



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig an Stiúrthóra Náisiúnta, Acmhainní Daonna
Feidhmeannacht na Seirbhíse Sláinte
Ospidéal Dr. Steevens'
Baile Átha Cliath 8

Office of the National Director of Human Resources
Health Service Executive
Dr. Steevens' Hospital
Dublin 8

HSE HR Circular 009/2015

29th April 2015

To: Each Member of the Directorate and Leadership Team HSE
Each Hospital Group CEO
Each Chief Officer, CHO
Each Assistant National Director, HR
Each Employee Relations Manager
Each CEO Section 38 Agency

From: Ian Tegerdine, Interim National Director of Human Resources

Date: 29th April 2015

Re: New Public Health Nurses(PHN) Transfer Policy

Dear Colleagues

I write to advise you of the new Public Health Nurses Transfer Policy, effective from 1st April 2015, as attached.

Purpose

The purpose of this policy is to give effect to the Labour Relations Commission [LRC] proposals of the 23rd July 2014, to the HSE and INMO, to establish a transfer panel for Public Health Nurses [PHNs] on or before 1st April 2015. The attached policy has been agreed by all parties.

Policy

The Policy makes the following provisions:

- It replaces any existing local or regional system used to fill vacant PHN posts
- It provides an open, fair and transparent mechanism to allow PHNs transfer to a location of their choice, balanced with the operational needs of service provision
- All transfers will be subject to the availability of posts and the exigencies of the service
- It incorporates :
 - rules relating to the assimilation of those remaining on the 2011 Recruitment Panel

- 2014 graduates whose clinical placements were outside Dublin but accepted posts in the Greater Dublin area
- 2014 graduates not yet appointed as PHN's
- applications for transfer from staff received prior to 31st March 2015 and held locally or regionally, subject to the provision of documentary evidence of the date of application

Administration of the PHN Transfer Panel

- National Personnel Records Services [NPRS] will administer the panel, using a database maintained within NPRS, and will, in conjunction with National Recruitment Services [NRS], co-ordinate between PHNs, and Nursing Services Managers to process requests under the PHN Transfer Policy.
- NPRS will provide control and central visibility of PHN transfers ensuring standardization of process, monitoring and reporting on compliance.

Queries

Queries regarding applications and the operation of the transfer panel should be directed to NPRS as follows:-

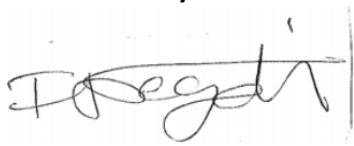
Email: nprs.phn@hse.ie

Phone: 1850 77 62 87

Post: PHN Transfers, HSE HBS, NPRS, 20-23 Merchants Quay, Dublin 8

A separate frequently asked questions document will be published on the HSE website.

Yours sincerely



Ian Tegerdine
Interim National Director of Human Resources

Public Health Nurses Transfer Policy

1.0 Purpose

The purpose of this policy is to give effect to the Labour Relations Commission [LRC] proposals of the 23rd July 2014, to the HSE and INMO, to establish a transfer panel for Public Health Nurses [PHNs] on or before 1st April 2015.

2.0 Policy

The Policy will make the following provisions:

- It will replace any existing local or regional system used to fill vacant PHN posts.
- It will provide an open, fair and transparent mechanism to allow PHNs transfer to a location of their choice, balanced with the operational needs of service provision.
- All transfers will be subject to the availability of posts and the exigencies of the service.
- It will incorporate rules relating to the assimilation of those remaining on the 2011 Recruitment Panel; 2014 graduates whose clinical placements were outside Dublin but accepted posts in the Greater Dublin area; 2014 graduates not yet appointed as PHN's; applications for transfer from staff received prior to 31st March 2015 and held locally or regionally, subject to the provision of documentary evidence of the date of application.

