partnership, that they thought there was value in working with us."

Respondents in this case acknowledged the need to bring in an external facilitator and suggested that whilst it may have been possible to resolve the problems inherent in the organisation's consultation machinery internally, this would have taken far longer. Most significantly, any Trust-led facilitation exercises would have lacked the legitimacy of being conducted by an external and independent facilitator:

"Maybe the art of facilitation is making things look simple. They (Acas) didn't do anything that appeared remarkably clever, but that's not intended to underplay it ... it's very hard to be absolute about what part the facilitator played and what part has been brought about simply by changing the dynamics, but I think largely you have to measure it on outcome and the outcome was very good. I think being seen to be independent and impartial was probably critical in getting staff-side commitment."

(HR director, NLAG)

"We were reasonably satisfied with the outcome, but I think we could have reached the outcome without Acas. They perhaps allowed us to reach it more quickly. I don't think they came up with any startling revelations that we didn't already know. But then, perhaps it was helpful that it was an outside body leading the project and that's perhaps why we came together so quickly ... It was very much appreciated that they were an independent body. I think we probably achieved more because they were independent than we would have done if it had been the full-time officers or HR leading the session and I think it made it happen more quickly. I'm sure we would have got there in the end, but I think there may have been a few casualties on the way."

(Unison representative, NLAG)

As noted earlier, it was common for respondents (from both the management and union side) to assert that they probably would have been able to resolve their own problems without Acas, but that it would have taken longer. In this respect, it was suggested by some respondents that Acas' involvement was part of a broader 'repair' or 'recovery' strategy. For example, in the Wolverhampton case, discussions had started between senior union and management representatives immediately following the suspension of the partnership agreement by the trade union. It was suggested that the Acas facilitated workshop would add legitimacy to the internal 'repair' work that had been undertaken and would ensure that an objectively agreed outcome could be brokered.

In cases where management and trade union representatives had less experience of employment relations issues, or where there was a tradition of minimal management-staff consultation (such as the Essex Ambulance case), the involvement of Acas was seen as the only way the organisation could have moved forward towards a joint working relationship. Further, the HR manager at Essex Ambulance speculated that any internal action taken by the organisation to improve its consultative structures would have been far riskier and would not have had a mutual gains outcome. She stated "By having Acas, it was seen as 'This is a win/win situation for both sides'". These points are illuminated by the following quotes from participants in several Trusts:

"It wouldn't have got off the ground. We'd already kicked these subjects around at other meetings and got absolutely nowhere."

(Unison representative, Essex)

"It (joint working) may have come, but it would have been a longer time coming."

(Unison FTO, Craven and Harrogate)

"It would have been really hard to have stimulated interest, to have got everybody to come together openly and find out ... we would be a lot further behind than we are now ... I think it's (Acas) unbiased. I think its approaches to training and workshops were very well thought out. It's a very well researched method that really does help the group to achieve their aims."

(Amicus representative, Basildon)

In the Craven and Harrogate case the Chief Executive suggested that, in her view, the Joint Consultation Committee would have become unviable without the work with Acas and she was generally very positive about Acas' involvement. She did note, though, that a key incentive for her in commissioning Acas had been the fact that Acas' assistance was free of charge, although she indicated that Acas may have been commissioned even if there had been a charge:

"I found them (Acas advisers) incredibly helpful, very good, very perceptive and very fair. They did it very well and were even-handed. I do have to say that the result of not charging was a great incentive. And to get something like that that didn't cost us, was really valuable."⁶

On-going Acas involvement

Acas advisers conducted some follow-up work with the Trusts. Most made contact with management and union representatives via a phone call around one month after the facilitated workshops and again six months later. In two cases, the projects had 'written in' an Acas review of the Joint Consultative Committee six months after completion of the initial Acas project. And in other cases, advisers' on-going work with the Trusts on different matters meant that they could informally monitor progress over time.

Respondents' positive experiences of using Acas had led some to commission further work from Acas, often on a charged basis. In two cases, the action plan emanating from the Acas project was then embedded in the organisations through management and union training sessions. In one such case, the HR manager was of the view that, finances permitting, she would commission Acas to undertake all of the organisation's core HR training. To date, charged-for Acas training sessions had been provided around attendance management and partnership working, with the likelihood of Acas undertaking further work.

6. CONCLUSIONS

This research report details the variety of pressures for change encountered by NHS Trusts in the lead-up to the implementation of Agenda for Change. All of the case study Trusts sought help from Acas to maximise the effectiveness of their representative committees and enable them to jointly manage change. Acas assistance resulted in a change of focus for committees away from smaller-scale local issues and towards broad-ranging strategic issues of greater importance. One flow-on effect of this was that line managers' role in handling local workplace issues and disputes became clearer and more explicit within Trusts. A key aspect of the Acas facilitation process involved seeking agreement and clarification of what consultation means, both in principle and practice. This process provided managers and employee representatives with guidance on how consultation might be conducted most effectively, with maximum 'buy-in' from all organisational stakeholders.

Several positive outcomes were common to all of the cases. Firstly, the cases revealed an increased confidence among representatives in their day to day dealings with management, and a heightened sense of ownership of decisions made within consultative processes. Secondly, whereas many managers had been largely

⁶ Since October 2004, Acas has charged for assistance in workplace projects in circumstances where the project does not take place within a 'near-dispute' context. The case studies of NHS Trusts in this research report were conducted prior to the implementation of the charging regime.

reluctant to attend committees and other fora in the past, they were now more engaged in and committed to consultative processes. And thirdly, the robust, reconstituted Joint Consultative Committees that emerged following the Acas interventions were better equipped to manage both the local implementation of Agenda for Change and changes to Trust-level working practices, as well as the harmonisation of terms and conditions.

The study shows how Acas assistance can help Trusts to manage the after-effects of mergers and prepare for large-scale strategic changes – such as those heralded by Agenda for Change – by setting in place a ‘bedrock’ of productive employment relations behaviours and practices. In most cases, Acas assisted in building positive relationships between managers and union groups who had no prior history of working together, and the methods of joint working established at the Acas workshops became the standard approach used by the many joint working groups and sub-groups Trusts set up to deal with Agenda for Change. The research found that changes in behaviours and in the quality of management-trade union relationships resulting from the Acas interventions were strongly linked to participants’ trust and confidence in Acas advisers, which resulted in turn from advisers’ ‘independent’ or unbiased approach.

APPENDICES

Case 1: Basildon Primary Care Trust

A case study of project work facilitated by Acas which enabled managers and trade unions to increase the number and role of employee representatives involved in consultative processes, and work within an improved staff forum to facilitate change more smoothly.

The background to the case

Basildon Primary Care Trust (PCT) was established in April 2001 as a result of the wider NHS strategy of establishing PCTs. It provides primary care, community services (such as district nursing, health visiting, therapy services etc), and also funds various secondary services. The organisation employs 400 staff, 90 percent of which are female, with high levels of part-time contracts. It recognises Unison, Amicus (the largest union), RCN, BMA and BDA (Dieticians).

The organisation approached Acas in relation to the functioning of its Joint Staff Forum (JSF). The Forum had been established at the time of the PCT's inception, but was considered by all parties to be ineffective. As a result of the merger that formed the PCT, there was a management cadre that did not have much experience of working with trade unions. There were also trade union representatives who did not represent the staff in the PCT, as the majority, and specifically the Chair of the JSF, were seconded from NHS Trusts in other districts. The JSF was typically poorly attended, often by as few as four people. Management attendance was particularly inconsistent, there was no HR presence, and the interests of staff were not represented. The problem was articulated by both the Head of Human Resources and Organisational Development (HR and OD) and the Amicus staff-side chair (the lead trade union representative):

"The Joint Staff Forum was new, the organisation was still fairly new and it was felt that support was needed to get the JSF functioning effectively. When I started here (May 2003), you were lucky if you had four people around the table, one or two management reps and one or two trade union reps and that was the extent ... our trade union representatives at the time may not have necessarily been our employees, so they would try their best to attend ... but there's only so much time in the day."

"There wasn't enough (union) members to go around, so quite a few of the reps shared several patches and that's why we had a Chair, although an experienced Chair, who was part of ... (a different organisation) ... Attendance was very poor, it had few reps, management attendance changed every month. At that time there was no HR ... no regular HR person within the Trust because we had shared services. So there were a lot of things that needed to be looked at, where a JSF stood in the Trust and where it should be going."

The JSF tended to get bogged down by trivial issues and was consequently unable to deal with the more important issues facing the PCT. For example, a key concern was the need to establish a common set of policies and procedures for a staff base that was drawn from a number of previous organisations. The ineffectiveness of the JSF, combined with the lack of a dedicated HR function, meant that progressing workplace issues was proving difficult, although the general climate of employment relations in the Trust was perceived by both management and trade unions to be good.

"It was a known fact ... that we can't progress any changes if we haven't got a well functioning JSF, which it wasn't at the time. ... it was felt important to invest (in) building up the JSF and improving the functioning of it. ... there was not a lot of individual grievances or employment tribunals so ... in terms of individual employment relations things were okay but in terms of ... joint working and partnership working there was quite a lot that needed to be improved. And that was around making sure that the right people were sat around the table and there was proper communication and consultation going on."

