



Union Helps Branch Members Win Compensation

UNISON have helped five of our members formerly employed at Glenside Manor Hospital by Raphael Medical Ltd win almost £20,000 in compensation. This comes after Raphael took over Glenside hospital in late 2017 and then failed to apply the Transfer of Undertakings Protection of Employment Act which obliges new employers to protect staff terms and conditions as a result of the transfer of services. Raphael Medical tried to argue that they were not taking over

Glenside, but had merely acquired it as a going concern, even though it was blatantly obvious that after the transfer that the owners of Raphael Medical were making all of the key employment and service decisions at the hospital.

Crucially, because Raphael did not believe that TUPE applied, they failed to consult staff about the transfer and we believed that that was a breach of the law. After liaising with our members at

Glenside, a group of them signed up to a collective claim and after a lengthy tribunal process and hearing at Southampton, the judge ruled in our favour. Our solicitors, Thompsons, then secured an out of court settlement and a significant financial compensation payment was made to these members.

This outcome helps yet again to demonstrate the value of UNISON's support and legal services to our members.

Closure of Glenside

The branch, through our lead steward Mark Wareham, has been assisting a large number of our members after the closure of Glenside Manor Hospital at South Newton was announced in July this year. Over 200 people employed at Glenside were given notice of redundancy and told that they were not to attend work during their notice period, because there was no longer any work for them to undertake after all of the patients were moved off site to other providers. After poor recent reports from the CQC, the Clinical Commissioning Group decided to withdraw work from Glenside and Raphael Medical then put the hospital into 'solvent administration'. In Mark's opinion this closure was sadly the result of the management approach of the owners who took over the hospital in 2017. He says: "as soon as Raphael Medical, owned by Mr Gerhard Florshutz, took over Glenside we became aware of poor management culture and we have been helping members tackle issues there ever since and I think this sadly resulted in a reduction in quality of clinical care and led to the closure. The first we heard of the transfer was when a group of Occupational Therapists contacted us to seek support because Raphael were trying to impose new working practices on them without consultation. A formal grievance was upheld and management did agree to a consultation, but sadly they did not listen to staff and imposed many changes anyway resulting in a lot of staff leaving employment at Glenside. We then became aware that Raphael Medical were

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failing to honour TUPE Regs [story on page 1] and so we helped a number of our members challenge that and help them protect their rights. During the consultation with the OTs we also became aware of comments made by Mr Florshutz about him 'no longer respecting' his employees if they joined trade unions, which I thought was a disgraceful thing to say but showed that the new management were not above bullying staff due to trade union membership and that they really did not care about their employees being protected and supported. Instead, in my opinion, Raphael adopted an exploitative approach to running services at Glenside and this included hiring immigrant staff via agencies and forcing them to live on site so that they could control them through poor rights and tied accommodation. The closure of Glenside upset me because it affected a large group of our members who were dedicated to caring, but in fact the CQC reports and closure came as no great surprise in the end due to the appalling way that Raphael were treating staff at this establishment. I contacted our local Tory MP, John Glen, about lessons to be learnt from this failure of a private sector health care provider, but I have no faith at all that he cared about the complaints about the profiteers who ran this hospital."

As we went to press the branch are still in contact with a group of members who are former employees of Raphael Medical about potential legal claims around payment of accrued annual leave and redundancy consultation.

SubCo—no news is good news

Since 'pausing' the project to set up a new subsidiary company for Estates, Facilities and Procurement services late last year, all has gone quiet and management apparently currently have no plans to resurrect this project at this time. However, despite promising to give us at least three months notice of any transfer to a new subco, management have not been willing to state that they will never set it up and so until they do we remain ready to relaunch our campaign, including a strike ballot, if we have to take such action.

Band 1 Reprofiting Success at SDH

The vast majority of former band 1 employees at Salisbury District Hospital have now moved onto jobs on band 2, thanks to the 2018-2021 pay agreement achieved by UNISON and other NHS unions. Band 1 closed on 1st December 2018, but existing band 1's at that point had the right to either remain in their band 1 roles, or to move to other jobs at band 2 and at SDH almost all staff in catering and housekeeping / portering agreed to move over. Lead NHS steward Mark Wareham said: "This is great news because this reprofiling will make almost 200 employees at Salisbury Hospital over £1,300 a year better off from April 2020. I am proud that our union prioritises fighting low pay and the result of our three year agreement is that we now have a higher bottom rate of pay in our service and lots of people are better off.

However there is a long way to go yet and our aim is to see all workers regain the loss in the levels of their pay between 2010 and 2019 of about 15% as well as making the lowest rate of pay in the NHS at least £10 an hour."

Branch General Meeting

All members are welcome to attend the next open meeting of the branch which takes place on -

Thursday 24th October 2019

At 6.15pm

Meeting Room 1,
Salisbury Methodist Church
St Edmund's Church Street
Salisbury
SP1 1EF

The venue is not far from the city centre bus links and is around the corner from the Salt Lane car park (free parking after 6pm).

Please contact the Branch Secretary for information, including an agenda, or for any access requirements.



National Delegate Conference Report 2019

From Branch Delegate, Denis Bangura

It was great being in Liverpool for our Conference, Liverpool was very welcoming and it was great being surrounded by our fellow comrades. This year's conference was held at the ACC conference hall down by the docks.