2.1 Scope of the policy

The policy applies to:

- 2014 PHN graduates whose clinical placements were outside Dublin but who accepted posts in the Greater Dublin area; PHN's who applied for a transfer either through a local or regional office, prior to 31st March 2015 and where there is documentary evidence that their name has been entered on such a panel; those assimilated from the 2011 National Recruitment Panel; 2014 PHN graduates, working in the system in posts other than permanent PHN posts; 2014 PHN graduates who have not been appointed to any post; and to all other PHNs who hold a permanent contract of employment, including a contract of indefinite duration, with the HSE who
 - have successfully completed their probationary period
 - have been in their current area of assignment for a minimum period of 18 months
- all posts that are approved for filling on a permanent basis

The policy does not apply to:

- Transfers on compassionate grounds/exceptional circumstances – these should be dealt with on a case by case basis through the relevant Human Resources department
- Posts approved for filling on a temporary basis
- Re-deployments under public service agreements
- Movement between grades

2.2 General Principles under pinning the policy

- The Policy supersedes any pre-existing local / regional agreements or panels
- Transfers will only be on a grade to grade basis.
- An appropriate level of experience must be maintained within each location in order to facilitate the ongoing delivery of services.
- The primary consideration will be to improve service delivery by facilitating staff transfers to desired locations within the HSE.
- Every effort will be made to facilitate the transfer of staff to their specified work location in a fair and manageable manner.
- The existence of this policy does not detract from a manager's right to assign staff within their area of responsibility.
- There may be no handover period between PHNs transferring within the organisation, i.e. replacement staff will not start until the previous incumbent has left. Normal clinical handover criteria will continue to apply.
- Any appeal concerning transfers will be dealt with under the HSE's Grievance Procedure.
- The HSE reserves the right to refuse a transfer
 - On the basis of service need and in accordance with the Employment Control Framework.
 - If a transferee is in the middle of a stage of an active disciplinary process [stages 1-4] they may not transfer. They may transfer if they are between stages or have lodged an appeal against the outcome of a disciplinary process.
- Where staff are employed on National Standard Terms and Conditions these will continue to apply on transfer. In all other cases the terms and conditions at the receiving location will apply.

3.0 Existing Transfer Panels / Local or Regional Agreements

No additions or amendments may be made to existing local panels and no further local or regional agreements may be made, as soon as this policy comes into effect.

4.0 Administration of the PHN Transfer Panel

National Personnel Records Services [NPRS] will administer the panel, using a database maintained within NPRS, and will, in conjunction with National Recruitment Services [NRS], co-ordinate between PHNs, and Nursing Services Managers to process requests under the PHN Transfer Policy.

NPRS will provide control and central visibility of PHN transfers ensuring standardization of process, monitoring and reporting on compliance.

5.0 Operation of the PHN Transfer Panel

- All PHN vacant posts, approved for filling, will be offered in the first instance to the transfer panel.
- Staff accepting a transfer must be released from their current post in accordance with HSE HR Circular 001/2015
- When an approved post is filled from the Transfer Panel there is no automatic backfill of the position, however, the vacancy will be filled in accordance with the Employment Control Framework.
- If the transfer panel is exhausted or if transfers may not be permitted as per paragraph 2.2 above any remaining posts will be filled through the national recruitment process.
- Applicants must specify the location they wish to transfer to at application stage and they may remain on the panel until they are offered a transfer to that location.
- Once offered a transfer to the specified location their name will be removed from the list. They may apply for another transfer after a period of 2 years has elapsed.
- Should they accept an offer to a different location they will retain their place on the panel and continue to receive transfer offers.
- Should a panellist, having expressed an interest in a post, subsequently decline the offer, their name will be moved to the end of the transfer panel.

6.0 Placement on the PHN transfer panel

- The 2014 PHN Graduates whose clinical placements were outside Dublin but who accepted posts in the Greater Dublin area [max 8] will be given priority on the National Transfer Panel and placed in the order of merit they achieved on the Student PHN Sponsorship Programme Panel.
- Applicants for transfer, who can provide documentary evidence that their name was included on local or regional transfer lists prior to 16th September, 2011, i.e. the date the 2011 National PHN Recruitment Panel [2011 panel] was created, will be placed next on the panel;
- They will be followed by the remaining candidates on the 2011 panel. Placement will be by order of merit on that panel.
- Applicants for transfer, who can provide documentary evidence that their name was included on local or regional transfer lists from the 16th September, 2011 and before all 2014 Graduates were eligible for registration i.e. up to 20th September, 2014, will be placed next by date of application
- The 2014 PHN Graduates who accepted posts other than permanent PHN posts or who are not yet appointed to PHN posts will follow in the order of merit they achieved on the Student PHN Sponsorship Programme Panel.
- Remaining applicants on local or regional transfer lists up to and including the 31st March 2015, who can provide documentary evidence of same, will be placed next on the panel.
- Subsequently, the date of application for transfer will be used to determine placement on the PHN transfer panel for all other panellists.
- If more than one application is received on the same date the following placement criteria will apply:
 1. Year of Qualification as a PHN
 2. Length of service of PHN as a registered nurse [first internationally recognised qualification]
 3. If application date and length of service is the same for more than one applicant their placement on the Student PHN Sponsorship Programme Panel will determine their placement on the transfer panel.