(Head of HR and OD)

"The meetings that we had here were very open and very positive, just quite poorly attended and not getting down to the issues that we need to be dealing with ... all the policies needed to be harmonised but there wasn't anybody that had the time to do it ... so ... things were stagnating. But there wasn't a particular problem with relationships."

(Amicus representative)

Against this backdrop, Acas was approached, initially by the then staff-side chair but with the full cooperation of the chief executive. The staff-side chair approached Acas, because at the time she was undertaking a senior trade union role at a number of other Trusts in the South Essex region, and had been working with Acas on a workplace project in another Trust. This experience had led the staff-side chair to believe that any Acas intervention at Basildon would be "unbiased" and "objective". In addition, the HR and OD manager – who joined the Trust following the staff-side chair's approach to Acas – had worked with Acas, and the particular Acas adviser commissioned to assist the Trust, over several years prior to this intervention.

The key aim of the Acas intervention at Basildon was to assist in improving the effectiveness of the JSF. Specifically, the organisation wanted to increase the number of staff representatives on the Forum and improve its broader functioning. The need to improve the effectiveness of the JSF was heightened by the roll out of the Agenda for Change programme, and its emphasis on 'partnership' working between NHS trade unions and management. As the staff-side chair explained, 'Agenda for Change was in the background, this is going to be a very important piece of joint work, so we need to have a strong group (JSF) to work it through'.

How did Acas help?

The then staff-side chair and chief executive met with an Acas adviser and agreed with the adviser's suggestion of an Acas facilitated workshop. The key aim of the workshop was to improve the functioning and effectiveness of the JSF, but related to this was the need to discuss how to increase the overall capacity of employee representation within the Trust. For the staff-side chair, this meant not only increasing the number of trade union representatives within the Trust, but also appointing representatives for those employees who were not members of trade unions. As the Acas adviser explained, this was quite an unusual proposition:

"She (the staff-side chair) was keen ... for management to hear the voice of the non-trade union member, and she produced a paper which she gave to management at Basildon about having non-trade union members as part of the Forum, which is very unusual."

Following a number of preparatory meetings, Acas organised two facilitated workshops, run on consecutive days in September 2003. The first was attended by seven people, most of whom worked at a senior or strategic level, including two trade union representatives. The second was attended by 11 people from mainly an operational background, and comprised a greater number of staff-side representatives. The benefit of this separation of constituencies was explained by the current staff-side chair/Amicus representative, who participated in both workshops:

"You did feel that on the two days there were very different groups of people: for one group, patients come first; the other it's 'What have we got to achieve for the government and where that fits'. The first day felt like '... Staff relations are crucial to what happens in the Trust, how can we build this group into the heart of what the Trust is doing?' So trying to get a lead from the organisation, they were often thinking about consulting on where changes have to happen, changes being led from staff groups. The second day was more practical, thinking on a day-to-day basis how you're going to work ... how to make sure that everybody's voice is heard, and how do we try and increase the numbers?"

The workshops provoked significant participation and were perceived by participants to have an 'open' and 'non-confrontational' atmosphere, with good group dynamics. Both workshops involved a number of set exercises. The workshops started with two exercises designed to elicit the general views of workshop participants on employment relations issues. First, participants were asked to complete an individual questionnaire (entitled 'building blocks') that enabled the adviser to aggregate their key concerns. Next, participants were asked to consider their current employee involvement practices and calibrate this against a scale of employee involvement, which focused on how involved employees were in organisational decision making and how effective this was. Following these exercises, the adviser facilitated a number of group exercises designed to tease out management and union views of each other and develop problem-solving skills.

Participants described how the Acas adviser adeptly facilitated their deliberations on 'where they should be'. For the Amicus representative, the process " ... wasn't prescriptive, it was very much letting the groups go where was right for them". The discussion centred on where they were now, what they wanted the JSF to be like, and what was needed to move towards what they wanted. The Acas adviser also led a more theoretical discussion on the difference between negotiation, consultation and communication.

Action plans were generated at the end of each day. The plan produced at the end of the second day was led by the two key union representatives, who sought to consolidate the decisions of the two days to ensure that there was "something to take away and work from". Following the workshops, the Acas adviser produced a consolidated report for the organisation of what had been discussed and agreed during the workshops. The adviser's report was turned into an action plan by the head of HR and staff-side chair and taken to the JSF for approval. At this stage, the adviser felt confident to then "let them get on with it":

"It was left that if they wanted any further help from us (Acas), we're willing to give it, but they were quite mature as an organisation to take forward their action plan. They were quite disciplined at having got an action plan, what needs to be done, how it's going to be done, who was going to do it and by when. The JSF would monitor that, it would be taken through the JSF... if they wanted any further assistance from Acas they just needed to contact me."

A JSF subgroup was then established to take forward the action plan. Meeting on a monthly basis, two weeks before the full JSF, the subgroup included the Head of HR and OD, the Chief Executive, an HR adviser and the staff-side chair. The key action points were: for management to work with the unions to increase the number of staff representatives; to appoint two non-union staff representatives to the JSF; to consider who should attend the JSF from within management; to establish the terms of reference of the JSF; and to consider broad training for management and union representatives on a variety of HR issues.

The outcomes of the project

The action plan generated from the workshop has, according to the Head of HR and OD, formed the basis of the JSF's work over the last twelve months. Many of the points have been put into action and it is possible to identify clear and tangible outcomes. The number of trade union representatives in the organisation has increased and more – at the time of interviews, five new representatives – are involved in the JSF. All of these representatives are employees of Basildon Trust (rather than being seconded) and have been formally trained in order to be recognised by their respective unions as accredited representatives. There has also been some progress in terms of appointing non-union staff representatives. At the time of interviews, one non-union representative was in post and another under-represented staff group was targeted for representation on the JSF, although a representative had yet to be appointed. In other words, employee representation and involvement in decision-making have both increased.

The process used to attract non-union staff representatives involved informing all staff of management and unions' desire to strengthen both the effectiveness of the JSF and general representational capacity across the organisation. As the Head of HR and OD explained:

"We established ... a procedure for appointing non-union staff reps and ... we wrote to every member of staff a joint letter explaining what we were trying to achieve, asking staff to nominate themselves or their colleagues ... and the staff-side chair has been really proactive in working behind the scenes, meeting with groups and staff, trying to get their interest in the JSF."

From a trade union point of view, the appointment of non-union staff representatives was seen as important in increasing overall representation in the Trust, with the possibility that this could impact on the number of *union* representatives and membership in the longer-term. As the Amicus representative elaborated:

"At that time the JSF was not representative of the staff, because we had so few members and there were groups of the organisation that didn't have any representation. So we were very happy to do it, hoping that in the long-term it might lead to people becoming accredited union reps. ... And in fact two people came forward initially and one of them is now an accredited RCN rep."

Certainly, there is evidence to suggest that the increase in the number of trade union representatives has led to an increase in trade union membership: although it should be noted the uncertainty generated by the Agenda for Change programme has also acted as a spur for joining a union. Given the workload for the unions created by the Agenda for Change programme, they have also sought to accredit members as dedicated Agenda for Change representatives. These representatives are able to attend JSF meetings where Agenda for Change items are discussed, a move that has been welcomed by both the union and management within the Trust:

"The trade unions woke up pretty early and realised that they do not have enough accredited reps to support the implementation of Agenda for Change. So what they said was that people who are members of trade unions, if they've got a keen interest in being involved in Agenda for Change, they would accredit them to become Agenda for Change reps ... so not only have we been working hard to bolster up the JSF accredited trade union reps but we've also ... got six or seven accredited Agenda for Change reps now."

(Head of HR and OD)

"The main unions will accredit reps to do just Agenda for Change work, in recognition of the fact that there aren't enough reps to do it all, and it's a way of sharing work out ... (the unions) will accredit staff to carry out Agenda for Change and train them to do that without necessarily training them to be full union reps."

(Amicus representative)

Whilst the Amicus representative expressed some concerns about the amount of work taken on by members who did not have the same degree of experience as full trade union representatives, it was stressed that without such representatives the JSF would not be able to deal effectively with the Agenda for Change programme. This is partly due to the historic paucity of trade union representatives in the Trust, but also the problems that some trade union representatives face in securing release from their day-to-day work in order to undertake representative duties. As the Amicus representative commented, "The management are keen for people to get involved, but without backfill it's very difficult. I think there are some tensions in some services".

The management constituencies on the JSF are also now more consistent and numbers strengthened. Overall, it was agreed by both staff-side representatives and HR that the effectiveness of the JSF has been greatly improved (the Head of HR noted that "When you walk into the JSF now, the room is full"), and the Forum is able to deal with 'meaty' rather than trivial issues. For the Amicus representative, this was illustrated by the fact that agendas for JSF meetings were more clearly delineated, with time allocated to issues including 'harmonising policies' and 'communication agendas', and there was a clearer view on which issues are "... appropriate for the JSF, and what should be sorted out locally". The improvement in the efficacy of the JSF was explained by the Amicus representative:

"The way policies are dealt with now is much more open consultation, much clearer, it'll come to this meeting, you go and consult with members and then come back to the next one to change ... Whereas before there was either, come, and it's expected to be approved at the meeting, or they would keep coming back ... so it's more efficient. A lot of policies have been harmonised now, which desperately needed doing. We're dealing with a lot less trivial things now, we're dealing with the meaty issues, and there's better representation in some of the other subgroups within the Trust."

