

Industrial action by Sodexo staff at St Mary's Hospital – our position and Q&A

A message from Imperial College Healthcare NHS Trust chief executive, Professor Tim Orchard:

"I am very clear that all of the staff who work in our hospitals – whether employed directly by us or through contracts with specialist companies like Sodexo – should be part of one team. The high quality care we provide to our patients is the result of collaboration between many different people and every role is important. It's essential, therefore, that everyone who works here feels valued, motivated, and supported.

"As many will be aware, some of our cleaning and portering staff employed by Sodexo at St Mary's have voted to take industrial action, starting next week, over pay and terms and conditions.

"One of my early actions as chief executive was to respond to concerns raised by our trade unions, such as Unison and the GMB, and other partners and commit to ensuring the pay of everyone working in our hospitals is at least at the level of the London Living Wage. This has the biggest implication for our facilities management contract, currently with Sodexo, covering our cleaners, porters and catering staff. As the contract was due to be retendered, we decided to make this change part of the retendering process. We also introduced new considerations around staff welfare as part of the retendering process.

"We included the London Living Wage for all staff as a minimum requirement from day one of the new contract. We will be able to announce who has been awarded the new contract shortly and it is due to start in April 2020. Any staff currently on the minimum wage – £8.21 – will then have an increase of £2.34 per hour to bring them up to the London Living Wage hourly pay rate of £10.55.

We estimate the cost of this additional investment to the Trust will be around £4 million per year.

"We remain concerned about the impact of minimum pay for staff working in our hospitals and we are exploring with our contract partners and trades unions any improvements that could be made sooner than April 2020.

"In the meantime, I hope that the offer of ACAS mediation to resolve the current dispute will be taken up so that improvements can continue to progress without industrial action. We are confident that the operational plans that have been put in place in response to the planned industrial action will mean it does not impact patient care but we would much rather avoid any potential risk completely."

Key points:

- The Trust made a firm commitment earlier this year to ensure the pay of everyone working in our hospitals is at least the level of the London Living Wage. All of our cleaners, porters and catering staff will be paid at least the London Living Wage when the new facilities management contract begins in April 2020.
- The high quality care we provide to our patients is the result of collaboration between many different people and every role is important, so we're also committed to ensuring everyone who works here feels valued, motivated and supported.
- We remain concerned about the impact of minimum pay for staff working in our hospitals and we are exploring with our contract partners and trades unions any improvements that could be made sooner than April 2020.
- Operational plans are in place to ensure the planned industrial action does not impact on patient care and we hope the offer of ACAS mediation to resolve the current dispute will be taken up so that improvements can continue to progress without industrial action.

Q&A

1. Why does the Trust choose to provide some services, like facilities management, through third party contracts?

Third party contractors provide specialist services across a range of organisations, giving access to greater levels of experience and expertise than we have by ourselves. They are also able to benefit from economies of scale, producing efficiencies and cost savings that we would not be able to achieve by delivering these services ourselves, leaving us more money to spend on patient care.

2. Why are some Sodexo staff on different pay and terms and conditions to others – and why are their pay and terms and conditions different to those for staff employed directly by the Trust?

Some staff now employed by Sodexo have worked in our hospitals for many years and were originally employed directly by the NHS and then by earlier contract holders. When Agenda for Change terms and conditions were first introduced in the NHS, contract staff were included. Their terms and conditions have since been protected under 'Transfer of Undertakings (Protection of Employment) regulations (TUPE). Staff who joined after Agenda for Change was introduced have been appointed on new terms and conditions set by the contract holder.

3. Why didn't you specify Agenda for Change pay as the minimum pay for all new third party contracts, rather than just the London Living Wage?

Agenda for Change is a complex, nationally governed, NHS-specific, terms and conditions structure. We expect all of our contract partners to use their specialist expertise to offer terms and conditions which value, support and motivate their staff and ensure the contract provides value for money. Enforcing Agenda for Change terms and conditions would remove the ability of our contract partners to do this. In specifying an increase in minimum pay to the London Living Wage, we have acknowledged that in previous contract specifications we hadn't got the balance right between value for money and fair pay for staff.

4. Why didn't you introduce the London Living Wage as the minimum pay rate for staff as soon as you made the commitment in April 2019?

The delivery of our commitment to facilities management staff – April 2020 - was timed to coincide with completion of a planned retendering of our facilities management contract. This allowed us to include the London Living Wage as a minimum requirement for all staff from day one and find a way to build it into our budget. We estimate the

additional investment we need to make is around £4 million per year. We remain concerned about the impact of minimum pay for staff working in our hospitals and we are exploring with our contract partners and trades unions any improvements that could be made sooner than April 2020.

5. How does the Trust compare with other Trusts in the way it provides services like facilities management and on pay and terms and conditions for staff employed by contractors?

Many NHS and other public sector organisations use specialist companies to provide some services, such as facilities management. There is a widespread move, especially in London, to ensure staff are paid at least at the London Living Wage.

6. Are Sodexo staff entitled to use staff rest facilities? What are the Trust's requirements and responsibilities?

Sodexo is obliged to make sure staff have proper access to toilet, hand washing, and changing facilities, as well as the consumption of food and drink and provision of rest areas. The Trust is responsible for making sure Sodexo is meeting its obligations. All Sodexo staff have access to the rest areas provided by the Trust for all of its staff.

7. Are Sodexo staff entitled to free vaccinations, including flu vaccinations? What are the Trust's requirements and responsibilities?

Sodexo has a duty to ensure staff have had appropriate vaccinations for their role. The Department of Health and Social Care's 'Green Book' specifies the infectious diseases against which those working in a healthcare environment should be protected. The Trust's responsibility is to ensure Sodexo is meeting its obligations. The Trust is providing free flu vaccinations to Sodexo staff working in our hospitals.

8. Are Sodexo staff entitled to enough free uniforms?

Sodexo inform us that they currently provide full-time staff with three sets of uniform and part-time staff working three days a week receive two sets of uniform.

9. How will the Trust manage the planned industrial action and ensure patient care is not impacted?

The Trust is working closely with Sodexo to make sure that patient care is not affected by the industrial action. Trust staff should contact extension 35588 if they have any concerns that services are not being provided adequately due to the industrial action.