7.0 Transfer Offers

- All panellists will be notified by text or email when a request to fill a PHN post is received. All available information regarding the post will be included in the notification.
- Panellists will be required to indicate their interest in the post within a specified timeframe.
- On receipt of expressions of interest the post will be offered to the highest placed panellist.
- Should a panellist, having expressed an interest in a post, subsequently decline the offer, their name will be moved to the end of the transfer panel.

8.0 Policy Review

The continued operation, or otherwise, of this policy will be reviewed from quarter 3 2015, in light of the HSE's move to the Community Health Organisations model, and other developments nationally in relation to Workforce Planning, and to ensure it continues to be fit for purpose.

9.0 Queries

Queries regarding applications and the operation of the transfer panel should be directed to NPRS as follows:-

Email: nprs.phn@hse.ie

Phone: 1850 77 62 87

Post: PHN Transfers, HSE HBS, NPRS, 20-23 Merchants Quay, Dublin 8

Answers to frequently asked questions will be published on the HSE website in due course.

References

LRC Proposals of 23rd July 2014 following a conciliation conference between the INMO and the HSE

National Ambulance Policy November 2014.

National Transfer Policy for Management Administrative Staff

HSE Employment Control Framework

HSE HR Circular 001/2015 – Post Recruitment Release Arrangements



The Labour Relations Commission
An Coimisiún um Chaidreamh Oibreachais

Tom Johnson House
Haddington Road
Dublin 4

Telephone 01 613 6700
Fax 01 613 6701
E-mail: info@lrc.ie

Teach Thomas Mar Seáin
Bóthar Haddington
Baile Átha Cliath 4

Website: www.workplacerelations.ie
LoCall (outside 01 area): 1890 220227

Mr John Delamere
HSE

Ms Phil Ni Shea
INMO

23 July 2014

Dear Mr Delamere and Ms Ni Shea

Further to the conciliation conference that took place yesterday, I am writing to confirm the settlement proposals agreed to be recommended for acceptance as follows:

PROPOSALS

Following the last conciliation conference held on 30th June 2014, I have carefully considered all the information and arguments put forward by both sides.

The backdrop to the matter appears to be Circular 8/2000 which set out a basis whereby registered HSE nurses could apply to train as PHNs and then be appointed by HSE as PHNs in whatever part of the country they were already working (their 'sponsoring' areas).

Due to changing circumstances, HSE now wants nurses who apply for PHN training to commit in advance of commencing training to making themselves available to work as PHNs in whatever parts of the country the need for PHNs is greatest and which may or not be in their sponsoring areas. HSE sought to introduce this in respect of the class of 2013/2014 without first seeking the agreement of the INMO. HSE considers that, as PHN training is voluntary, and as there is no impact on the pay and conditions of nurses, it is entitled to offer PHN training on the basis that applicants must commit in advance to accepting vacancies wherever service needs exist. It also maintains that the 2013/2014 class of nurses were all made aware of the conditions attaching to PHN training by way of campaign literature and other communications made in advance of their commencing their training.

INMO submits that the only collectively agreed arrangements in relation to PHN training/assignments are those contained in Circular 8/2000 (and subsequently reviewed following a Labour Court Recommendation in 2005). It also maintains that HSE did not make it fully clear in advance of the 2013/2014 class commencing training that, in the event of a newly qualified PHN declining an offer or assignment of a PHN post, HSE would have no further obligation to that nurse in terms of further employment and would be seeking a refund of training fees. In this regard it points out that a HSE Circular in the matter (019/2013) was not discussed or agreed with the INMO and was issued only after the 2013/2014 class had commenced their training. It also contends that re-deployment measures under the HRA cannot be ignored in relation to this matter.