Developments in the JSF have been communicated to staff through staff meetings and regular bulletins in the staff newsletter. The staff-side chair and the Head of HR have also sent individual letters to all members of staff asking them to 'take notice' of recent changes in the JSF and informing them of how management and union will work together with the regard to the implementation of the Agenda for Change programme. For the Head of HR and OD, the improvements in representation and consultation in the Trust have also had more perceptible benefits for the general climate of employment relations:

"There is good trust between us (management and union) and that is having an impact on staff. I recently held a couple of staff focus groups ... and I got a piece of feedback from a member of the staff ... she said, 'Agenda for Change ... the communication we're getting is really good, I'm really pleased with the way that the PCT are approaching the project' ... that's a tangible benefit, that a member of staff has given positive feedback."

This improvement in working relationships has led to further developments involving Acas, and the action plan has been progressed further. First, Acas has been

commissioned to deliver training around broader a range of HR issues, and at the time of interviews had delivered a session on attendance management, attended by managers. Second, Acas provided a further session for management and trade union representatives on partnership working one year after conducting the initial workshops. The latter was deemed important in the context of the Agenda for Change programme, but also represented an opportunity for the Head of HR and OD to “see if we had partnership” and to assess how far the organisation had gone down that route. For her, the extent of joint working, at a broad level between staff and management, had improved immeasurably, with clear benefits for the implementation of the Agenda for Change programme. Additionally, the partnership workshop led to the insertion of jointly agreed principles of partnership into the organisation’s trade union recognition agreement, as well as a statement on facilities time and a suggested staff charter (which would incorporate a set of principles on employee involvement within the Trust). Whilst the Amicus representative suggested that more managers could have attended the partnership workshop, it was considered a “useful” exercise, as it underscored the centrality of effective partnership working to the Agenda for Change programme.

The longer term: A potential dilemma

Both the Head of HR and OD and the Amicus representative were very positive about the role that Acas had played in the organisation. The Amicus representative regarded the Acas intervention as “excellent”, whilst the Head of HR reported that she was “extremely satisfied” with the role played by Acas. Both suggested that without the intervention of Acas the organisation would not have “moved on” so expeditiously. Respondents indicated that their positive perceptions were clearly related to Acas’ independent and objective position, as well as its expertise in the field of employment relations.

The workshops led to a number of positive outcomes and the effectiveness of the JSF was greatly improved. For management, this had the benefits of facilitating change management more effectively, whilst the union(s) had benefited from the strengthening of union structures and organisation. While both management and union respondents considered employment relations in the organisation to be good, management held a far more positive perspective. In contrast, the Amicus representative noted a potential dilemma in terms of the improvements in working relationships. As the organisation has become more ‘mature’, management has become stronger and more confident and this has led to tensions. The strengthening of the trade union apparatus was important in this respect, as union representatives were now more likely to pull up management where necessary. It may well be that the increased tensions identified by the union representative are themselves indicative of a more effective climate of (give and take) employment relations. Overall, however, the Acas intervention has resulted in the enhanced functioning and effectiveness of the main consultation forum, and a new confidence in the representational apparatus of the Trust.

Case 2: Craven, Harrogate and Rural District Primary Care Trust

This case study illustrates the work done by Acas in facilitating changes to improve the effectiveness of an NHS Primary Care Trust's negotiating and consultation committees.

The background to the case

Craven and Harrogate and Rural District Primary Care Trust was established in April 2002. It was formed through a merger of the provider services from Harrogate Trust and two local primary care groups. It employs approximately 700 people and provides services to a population of 209,000 people across a large rural area. The PCT recognises the full range of NHS unions, with Unison and the RCN having the largest membership numbers.

As part of the merger, the Trust management faced the complex task of designing and implementing a new set of harmonised human resource policies and terms and conditions of employment. At this time, the Human Resource function was commissioned from another local health organisation. The HR department approached Acas to advise on the introduction of potential consultative arrangements for staff and how this could, according to the Chief Executive Officer (CEO), be "more of a partnership arrangement rather than a more traditional one". As a result of the Acas workplace intervention, the Trust established a single Joint Negotiating and Consultation Committee (JNCC). The rationale, at the time, was that the committee would alternate between negotiation and consultation on a monthly basis (with alternating Chairs drawn from both management and the union side), although the constituency represented by committee representatives would remain the same.

Following the merger, a new cadre of senior management was employed and the process of harmonising policies and terms and conditions began. Within 18 months, however, it became clear that the JNCC was not working as well as it should have been. The process of implementing the harmonised policies and terms and conditions was stalling and there were concerns amongst management and trade union representatives about the Trust's ability to effectively engage with the looming Agenda for Change Programme.

A number of reasons were identified for the ineffectiveness of the JNCC. Firstly, the purpose of the committee, and in particular how matters for consultation and negotiation were differentiated, was not well understood. This was partly explained by the fact that many of the managers appointed after the merger had not been involved in the initial discussions around the establishment of the JNCC. Secondly, it seems there were some tensions between personalities on the JNCC, both between unions and in terms of management-union relations. Thirdly, and relatedly, the more ineffective the JNCC became the more attendance suffered, as representatives saw

little point in turning up to meetings. These problems were explained by key union and management representatives:

"I don't think we worked well ... because the people who were subsequently appointed to the Trust hadn't been involved in those discussions (on the establishment of the JNCC). And there wasn't a great driver from staff-side to change the way things had always been done. It was still ... very much more traditionally a confrontational negotiation ... So we'd get some of us thinking we were talking about high level strategic things and then we'd get onto issues which we thought ought to have been taken through line management ... That first year was dire, really."

(Chief Executive Officer)

"We were then what was the JNCC, they had negotiating and the consultation together at that stage, which was a little bit cumbersome ... they had an HR department that we've often considered quite belligerent in its approach, was very rigid. They sort of shared Harrogate Healthcare's HR ..."

(RCN FTO)

The ineffectiveness of the JNCC meant that it was losing credibility amongst both management and trade union representatives. For management, the main problem was a tendency for issues that should have been dealt with through line management structures to be brought to the committee for formal consideration. This approach was pursued by union officials in certain service areas because historically they had experienced poor consultation and voice and the committee was seen as a way of addressing longstanding concerns. The result, however, was that many of the Directors of services just stopped attending meetings. As the CEO explained:

"The inappropriateness of it was ... things that are not taken to line management and are pushed by those individuals who have a lot of opportunity straight into a committee, which is not appropriate. ... so you really hadn't had an opportunity to find out, and therefore couldn't answer anything, couldn't resolve, and so you're left with an acrimonious discussion, which is futile and debilitating really, in terms of relationships."

The RCN and Unison full-time officials had an open invitation from management to attend meetings and were increasingly called in by the trade union stewards to monitor the JNCC. For the Unison FTO, there also seemed to be a lack of experience amongst new managers of how to deal with trade unions.

Against this backdrop, it was decided, after discussions between the CEO, senior management and key union shop stewards, to approach Acas to work with the Trust to improve the effectiveness of the JNCC, given the fact that Acas had been previously involved in advising the Trust about potential consultation arrangements at the time of the PCT merger. The approach was made by a recently appointed HR manager, as HR services had by then been brought in-house. Whilst the CEO's knowledge of Acas was limited, both the RCN and Unison FTOs had extensive experience of using Acas. Both management and union representatives, however,

saw that the objectivity and independence of Acas, and their specific employment relations expertise set them apart from general management consultants. This was exemplified by the following quote from the Unison FTO:

"I saw it as, 'Well, a third party would be ideal, because trade unions look at it from their perspective, management look at it from their perspective and you need someone to facilitate a middle ground there'."

How did Acas help?

Prior to the approach, the CEO sought agreement from the trade unions for the Trust to commission Acas. The Acas adviser then contacted the relevant FTOs to inform them of the approach from the Trust and the approach that Acas would adopt, and to gain their support for the Acas project. Following these discussions, an action plan was agreed between the Acas adviser and the management and unions in the Trust.

It was agreed that Acas would work with the Trust over an eight to nine month period, and would "dip in and out" of the JNCC to observe its effectiveness, and hold a number of joint workshops. The overall rationale for the intervention, and the aims and objectives of the Acas project, were explained by the Acas adviser:

"It was to ensure that (the JNCC) was still delivering the goods ... they were getting embroiled in detailed discussions about things which should have been handled elsewhere and (participants were) starting to wonder whether it was time well spent in attending. So there was a lot of disillusionment ... They were concerned that they got it back on screen before trying to use it for any of the issues on the Agenda for Change (programme). So the idea was to get everybody together and try and find out where things were at the moment, where they hoped things would move to, the good, the bad, but also revisiting the practical bits to make sure everybody understood what they were supposed to be about ... ensuring that everybody's on board with decisions."

At a broader level, improving the effectiveness of the JNCC was conceived by management and trade union representatives in terms of the need to improve agenda setting and minute taking, distinguishing more effectively between negotiation and consultation, and the wider adoption of a partnership approach to union-management relations:

"If you as an outsider had read the minutes, you may not have known what they were about. So they were looking for better referencing to reports and tidying it up so that it told a story. ... sometimes I could pick up a set of minutes, even at a meeting I had been at, and they would bear little resemblance to what I'd understood had gone on. It was that general feeling, that the minutes should reflect what was said."

