

An Acas project at Craven and Harrogate PCT to improve consultation, negotiation, and workplace relations

This case study illustrates how Acas helped an NHS Trust improve the effectiveness of its negotiating and consultation committees¹.

The Challenge

Craven and Harrogate and Rural District Primary Care Trust (PCT) was established in April 2002 through a merger of local NHS provider services. It employs around 700 staff and provides services to a population of 209,000 people across a large rural area. The PCT recognises a wide range of NHS unions.

Following the merger, the HR department approached Acas, who helped the Trust to set up a Joint Negotiating and Consultation Committee (JNCC) which alternated between negotiation and consultation on a monthly basis. A new senior management team was employed, and the complex process of harmonising HR policies and terms and conditions began. However, it soon became clear that the JNCC was not working as well as it should have been. The process of harmonising policies and terms and conditions was stalling and there were concerns amongst management and trade union representatives about the Trust's ability to effectively implement the looming Agenda for Change pay modernisation programme.

The JNCC was ineffective for several reasons. Firstly, the purpose of the committee, and in particular how matters for consultation and negotiation were differentiated, was not well understood. This was partly because many of the managers appointed after the merger had not been involved in initial discussions about the establishment of the JNCC. Secondly, there were some tensions between JNCC members, both between unions and in terms of management-union relations, and union representatives noted a lack of experience amongst new managers in dealing with trade unions. Thirdly, and relatedly, the more ineffective the JNCC became the more attendance suffered, as representatives saw little point in attending meetings.

The ineffectiveness of the JNCC meant that it was losing credibility. For management, the main problem was that issues that should have been dealt with by line managers were being brought to the committee for formal consideration. This approach was pursued by union officials in certain 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.

Against this backdrop, it was decided jointly by management and the unions to approach Acas to help them improve the JNCC. Acas was approached because they had previously advised the Trust about setting up the committee, and because it was felt that an "objective" employment relations expert was needed to "facilitate a middle ground" between management and the unions.

How Acas helped

It was agreed that Acas advisers would work with the Trust over a nine month period to periodically observe the JNCC's effectiveness and to hold three half-day joint workshops involving management and union representatives. The main objective of the Acas project was to get the JNCC working in order to implement Agenda for Change. Key to this was: promoting joint understanding about the aims of the committee, and improving its operation; distinguishing more effectively between negotiation and consultation; and promoting the wider adoption of a partnership approach to union-management relations.

The first Acas-facilitated workshop was designed to identify the key issues hindering the effectiveness of the JNCC, and enable management and union sides to air their views and concerns. The main management concern was the operational effectiveness of the JNCC, whilst the union was more concerned with broader issues relating to communication and consultation. Nonetheless, the joint session revealed that management and union representatives shared many similar concerns, which were drawn out by Acas advisers and worked on by the group, to develop solutions. The key overall issue to emerge related to the meaning of consultation and negotiation and how the two ways of working should be differentiated within the JNCC. The group reached a decision to look at separating the JNCC into a Joint Negotiating Committee (JNC) and a Joint Consultation Committee (JCC).



A second workshop was then held to develop the terms of reference of the new committees and explore the general principles of joint working and joint problem solving. 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 committees. This was further elaborated in the third workshop, which was integrated into a meeting of the JNCC and focused on reflecting on progress and agreeing an action plan for the future. This 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 benefits: more effective consultation and negotiation

Both management and union representatives agreed that the Acas workshops had been well facilitated and that the group had worked very productively together. A key tangible outcome of the workshops was the separation of the JNCC into the JNC and JCC. Within the new structures, the same group of staff-side (union) representatives attended both committees, while management representation was structured so that Directors of services attended the JNC, whilst the CEO and other senior managers attended the JCC. Significantly, in the view of the CEO, there is now a "great clarity of purpose for the different meetings". Meetings now run to time with agendas which cover pertinent issues, and they are well attended and positive in tone.

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's focus is on recruitment and selection issues (including 'top up' salaries) and local issues such as mileage allowances, whilst the JCC's focus centres more on changing practices (such as flexible working and childcare arrangements) and the implications of new service contracts.

The impact of the project has resonated more broadly in terms of day-to-day employment relations and the way that workplace problems are dealt with.



Minor problems and grievances are now taken to the appropriate line manager, rather than going straight to the formal committee. There also appears to be a greater appreciation, according to the Unison full-time officer (FTO), of “each other’s perspective”, and both management and union agreed that whilst more could be done, communication in the Trust has improved. After each JNC and JCC meeting a short note is now circulated to staff, updating them on discussions. Such improvements in communication were important in laying a platform for the partnership approach needed to implement 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 overall 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'."

Both management and union representatives were highly positive about the outcome of the Acas intervention and the role played by Acas. Both 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. 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”. She 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."

¹ This case study is based on interviews carried out with Acas advisers, and trade union and management representatives at Craven and Harrogate PCT as part of Acas’ evaluation programme. We are grateful for their assistance and reflections on the project. A more detailed version of this case study may be found in Acas Research Report 06/05 'Acas in the NHS: Helping improve employment relations in response to 'Agenda for Change'".

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