The first day started with the president giving one of his final speeches, he started by making fun of the controversy he caused when he tried to overrule the majority decision regarding the changes to branch funding which led to the card vote. He also mentioned how even though we have a Tory government who are hell bent on destroying the unions with all the draconian rules they have brought in, we as a union have actually grown and we are now the biggest in the UK; which is quite a comforting thought that we have the might of this big union to support us when we need it the most. But he did also say that although we have grown we still need the members to be more active in the union because without the activists; i.e. stewards, health and safety reps, learning reps etc. then we won't be able to challenge all the unfair practices that government's and employers try to pass off as modernising change.

After Gordon's speech it was down to business; the first motion discussed was about the Windrush scandal; people spoke passionately about the awful situation and how people who had being brought over to this country to help build it up after the war were then told that they had to leave the

country as they were no longer welcomed here. Even though they had been in the UK for over 50 years they were forcefully removed to countries they had left all those years at the behest of the UK government, with no family support and no money many have fallen into destitute and being made homeless. This motion called on the NEC to continue the support for members who are part of the Windrush generation, continue raising the awareness in Unison media, give branches more help to tackle the issue, and to work with other organisations to bring an end to this terrible scandal and get justice for the Windrush victims.

Another motion that was debated very passionately was about menopause and the workplace. People described how 3.5 million women aged fifty and over are currently in employment, this has meant that many women are affected by symptoms of the menopause. These symptoms include poor concentration, tiredness, poor memory, depression, feeling low, reduced confidence, and hot flushes. It was also mentioned that for a few women, 1 in 100, under the age of 40 will experience the menopause earlier. This motion wanted the menopause to be treated as a health and safety issue as employers have a duty of care for their employees under the Health and Safety at Work Act. The speakers also mentioned how these symptoms can have a significant impact on attendance at work, which can be misconstrued as a

performance issue. This motion called on the NEC to work with branches to establish examples of good practice, work with other organisations to produce training materials, to develop a Charter to highlight and offer advice, and to get politicians at a local and national level to show support for the charter.

There were many more motions ranging from Disability History Month, Public services and EU exit / protecting the peace process, curbing corporate power, and many more. It was great to hear so many speakers put their points forward, and there was even another card vote but this time it was so controversial. The conference ended with Josie Bird being elected as our new president. This is a really great event for members to attend to see how our unions work and being surrounded by our fellow comrades against the struggle.

Please check your subs payments!!

If you pay your subscriptions by direct debit rather than through salary it is up to you to advise us if your pay changes and puts you into a different subs band. It is vital that you are paying the right rate, because under our rules failure to pay the right rate can lead to arrears and failure to pay arrears would mean that the union cannot provide you with the representation and legal support when you need it. Please do contact the Branch Secretary (page 4) at any time if you want to check your subscription rate against your current pay. Thank you.

WHO'S WHO IN THE BRANCH

Chair —
Zara Salisbury

Secretary & membership—
Mark Wareham

Treasurer and Lifelong Learning—Anne Marie Fitton

Equality—Chris Webb

Women members & Labour Link—Caroline Corbin

Disabled members—Mehdi Belbahi

Black members & Health and safety— Denis Bangura

Welfare—Clare Christopher

Retired members—Dianne Bartlam & Sheila McQueen

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UNISON Conferences

If you are interested in attending any of these please contact the Branch Secretary.

Regional Young Members

1st to 3rd November 2019 in Bristol
Deadline—18th October

Lesbian, Gay, Bisexual and Transgender

15th—17th November 2019 in Bournemouth
Deadline—20th September

Black members

31st Jan—2nd Feb 2020 in Bournemouth
Deadline—9th November

Women members

13th to 15th February 2020 in Bournemouth
Deadline—to be confirmed

Health conference

6th –8th April 2020 in Brighton
Deadline—to be confirmed

2020 UNISON Diaries and Wall Calendars

We have ordered a limited number of slimline diaries and A4 calendars which are available to members whilst stocks last. These normally arrive in October, please contact the Branch Secretary if you would like one.

Membership and Campaign Stall

We are running a stall in the Springs Restaurant on Level 2 at Salisbury District Hospital on Monday 21st October from 10.30am till 2.30pm. Why not pop along as we will have membership services and campaign information as well as our usual range of freebies available to members like our ever popular stress relievers.

Deadline date for next issue—mid-January 2020

Edited by: Mark Wareham

This newsletter is published by SALISBURY HEALTH BRANCH UNISON

The views expressed in this newsletter are not necessarily those of UNISON, the branch or the editor

It is in all our interests that we have a strong union. The more members we have the better job we can do. Why not encourage colleagues to join? Please do give them the slip below and advise them to drop us a line.

Everyone needs a helping hand at work sometimes.

Joining UNISON — Britain's biggest union — gives you a voice that's heard. So from negotiating better pay and conditions to supporting you in cases of grievance or disciplinary action, advice on health and safety or education and training, your UNISON branch is there to help. And it offers a great range of extra membership benefits too.

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To join contact your UNISON rep

See above

UNISON *direct*

Or call the UNISON recruitment hotline **0800 0 857 857**