(RCN FTO)

"They needed to sit down around the table and say, 'This is the way to go, this is the effective way that we communicate in the future'. And people basically held up their hand and said, 'Right, let's get on with it, let's have a commitment that we are going to work in partnership'."

(Unison FTO)

The project started with Acas attending a meeting of the JNCC as observers and explaining what they could offer by way of assistance and advice. It was agreed that Acas would hold three half-day workshops. The first workshop, entitled "The good, the bad and the way forward", was designed to identify the key issues hindering the effectiveness of the JNCC and outline possible solutions. The second workshop, entitled "Joint working and next steps", built on this through exploring principles of working together and joint problem solving, and sought to establish a new set of terms of reference for the JNCC. The final workshop was integrated into a subsequent meeting of the JNCC and focused on reflecting on progress and agreeing an action plan for the future.

The purpose of the first workshop was to allow participants to 'offload' their concerns about the way the JNCC functioned, but also to discuss broader developments at the Trust. Given the potential tensions between management and union representatives, the session was organised so that in the first half, management and union representatives were split into their respective groups to identify their key concerns. Following this, the Acas advisers brought the two groups together to share their concerns and 'air their views'. The main concern for management appeared to be the operational effectiveness of the JNCC, whilst the union was more concerned with the broader issues relating to communication and consultation. Nonetheless, as the CEO and RCN full-time official observed, the joint session revealed that management and union representatives shared many similar concerns:

"There were lots of similarities, which is usual, isn't it, when you get together. You might have expressed them differently, but there are lots of similarities. They (Acas advisers) pulled out the similarities and then worked on some of the areas we were not so happy about."

(Chief Executive Officer)

"It was getting people to say, 'This is a good chance to offload now, it's a safe environment that's been created for you, offload some of your worst fears, your worst threats, and actually those threats may not be that dissimilar from the management side'."

(RCN FTO)

The main point of contention to emerge from the meeting was over the meaning of consultation and negotiation and how the two ways of working should be differentiated within the JNCC. The view of management was that the JNCC had become too bogged down in negotiation, to the detriment of consultation over a broader range of issues. For union representatives, this was reflective of a need to formally separate the JNCC into two separate committees, one focused on negotiation and the other on consultation. As the CEO and the Unison FTO explained (respectively):

"There were two kinds of business really. There were the negotiations about local issues, problems and targets; and the bit about 'How do we engage staff in the bigger picture stuff that was going on in the organisation?' And my conclusion was that we were not engaging in the bigger picture."

"I was very persistent that we had to separate them, because one is a negotiating committee that discusses terms and conditions, the other ... the consultative machinery ... we consult, there's no decision making, we're not calling for votes, it's an exchange of information."

Whilst there were some tense moments during the workshop, particularly when comments were directed on a personal basis, the group reached a decision to look at separating the JNCC into a Joint Negotiating Committee (JNC) and a Joint Consultation Committee (JCC). Acas was charged with writing up the decisions of the workshop and a second workshop was scheduled to look more specifically at the terms of reference of the new committee structure and the general principles of joint working. Both management and union representatives agreed that the workshops had been well facilitated and that the group had worked very productively together. As the RCN full-time officer explained:

"The difficulty for the reps was breaking down the barriers. And the difficulty often is you're sat there with managers who can influence, who can play a part in your future as it were. But the managers started to warm up and give an honest opinion of what they felt was wrong with the staff-side at times, and what their role is. The staff-side opened up ... a safe environment was created. (The Acas adviser) explained why we were doing things and why this (facilitation) method had been chosen over this method, so there was good transparency there. The groups were split (into) staff-side, and management side at one point, and again, that was explained, why that was happening. So there was a confidence that there wasn't anything mysterious going on and people started to relax and think about what they were there for, and think what opportunities that gave them."

The second half day workshop appeared to run just as productively. During this workshop, the Acas adviser ran a number of joint decision making exercises that were aimed at "getting participants to work as a group". Further exercises considered the difference between communication, consultation and negotiation, and there was a general discussion around the behavioural implications of working in partnership. By the end of the workshop, the group had formulated a new set of terms of reference for the JNC and JCC. This was further elaborated in the third and final workshop. This was integrated with a meeting of the JNCC, which involved participants establishing the detailed mechanics relating to the constituencies and scope of the two new committees, and issues of timetabling and agenda setting.

The outcomes of the project

One tangible outcome of the Acas intervention was the separation of the JNCC into the JNC and JCC, with slightly different sets of representatives attending both. Whilst representatives from the staff-side attended both meetings, management representation was structured so that Directors of services attended the JNC, whilst the CEO and several other senior managers attended the JCC. More significantly, in the view of the CEO, there is now a "great clarity of purpose for the different meetings". Both management and union representatives agreed that the meetings were now more likely to run to time (something confirmed by Acas observation), cover pertinent issues, and be well attended. And agenda setting and minutes of the meetings had also improved:

"The dates are now fixed and it's on track ... the meeting (JCC) is positive and keeps to time and we have things on the agenda that should be on the agenda."

(Chief Executive Officer)

"They've got a clear remit ... We've sat and discussed what's the agenda for this and what's the agenda for that with a clear emphasis that agendas have got to be agreed, the outcomes on the agendas have got to be agreed, and the minutes circulated two weeks before the meeting."

(Unison FTO)

The issues covered by the two committees have largely revolved around redressing anomalies caused by the PCT merger process (for example, staff on different terms and conditions) and the roll-out of Agenda for Change. With the consolidation of national pay frameworks under Agenda for Change, the JNC is likely to focus on recruitment and selection issues (including 'top up' salaries) and local issues such as mileage allowances, whilst the JCC will focus more on changing practices (such as flexible working and child care arrangements) and the implications of new service contracts.

The impact of the project also resonated in terms of the day-to-day conduct of employment relations and the way that workplace problems were dealt with. Most notably, minor problems and grievances at the workplace are now far more likely to be taken to the appropriate line manager, rather than going straight into the formal committee structure. As the CEO noted, this development was about, "Saying to staff-side, this is an important issue, but this isn't the forum to discuss it". There also appears to be a greater appreciation, according to the Unison FTO, of "each other's perspective", and both management and union agreed that whilst more could be done, communication in the Trust had improved. After each JNC and JCC meeting a short note is now circulated to staff, updating them on discussions. Such improvements in communication are generally seen as important in laying a platform for the partnership approach needed to address the implementation of Agenda for Change. In addition, the CEO noted that improvements in co-operation between management, trade unions and staff had assisted with the introduction of teams in sections of the PCT. The Unison FTO also noted that union representatives had

become more confident in their activities and the way in which they engaged with management on a daily basis. The benefits were outlined by the CEO:

"The shorter term (benefits) are that problem solving has improved and communication has improved; the willingness to come forward before a problem is a problem. ... more 'proactive problem solving' than 'reactive problem solving'."

Summary

Both management and union representatives were highly positive about the outcome of the Acas intervention and the overall role played by Acas. The general view was that expressed by the CEO, that without Acas the JNCC "would have carried on, but would not have been viable, and would have got worse". The CEO stated, of the Acas intervention:

"It was a very successful piece of work. It feels decidedly different and it acted as a break, (and enabled the) setting of new structures."

Moreover, both management and union representatives reported that the independent and objective position and approach of Acas would be a determining factor in using Acas - as opposed to other external management consultants - for future employment relations interventions.

"They're (Acas) not employed, they've no vested interest to fall down on either side and clearly people like that ... I would recommend that Acas come into any employer that has any apprehensions about negotiation/consultation with trade unions."

(Unison FTO)

"We're very pleased with the service. Any time that you get to spend with people in those informal settings helps ... It's about being seen together and being equal, away from the usual confrontation ... If things are going on we would get Acas in, over a consultant, because they are a known product."

(Chief Executive Officer)

Case 3: Essex Ambulance Service NHS Trust

This case study illustrates how Acas assisted an ambulance service by helping them to improve trade union-management relations, modernise working patterns, and reinvigorate consultative processes.

The background to the case

Essex Ambulance Service (EAS) is an organisation dealing with unscheduled care, predominantly accessed via 999 calls. It was established as an NHS Trust around 1990 and employs around 1,300 people, consisting of three core groups of staff: ambulance technicians, paramedics, and ambulance assistants (who perform non-emergency functions). These workers are organized predominantly by two unions, Unison and the GMB.

The Trust had two inter-related problems. Firstly, relations between management and unions had deteriorated after a national dispute in 1989. Trade unions did not have recognition at the Trust, and consultation between management and the workforce was non-existent. This was due in part to the management style of the organisation. The problem was accepted to be the case by representatives of both the trade unions and the Trust's Human Resources (HR) manager:

"It was the last NHS Trust in the country to recognise trade unions. So there was very much an arm's length relationship throughout ten years. We had mechanisms in place which were I guess legislative requirements: trade union reps were given seats on health and safety committees. We did manage to argue eventually that we should have a JNCC (joint negotiation and consultation committee) but the Chief Exec never took any involvement in that committee. And eventually when he gave in to recognition, in about 1999, he didn't even sign the recognition agreement, he just left that to others to sign. So there was never the commitment from the top to any sort of [consultation] or partnerships. Through that period, relationships were fairly tense."

(Unison Representative)

"After the ambulance dispute the Trust did not recognise any trade unions. So we were very unusual ... Although we've always had trade union reps in the organisation (involved) in things like disciplinaries, the reps themselves have never been used to formalised arrangements, so they were quite inexperienced."

(HR Manager)

This contributed to a second problem: a failure to respond to different staff interests by modernising and updating working practices relating to, for example, rostering and working arrangements for part-time and relief staff. Part-time and relief staff were unable to influence their work roster and shift patterns to the same extent as full-time and longer serving staff. Given the paucity of consultation mechanisms, it was proving difficult to agree on strategies that would mutually resolve the problem,

as the staff-side chair (lead union representative, and Unison representative) explained:

"We were always kind of beaten over the head in an awful lot of consultation and negotiation by managers who would say, 'Well, if you lot would let relief (workers) go on the roster' - as if it was our working practices that were stopping them - 'all would be well, and it's because of that that this is happening'."

(Unison Representative)

Following the departure of key managers who had resisted engaging in joint consultation, trade union representatives, supported by management, led an initiative to contact Acas. The aim was to invite Acas in to help stakeholders address these problems and improve the climate and practice of employment relations.

"That is why Acas was [approached]: Acas would have some good models, some good experience, could give us some good advice as to how we should proceed and make us sure that we were working together."

(HR Manager)

The HR manager had previous experience of working with Acas and with the specific adviser who was then commissioned to work with the Trust. She explained their rationale for commissioning Acas:

"I met [the Acas adviser] on my IPD (Institute of Personnel Development) course when she came to talk about Acas and we've had occasional dealings with Acas through tribunal cases. But at the time it was a combination of Acas' reputation of being independent, and being expert around this area, that we suggested, 'Why not see if Acas can help?'."

(HR Manager)

The Acas adviser contacted to work on this case had worked with a variety of individuals and organisations in the NHS within the region and had built up significant knowledge of the sector and issues within it. She was also part of a broader regional network of HR managers and trade unionists and was therefore familiar to those within the Trust.

How did Acas help?

Acas first became involved at EAS in October 2002, when the Acas adviser liaised with management and trade unions to develop two sets of workshop programmes, each addressing the issues identified as problems. Two initial workshop sessions were held in relation to the sensitive issue of rosters. Participants described how the Acas adviser played a lead role during the workshops and the later construction of reports by providing examples drawn from other organisations, providing records and notes of progress, and using a variety of techniques in the meetings to break down some of the barriers between participants. The HR manager described the structure and atmosphere of this first session:

"The Acas adviser took the lead facilitator role. She led the discussions, there was quite a bit of group work where it was split into groups to look at issues. And we took great care to make sure those groups were mixed, (comprising) both management and staff-side, to make sure this concept of partnership working was carried out throughout that day, to show how effective that could be. She was clearly a good facilitator and put everyone at ease, certainly the feedback from the workshop was very positive."

A variety of staff groupings were represented, as well as key trade union and management representatives. A series of discussions and group exercises were used, and groups were organised to include a broad range of individuals. By the end of the first workshop a series of points had been raised and the basis for recommendations established. This included the need to have clear principles driving consultation, the need for a review of the roster system, and the need to have stronger informal ties between key management-union players.

Participants considered the Acas adviser's role to be pivotal, as she assisted in establishing clear terms of reference for management-union engagement and deployed a series of techniques to avoid deadlock situations. Her ability to draw examples from similar cases was also viewed as very useful. The adviser put together a report based on the ideas and suggestions generated on the day, and these were then discussed at a further half day workshop, at which participants ratified and agreed a new system of rosters.

Overall, initiatives developed during the workshop sessions led to a number of improvements to working practices. Crucial to the sessions was the way dialogue was framed and led by the adviser. In some instances this involved the adviser working with sub-groups of staff to tackle specific problems:

"(The adviser) did a workshop around a group of relief workers - who fill in when people are away sick, or on holiday - and basically their working life is quite poor because they weren't being told very far in advance what shifts they were going to be working or where they were going to be working, and it could be changed at short notice. So (the adviser) was involved in working with that group in particular."

(HR Manager)

The Acas adviser also organised a subsequent workshop on consultation with key Trust managers and union groups in early 2003. The Trust's JNCC had been ineffective for most of the 1990s, as decisions made at the JNCC were often overturned or ignored by the Chief Executive, thereby damaging the committee's credibility. The aim of the facilitated workshop was to establish the purpose of the JNCC and its terms of reference. Whilst no formal output emerged from the workshop, participants felt that it had formed the basis for the renewal of the forum.

"Our main area was the JNCC, our joint negotiating forum. Have we got the right terms of reference for that group to be most effective? ... Because bear in mind we're coming from a stance where the unions weren't involved in negotiation at all ... We're moving towards Agenda for

Change now and that's very much about partnership working with staff-side. So we wanted to make sure that the JNCC had the right terms of reference and was going to be working effectively for both sides to benefit."

(HR Manager)

The outcomes of the project

A range of outcomes and positive impacts flowed from Acas' involvement in the Trust. Management and trade union representatives confirmed the significance of these developments given the very difficult nature of employment relations and the low levels of trust that existed between management and the unions and staff in the 1990s.

Firstly, the JNCC has become a central feature of employment relations at the Trust. It has provided a vehicle for dialogue between management and trade unions on a wide variety of issues, including work-life matters and flexible working. Both parties reported that it has formed the basis of a consistent dialogue that is regular and ongoing, and not just enacted as and when there is a need to resolve a problem. It now functions effectively, partly as a result of good personal and informal relations between key trade union representatives and managers. The JNCC has also formed a pivotal axis for discussions around Agenda for Change.

Secondly, in terms of work rosters, there is a new system that accommodates the interests of both longer serving full-time staff and those on a variety of different contracts. Employees who formerly had little advance knowledge of when they were working can now plan their rest days more clearly. During the workshop on rosters, 'break-out groups' addressed the problem in a way that included the voice of all parties and stakeholders:

"We went away from the day with some proposals ... The smaller groups met and came up with a concise report and then reported back to a second [half day] meeting, which took place on site with strong recommendations to adopt the report and implement the proposals. The main result was a proposed relief rest day roster. So (relief staff) knew that next week they were resting on Tuesday and Wednesday, the following week they were resting on Thursday and Friday (etc). ... So they knew when their days off were, which allowed them to organise doctors' appointments and stuff that normal people do on their days off."

(Unison Representative)

There are still issues to be resolved given the pressures of Agenda for Change and other ongoing imperatives for organisational change, but, according to all parties, the system is much improved. The fact that there is a joint commitment to working through the needs of Agenda for Change and the questions it gives rise to is evidence of this. Such a challenge would have been approached very differently had changes in the culture of consultation not occurred.

Thirdly, the improvement of consultative mechanisms and the changed roster system have helped build relationships between management and union representatives, enabling them to develop other new practices relating to, for example, meal breaks and work-life balance initiatives. There are now 'joint management-union chairs' for sub-groups, including Agenda for Change sub-groups, each tackling a variety of new issues and reforms. And a consistent approach is taken to consultation in terms of who is involved in the groups and how regularly they meet, with clearer records kept.

These 'new' issues are approached in a very different way to those of the past where the level of dialogue was virtually non-existent. There are still differences and problems, but the new framework of dialogue appears to have sustained a high degree of joint working, according to management and trade union representatives. Central to this has been the strong explicit commitment and support for the consultative mechanisms from senior management and the union.

"The half day workshop was good ... the JNCC members attended it and came out of that half day with a clearer direction. By which time we had the interim Chief Exec in place and he immediately said 'I shall Chair this from now on, and I'd like to hope the next Chief Exec will carry on in that vein'. What's the point of a senior manager thrashing round a problem and perhaps coming to an agreement which is going to be vetoed every time? The bloke who's got the power of veto, get him in the Committee. And he did that straight away, and we carried that on."

(Unison Representative)

"Agenda for Change is all about partnership working. We've got a project board, which is 50 joint management-union chairs – management and staff-side have joint chairs – each of the subgroups have got joint chairs. For example I chair one (sub-group) jointly with the GMB rep and the membership for the group is 50/50 management and staff-side. So that is a really powerful piece of work. And I think if relationships hadn't been built over a period of time, that could potentially be a real problem."

(HR Manager)

Longer term benefits and developments

According to HR managers and trade union representatives, the longer term benefits of Acas involvement include increased levels of trust between employees, unions and managers, and the improvement of formal and informal workplace relations over the last two years. Trade union representatives and managers described how they could now speak to each other openly and constructively. Additionally, improvements to operational systems and practices – such as rostering – have been the subject of consultation and dialogue to a much greater extent than in the past. The implementation of Agenda for Change has also been facilitated by the development of a stronger role for trade unions through increased management-trade union dialogue. Such is the nature of the turnaround that has taken place that the Trust

has become a model 'reference point' in the development of partnership for other Trusts. Trust managers and union representatives are often called upon to provide advice to Trusts who are also attempting to improve employer-trade union relationships.

Acas was identified by both parties as an important intermediate body that facilitated dialogue and supported cultural change in a wholly objective manner. Representatives described how Acas advisers brought support, trust and expertise to the emerging relations between trade unions and managers. As the Unison representative explained:

"(The Acas project) has built a foundation to move forward on the working lives for our relief staff, for full time staff. And we've now got the JNCC firmly established as the main staff conduit to the head of the organisation on a formal basis."

In summary, improvements in the employee relations culture have led to greater management-union dialogue. The Acas project has also facilitated substantial changes in working patterns and brought part-time staff closer to the strategic concerns of the Trust. This has meant that human resource planning is clearer and more consensual in nature. Levels of commitment from part-time staff are, according to the trade union representative, higher than in the past. And key stakeholders have taken a joint approach to managing the implementation of Agenda for Change, with trade union representatives reporting that they now feel that they have some ownership over its development.

Case 4: North Lincolnshire and Goole Hospitals NHS Trust

A case study of how Acas helped to improve the effectiveness of an NHS Trust's Joint Consultative Committee, and how this had a broader positive impact on staff-management relations, staff relations across sites, and the culture of consultation at the Trust.

The background to the case

North Lincolnshire and Goole Hospitals NHS Trust (NLAG) is an Acute Trust formed in April 2003 as the result of merger between Grimsby Trust and Scunthorpe and Goole Trusts. It employs 4,700 people and recognises the full spread of NHS unions, with Unison having the largest membership.

Following the merger, a new senior management team was appointed, many of whom had previously held senior positions at the Grimsby site, most notably the Chief Executive of Grimsby Trust who became the Chief Executive for NLAG. Management and union styles and employment relations traditions had been radically different at the Grimsby and Scunthorpe/Goole sites. At the Grimsby site, employment relations was characterised by a high degree of partnership between management and unions, whilst at the Scunthorpe site, employment relations were more confrontational, with low levels of trust between management, unions and staff. This was explained in detail by the Director of Human Resources and Organisational Development (HR and OD) for NLAG and the lead Unison representative (below, respectively):

"When we merged we discovered fairly rapidly that we had a very different relationship with staff-side at Scunthorpe and Goole ... perceptions were that there had been a very different management culture at Scunthorpe and Goole in the past, which appeared to have resulted in the staff, the trade union feeling that they weren't genuinely involved in any sort of consultation, that things were imposed against their wishes. ... As a management side, we immediately moved into this environment ... of quite explicit lack of trust. They (the trade union) would sit at meetings and say 'We don't trust you, why should we trust you?'. Which was quite extraordinary in the culture that we'd come from, and very confrontational, and very inclined to step into formal procedures at a drop of a hat."

"We'd got totally different backgrounds and industrial relations styles. Where on the Grimsby site we'd always been more of a partnership approach, the Scunthorpe site was very much a traditional 'us and them' confrontational style ... There was a culture of Scunthorpe reacting to a management decision, where in Grimsby we wouldn't have had that because we would have had the dialogue and informed that decision making process ... (Scunthorpe) were given the final conclusion and ... they would react to it, because they'd not know anything about it and so everything went formal, very quickly."

The climate of employment relations at the Scunthorpe site, it seems, was set by the Chief Executive whose management style was seen by trade unions at both sites and management at the Grimsby site, as "dictatorial" and "controlling". This set the tone for a prevailing management style of very low levels of consultation and a culture of 'them and us' adversarial management-trade union relations. Moreover, no facilities agreement existed for trade union representatives at Scunthorpe, in contrast to the Grimsby site.

A new Joint Staff Consultation Committee (JSCC) was established, post-merger, to represent and encompass the interests of all the previously disparate sites. The most pressing priority was the need to establish a harmonised set of employment policies and terms and conditions across NLAG. Yet the effectiveness of the JSCC was hampered by the legacy of adversarial employment relations at the Scunthorpe site. Not only was there a high degree of mistrust from the staff-side at Scunthorpe towards NLAG management, but there was also tension between the unions at the Scunthorpe and Grimsby sites. As the Director of HR and OD for NLAG and the Unison representative explained (respectively):

"What we encountered very quickly was tension between the two pre-existing staff-sides. The Grimsby staff-side had an established way of working with us which was very much partnership working. I'm not suggesting there was never disagreement, of course there was, but there was a high level of trust between us. From the Scunthorpe end, my understanding ... was that was perceived as (Grimsby) having sold out to management, so there was a strong reaction by the Scunthorpe and Goole staff-side against the Grimsby staff-side and no trust between them."

"The friction was between the two staff-sides and the friction was between the two sets of management ... and there was a lot of Scunthorpe (staff) would tell you one thing and Grimsby would tell Scunthorpe something else and it took a long, long time before we settled into a united staff-side."

These tensions were 'played out' in the JSCC, thereby rendering it ineffective as a forum for joint decision making. Attendance at the JSCC was very high as staff-side representatives sought to ensure that their interests were fully represented. More significantly, union representatives from Scunthorpe openly voiced their mistrust in management. The process of harmonising terms and conditions proved difficult, as Scunthorpe representatives had completely different perceptions of the nature of specific policies from their Grimsby counterparts. An example of this was the attempt to introduce a standardised sickness policy. As the Director of HR and OD for NLAG explained:

"At North East Lincs (Grimsby) we had a sickness policy that said when somebody is off sick for more than four weeks the manager has a responsibility to be communicating with them, to get them occupational health, making sure that all the support that they need is in place. The Scunthorpe one didn't say anything like that. When we commenced the discussion there was an immediate reaction from the Scunthorpe end that if a

manager was going to be communicating with a member of staff whilst they were at home sick it could only mean one thing ... it was seen as harassing a member of staff. That was just an example of how the same words on a piece of paper were interpreted as opposite ends of the spectrum."

The wider ramifications of this were exemplified in a pre-merger staff survey that revealed "grave differences between the two sites" (Unison representative). The impact of this on the effectiveness of the JSCC was outlined by the Director of HR and OD and the Unison representative (respectively):

"We'd agreed pre-merger to set up a joint JSCC ... and we'd involve all staff. What immediately happened was that all the staff-side members ceased to be comfortable with their colleagues' representatives, so that ... every JSCC (meeting) was attended by every single staff-side member ... and every person felt that they needed to express their own personal view ... there was much conflict between staff-side chair (from Grimsby site) and staff-side secretary (Scunthorpe site) ... there was conflict at every level really ... I remember the day we sat at JSCC and one of the more influential staff-side members said 'I don't trust you, I have no reason to trust you when you say things', which (was) a death knell really, in terms of progress."

"They (Scunthorpe union representatives) wouldn't agree on a single thing. To get up and walk out of the meeting half way through was not an uncommon occurrence from the Scunthorpe staff-side's point of view, they just did it all the time ... they seemed to not want to work in partnership, not even with the staff-side."

In practical terms, perceptions of management intent amongst the two staff bodies were important. As the Director of HR and OD explained, the view in the Grimsby site was that the Human Resources Directorate was there to advise individual staff, while at Scunthorpe, HR was explicitly seen as a "management tool", where "HR do not advise members of staff; if members of staff ring in, they are told to go back to their manager and HR will support the manager". More broadly, there was a perception amongst staff at the Scunthorpe site that there was a high level of bullying and harassment of employees by managers.

It was in response to this perceived problem that the Trust first sought external assistance and support, via a successful application to the DTI Partnership Fund. The funding was in response to an internal survey that revealed high perceived levels of bullying and harassment amongst staff, despite the fact that in reality the Trust had no higher levels of bullying and harassment than other parts of the NHS. The DTI money was earmarked for training in bullying and harassment, but it also provided the platform for a change of attitude amongst Scunthorpe representatives towards more cooperative approaches to employment relations. This was to prove the stimulus for the approach to Acas.

Both the Director of HR and OD and Unison representative saw the potential benefit in seeking the assistance of an external facilitator. There had been some previous contact between Trust management and unions and Acas, and so Acas was

approached again. According to the Director of HR and OD, this was because, in comparison with other advisory or consultancy organisations, Acas' reputation as a neutral body meant that the staff-side would be more likely to agree to their involvement. Whilst there was some concern on the management side about whether the poor climate of employment relations in the organisation would allow for a positive intervention, both management and union representatives saw the Acas intervention as a potential signifier of progress towards a more cooperative working relationship. As the Director of HR and OD observed:

"Well it wasn't a risk ... it wasn't working, so I don't think there was a fear that it was going to be made worse. But it was probably very constructive, if nothing else, that we jointly agreed to do something to address it. That's probably one of the big steps at that stage of the process."

How did Acas help?

Following the initial approach to Acas and a number of telephone conversations with key management and union representatives, the Acas adviser convened a meeting with the then Director of HR and staff-side chair. At the meeting, the perceived problem was outlined and the different cultures and management styles in NLAG were described. Whilst there was clear agreement on the need to do something to improve the effectiveness of the JSCC, it was agreed that the actual approach to be adopted by Acas be kept open until Acas observed a meeting of the JSCC. As the Unison representative explained:

"I think he (the Acas adviser) needed to get a feel of what the issues were and ... he came with two colleagues and sat in a JSCC as an observer, and then ... the HR team stayed behind with staff-side and we talked through his thoughts from the JSCC, which were ... that there were two camps within the JSCC, there were those who were prepared to reason and there were those who were saying, "No, outright confrontation". And so that was what we had to focus on (if) the staff-side ... were going to work together."

The divisions between JSCC representatives and the impact this was having on the committee's operation were immediately apparent to the two Acas advisers who observed the meeting. A number of other interesting observations emerged from the meeting. Advisers recounted how, when managers joined the JSCC after the staff-side pre-meeting, none of the staff-side members made room for them to sit around the table. Further problems resulted when members raised minor issues which should have been dealt with outside of the JSCC structure, and when members 'suddenly' introduced new topics for discussion which committee members were not prepared for or had not been briefed about in advance. Time management was a problem, with discussion running over time to the point where some agenda items were not able to be discussed. An adviser concluded:

"(The meeting) was a waste of the unions' time because they wouldn't get anything out of it and management saw it as a waste of time, only HR people were coming, operational people were not coming, and that influenced the

debate because suddenly an operational issue would be tabled by staff-side and HR was not able to respond. So there was agreement that they could do better."

This perspective was corroborated by the Director of HR and OD who noted that "Acas observed, and I recall their comment afterwards was, 'The meeting is consisting of point scoring, not problem solving', which was true".

It was agreed that Acas would hold a series of 'information gathering workshops' to elicit management and trade union views on why they thought the JSCC was ineffective, their underlying concerns, and the actions needed to move the Committee forward. Three half-day workshops were held with separate groups of management and union representatives at Grimsby and Scunthorpe. At each meeting the Acas adviser set a framework for the session around participants' concerns, what they thought worked well, and what didn't work well. The adviser asked participants to look at these points specifically from their (management or union) position and evaluate how they could work more effectively within the JSCC. Both management and union representatives noted that they were apprehensive about the workshops. The Unison representative had concerns that the staff workshops would be poorly attended, whilst the Director of HR and OD was concerned about the issues that might be raised. As she explained:

"There were concerns about how the staff-side one would run because we (management) perceived relationships as being so difficult that we felt that was going to produce some troubling outcomes, which in fact wasn't the case."

Despite these concerns, the meetings appear to have been productive. Each meeting concluded with a summary of perceived problems and means by which each party could change their actions to address the problems. According to the Acas adviser the workshops identified issues around communication, union facilities, and the JSCC's "size, membership, timing and purpose".

A one-day joint workshop was then convened at which the anonymised findings of the information gathering workshops were presented, and the key issues were unpacked and examined. The workshop was attended by 60 people and held in a neutral venue. The first half of the day was dedicated to feeding back the findings of the separate workshops and achieving consensus amongst the group around three key issues that needed to be tackled: behaviours/principles, communication, and organisation/structure. In the afternoon, the group engaged in a series of problem-solving activities related to these three areas. Principles for improving the effectiveness of the JSCC were discussed, agreed and drafted into an action plan. A key concern of the Acas advisers facilitating the workshop was to differentiate between processes of negotiation and consultation, and to discuss how the JSCC might focus on the latter rather than being the forum at which the minute detail of issues were negotiated. This perspective did not go unchallenged, as the Acas adviser explained:

"We ... made reference to consensus decision making and consensus-building in terms of the JSCC as a body, but it's not negotiation ... kind of introducing those concepts as being part of the behaviour principle ... not 'Take it as an issue to put a stake in the ground, because this is consultation and you're not in negotiations here'. There were some challenges from the Scunthorpe population ... it was a challenging intervention because it reflected how their forum had historically been conducted ... but this is what the JSCC is ... you're not in a JNC (Joint Negotiating Committee)."

The overall perspective of management and trade union participants was that the workshop was productive and perhaps not as difficult as it could have been:

"What was memorable for me was that in the early discussions with the two separate groups, what they identified was that we both wanted the same thing. And that was very clear. Because the joint meetings, which I had anticipated as being rather difficult, weren't – they were surprisingly amicable".

(Director of HR and OD)

At the end of the workshop, the group agreed on a statement of principles relating to how union-management relations should be conducted and how information should be disseminated and respected. As the Unison representative noted:

"We went on to look at how we expected each other to behave and came up with a list that we would adhere to, that we would treat everybody as we wanted to be treated ... That they (management) would share information, that we (union) would be careful who we shared our information with in the initial stages of consultation ... It ended with a formal sheet, an agreement on how we were going to treat each other, and what sort of information was going to be shared and how we were going to approach consultation and negotiation in the future."

A number of internal information channels were used to inform the Trust's workforce about the aims and progress of the Acas-facilitated project. Acas' involvement with the Trust was discussed at a Unison branch meeting and short articles were included in both the Unison and Trust Newsletters. The aim of this dissemination, according to the Head of HR and OD, was to "emphasise the productivity of developing partnership working in everybody's interests".

The outcomes of the project

As a result of the workshops and the new mode of 'joint working' instilled in the Trust, the JSCC is now a more effective and efficient forum. Firstly, the number of people attending the JSCC has been halved from 28 to 15, a process that was introduced over a transitional period. The significance of this is that different groups, particularly on the staff-side, are now happy for others to represent their interests (that is, more senior branch officials now attend, rather than every shop steward).

Secondly, the JSCC is now less likely to spend time on tangential issues, and there has been a marked improvement in the planning of agenda and the minutes drafted, following meetings. The improvements in the JSCC were noted by both management and union. The HR and OD manager noted that one of the outcomes of the Acas intervention was a greater focus on the core 'strategic' issues that should be discussed at the JSCC, and a move away from dealing with operational problems in that forum. It was agreed that day to day problems should be dealt with as they arose, on a day to day basis, and in a more informal manner than in the past. The manager felt that they had successfully accomplished this shift in focus. The Unison representative also pointed to a shift in the behaviours of those attending JSCC meetings:

"(Union representatives) don't get up and walk out any more, and we can have a constructive dialogue – and we do disagree – and (committee members) are very proactive now in reaching conclusions and outcomes that are suitable for us all."

The Unison representative noted that some problems with the Scunthorpe constituency remained and that specific issues still needed to be resolved by management and unions within the Trust, such as the implementation of the trade union facilities agreement, and demands posed by the Agenda for Change programme. However the chair described how relations between the staff-sides had improved: "We (union-management) can now work together because the staff-side now work really quite well together". There were also tangible signs of broader improvements in consultation, partnership working, the harmonisation of policies and conditions, and staff-management relations across the Trust:

"The fact that they (management) ask us for an opinion is the key to it. If they didn't, there would be an issue, but they've got into the habit now ... and it does work, because the Chief Executive will ring me now and say, 'I'm thinking of ... do you think staff-side would agree with that?'. He would never have done that before, not for any reason other than he wouldn't have thought to do that before."

(Unison representative)

"On the whole ... we've got good partnership work and a pretty strong degree of trust ... we work to varying degrees of closeness with all of staff-side outside of meetings ... we did the bulk of the employment policies at the beginning (following the workshops) but we continue to work on new policies and so forth on a regular basis. It's very good now. There's much more trust within the staff-side, they seem much more comfortable together."

(Manager of HR and OD)

Four months after the joint workshop, Acas returned to discuss and evaluate progress at a meeting of the JSCC. The impression of the Acas adviser, after observing the meeting, was that the effectiveness of the JSCC had improved considerably, and that the committee was now:

"... totally different. I put forward an open question, 'How have things gone since we had the workshop?' And (answer given) 'It's helped us understand where we're coming from, it's helped us to understand the issues that we need to be debating, we're not saying that we're there yet, but it's looking good'."

This assessment was confirmed by both management and union participants, who believed that Acas' involvement had expedited the process of bringing management and union sides together. The HR and OD manager noted, of the Acas intervention:

"I think largely you have to measure it on outcome, and the outcome was very good. I think (Acas) being seen to be independent and impartial was probably critical in getting staff-side commitment."

Moreover, satisfaction with Acas' involvement has since resulted in the Trust inviting Acas to assist and advise on a number of issues since the intervention took place.

Case 5: Wolverhampton City Primary Care Trust

A case study of how Acas helped an NHS Trust improve relations between management and unions and get a suspended partnership agreement back on track.

The background to the case

Wolverhampton City Primary Care Trust was formed in April 2002 following a merger of the Wolverhampton Health Care Trust, the local Health Authority, and local Primary Care Groups (PCGs). Its central remit covers the direct provision of care (such as child, family and rehabilitation services) and the overall commissioning of care. It employs around 2,000 direct staff, and has recognition agreements with 11 NHS trade unions. Following the formation of the PCT, a new Chief Executive and senior management team were appointed, and a series of organisational changes and contract renewals were initiated as part of a process of standardising policies and procedures across the new organisation. Whilst the management of the PCT claimed to be committed to managing change through 'partnership' and staff involvement, the formation of the PCT and subsequent restructuring process was to challenge the sustainability of a pre-existing partnership agreement established at the old Wolverhampton Healthcare Trust.

In the late 1990s the climate of industrial relations in the Healthcare Trust was adversarial, with an AEEU staff convenor in control of the staff-side who ascribed to a traditional model of adversarial industrial relations. This led to tensions between his approach and other unions in the Trust, and fostered a view amongst the HR director and the chief executive that a different way of working was required. Recognising this, the staff convenor, various other trade unions and senior management approached Acas to run a series of large group workshops designed to foster a more 'partnership'-focused approach to management-trade union employment relations.

Through Acas' assistance and DTI Partnership Fund support, a Partnership and Staff Involvement Agreement was eventually concluded between the Trust's management and staff-side trade unions. Given the history of adversarial industrial relations within the Trust, this was perceived by both management and unions to be a significant achievement and led to a concerted drive to increase staff involvement throughout the organisation. The staff convenor also took on an additional role as Partnership Facilitator. As the HR director explained:

"The culture that was beginning to build and evolve, it was a very productive one. We didn't always get things right but it was learning on both sides ... there was lots of regular open dialogue at most levels."

However, the sustainability of the agreement was to become seriously threatened by the subsequent restructuring of the Trust and its evolution from a Health Care Trust to a Primary Care Trust (PCT) in 2002. The HR director described the situation:

"There was, trying to bring three PCGs, a health authority and Community Trust together in one organisation, all sorts of organisational change issues, both in hard contractual terms and also in softer terms ... and people came to the table with very different history, baggage and expectations."

The merger process meant that the new Chief Executive and senior management team that were appointed had no experience or 'ownership' of partnership working within the Trust. There was also a question mark over the commitment of middle management to the partnership approach, as the Acas adviser noted:

"Middle managers were finding partnership a very difficult way of working, particularly when it came to running their department ... some of them might have felt threatened ... it removed their authority as managers if they're asking people to participate in decision making."

Whilst the union recognised that this was a problem amongst a minority of managers, trust in the partnership process was beginning to erode more generally, as the unions started to believe that they were being 'sidestepped' with regard to important decisions. As the staff-side secretary/Unison representative noted, "Instead of (management) bringing things through the official channels, notifying us of what was happening, consulting with us, we were finding out through the back door". The problem was recognised by the HR Director:

"In the summer of 2003 the staff-side were feeling that they weren't being fully engaged in all of the changes that the organisation wanted. So that led to two or three situations where ... the staff-side were not feeling that they'd been involved."

Matters came to a head in September 2003. As the Unison representative explained:

"We found out that one of the services was to be put out to tender. There'd been no consultation, no nothing, none of the staff-side or anybody else knowing about it. Protocols should have been followed and they weren't and that was what brought everything to a head."

The initial response of the then staff-side chair was to terminate the partnership agreement. However, in consultation with other union colleagues, a decision was made to suspend the agreement. In practice, this meant that the union would continue to attend the formal Trust Negotiating Committee, but there would be no further engagement in partnership working and the staff chair would not occupy his seat on the Trust Board. Given the momentum that had developed in relation to partnership working, this was perceived by both the management and trade union side as a major setback.

"We were really concerned that all this good work that had been happening for three years ... had gone ... (the union) wanted some breathing space and also to openly be able to review in particular the directors of the PCT, people's commitment and expectations. It was never about trying to bring the

organisation to its knees, it was more about trying to redress the balance between the different parties."

(HR director)

Despite the suspension of the partnership agreement, both trade union and management representatives claimed to be committed to the principles of working in partnership and recognised that something needed to be done to get partnership 'back on track'. Accordingly, after informal discussion between management and trade unions, the staff-side chair approached Acas to help the Trust improve the effectiveness of its partnership working.

How did Acas help?

Following the initial approach, the Acas adviser who had been involved with Trust in the initial formulation of the partnership agreement arranged a meeting with the Trust's HR director and the staff-side chair. During the meeting, the Trust's Partnership and Staff Involvement Agreement was explained to the adviser, the issues surrounding the suspension of the agreement outlined, and the possibility of an away-day facilitated by Acas was suggested. Ever since the suspension of the agreement, informal discussion and "some repair work" (HR director) had been taking place between the staff-side chair, HR director and the Chief Executive. A clear view had emerged as to what was needed to get the agreement back on track, and the role that Acas could play as part of this "recovery programme" (HR director). The HR director recounted the meeting:

"We discussed [with the Acas adviser] what we wanted to get out of the day, which was us being clear about what the outstanding issues were and how we were going to take the lead, what was good, what was frustrating, have a look at the commitments and the value of this document [the partnership agreement]. You know, did they (management and union representatives) understand it, did they believe that it happened, did it need to be reworded in some way, or what do you do instead?"

The Acas adviser then went away and came up with a suggested format for the away day. Whilst the management and staff-side chair had a clear view of what needed to be done, the Acas adviser suggested that it was important for the workshop not only to explore the immediate issues relating to the suspension of the agreement, but to review the underlying "values, principles and barriers to partnership working". As the Acas adviser explained, this was essential given the change in personnel that had occurred as a result of the formation of the PCT:

"What we wanted to make them do is to look at their definition of partnership and also ... their philosophies and values ... so that we could try and get some common understanding amongst the group of people who were there, rather than the group of people who had come up with the definition. We wanted to ... see whether they could still sign up to that definition, because we felt that

there were so many new people there that the first step is that they should all gain a common understanding of what they were talking about."

A key objective of the workshop was to reach a joint acknowledgement of the need to, at times, 'agree to disagree'. For the HR Director, "It was important to acknowledge that disagreements would arise", but the issue was "how people behaved during those times". The principle itself was included in the original agreement, but for the Acas adviser it was something that needed to be fully discussed and recognised if the partnership approach was to be sustained. She had some doubts whether all management participants recognised the significance of this. But despite the views of some managers that the principle should be taken out of the agreement, it remained in place.

The half day workshop was attended by 25 representatives of the trade unions and management (including all directors of services), and was described by participants as very effective in reviewing the shortcomings of the Trust's existing partnership agreement. Despite the breakdown in trust that had led to the suspension of the agreement and the conflicts that had resulted following its cessation, all respondents agreed that the workshop itself was productive and relatively free of tensions. The HR director attributed this to the informal discussions between key union and management representatives that had taken place following the suspension of the agreement. In her view, these informal discussions had reinforced the commitment of key senior figures to the partnership process and meant that participants were more open to discussing difficult issues:

"There were some healthy debates. Everyone around that table was committed to improving involvement. And actually the easy part of that day for people was looking at the values and at the aims of the policy. But the more challenging part of the day was when we talked about how we are going to deal with difficult issues. How, when things are getting heated, do we keep the dialogue going?"

The workshop began with a statement by the Chief Executive and the staff-side chair on the benefits of partnership working and the commitment of both sides to the principles of partnership. Acas advisers then facilitated the remainder of the workshop. By the end of the workshop the partnership agreement had been re-written and "agreed to, there and then" and an action plan for implementation was formulated. This outcome was perceived very positively, as the staff-side secretary/Unison representative explained:

"Both sides wanted the partnership to work again and that was made clear from the beginning. And when we talked everything through, how we all felt, that's why I came out feeling so positive, because both sides felt the same."

Following the workshop, the revised partnership agreement was put before the Trust board and subsequently approved.

The outcomes of the project

Both management and trade union representatives felt that the partnership agreement would not have been sustained without Acas' involvement. Whilst discussions had been taking place internally following the suspension of the agreement, the HR Director suggested that she was "not sure if the organisation would have moved forward without Acas". Indeed, as the Unison representative noted, "If Acas had not got involved there would have been a very high likelihood of a dispute", with the partnership agreement "going into termination".

Following the approval of the partnership agreement by the new Board, partnership has been rolled out across the PCT and, according to management and union representatives, appears to be working effectively. As the Unison representative noted, "Since [the workshop], things did get back on track, things have worked a lot better'. In order to ensure that the message of the Acas workshop was firmly instilled across the organisation, a further round of 'working together' training sessions were delivered by senior union and management representatives. The sessions were specifically aimed at educating line managers about the principles and values of partnership.

That the partnership approach is back on track is evident in the way the organisation is dealing with the implementation of Agenda for Change. A series of joint project boards have been set up to tackle specific aspects of the programme and a number of staff 'away-days' have been held to inform and engage staff about the nature of the programme and its likely impact within the organisation. These have involved joint presentations from management and union representatives. There is also a broader recognition amongst both management and union representatives of the need to share information about Agenda for Change. This positive contribution to the process of implementing Agenda for Change was endorsed by both management and trade union representatives:

"We've got true engagement ... we've had joint training with managers and staff-side representatives, and they deliver training jointly. It's a lot of joint ownership ... [it's a] momentous process of organisational change, and to do that you need to bring everyone along with you. What this process has done, by reinvigorating the principles of partnership, means you've been able to do that through joint processes."

(HR director)

"The partnership is much more positive now, with Agenda for Change we have to work in partnership anyway. ... as a PCT we have noticed the difference between our PCT and other Trusts and PCTs that are having to implement Agenda for Change and use partnership ... for the first time. We are so far ahead of those PCTs in the amount of work we've done."

(Unison representative)

The HR Director described how "there is a general understanding in the workforce of what is happening and why – they are well informed". This sentiment is echoed by the Unison representative, who claimed that the extent of partnership working "was years ahead of other Trusts" in terms of how information is shared openly. Indeed,

the robustness of the agreement was tested in early 2004, when the PCT was faced with a difficult financial position. For the HR Director, whilst this was not a "straightforward" matter, there was an "open dialogue" about the problem and the partnership approach was not disrupted.

In summary, the case study shows the value of Acas workplace projects in sustaining partnership working in the context of organisational change. Both management and union representatives saw the benefit of Acas involvement in "bringing two parties with the same idea back together" (Unison representative). The Unison representative described how "impressed" she had been with Acas, and the director of HR claimed the organisation would use Acas again "with no hesitation". Following the Acas intervention, partnership working in the Trust is working effectively and is providing a platform for implementing Agenda for Change.

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