The situation is problematic because the HSE has more PHN vacancies in the greater Dublin region than there are nurses in the 2013/2014 class who want to, or can, work

there. The situation is further complicated by the fact that there is a 'National Recruitment Panel' in place since 2011 and it is composed of serving PHNs who are already working in Dublin and want to transfer to provincial locations. (At the outset of these proceedings the HSE confirmed that this panel would not be added to and that it would not expire in 2014). In 2013, due to a similar dispute that then arose, the parties accepted an LRC proposal that the 2012/2013 class would take priority over the National Recruitment Panel in relation to access to PHN vacancies nationwide and that this would apply up to the end of 2014. All but about three of this class have since been accommodated in locations that suit them and this small number will continue to be priority up to the end of 2014.

The net position therefore is as follows:

1. HSE says that Circular 8/2000 has been superseded by arrangements that it was reasonably entitled to put in place in respect of the class of 2013/2014 without the need for agreement of the union and that the class of 2013/2014 individually understood and accepted the arrangements.
2. INMO says that Circular 8/2000 contains collectively agreed arrangements that have not been renegotiated with it. It also maintains that the alternative arrangements that HSE has sought to introduce in respect of the class of 2013/2014 were not agreed with individual nurses in advance of their commencing their training.
3. The National Recruitment Panel is composed of serving PHNs who have been seeking positions in alternative locations since 2011. It is estimated that there are about 36 PHN's on that panel seeking positions outside Dublin.
4. The class of 2013/2014 is about to qualify and consists of 76 nurses of whom an estimated 40 are currently completing clinical placement in Dublin and presumably in a position to accept a PHN post there.
5. The HSE currently has at least 76 vacant PHN positions. Of these, 58 have been confirmed as being in the greater Dublin area and the remaining 18 are elsewhere.

The situation is obviously a very difficult one and it is not clear that either the union or the HSE is fully correct in its perspective on the matter. What is required is a solution that:

- (a) has nurses in training to meet where service requirements/demand for PHNs exist;
- (b) ensures that provincial posts are allocated on a reasonably fair basis;
- (c) ensures that those who may not be offered a preferred location in the current process will have a reasonable prospect of obtaining one at a later stage;
- (d) ensures that no nurse is obliged to have to give up work with HSE due to an assignment to a location that they cannot reasonably be expected to work in;

- (e) ensures that obligations regarding acceptance of posts and consequences of refusal are made fully clear to future prospective students before they sign their training contract. (This can be dealt with as part of discussions between HSE and INMO on collectively agreed arrangements to replace those in Circular 8/2000); and
- (f) brings order, fairness and transparency to the situation regarding transfers, by having a proper national transfer panel, similar to the national ambulance service template submitted to the LRC, this to be agreed by the parties before December 2014 and to come into effect immediately the 2011 National Recruitment Panel expires.

In light of the above, the following proposals are being put by me to both sides for resolution of this matter:

- (a) The small number of PHNs from the 2012/2013 class who have yet to be accommodated should continue to be given priority in relation to vacancies up to the end of December 2014 as previously agreed. (NRS believe that this process is already completed).
- (b) Subject to the above, all existing PHN vacancies in the greater Dublin region (Dublin North, Dublin North City, Dublin South Central, Dublin South East/Wicklow, and Dublin South West/ Kildare /Wicklow) should be offered out to those on the National Panel in the first instance and any such vacancies not taken up by them or that come about in consequence should be offered to all in the 2013/2014 class who are currently training and/or in clinical placement in the greater Dublin region as defined above in order of merit from the interview process (similar to the principles of Circular 8/2000). It is not anticipated that those on the National Panel will apply for alternative vacancies in the greater Dublin region but it is a possibility.
- (c) Based on information provided, it is anticipated that there will be a small number of positions available outside Dublin (approximately 18 and this may change).
- (d) There will be about 36 PHNs from the National Recruitment Panel, and 36 newly qualified PHNs from the class of 2013/2014 on clinical placement outside the Dublin region, seeking posts outside Dublin.
- (e) These two groups should be treated in the following manner:

(i) National Recruitment Panel

This Panel should be maintained and prioritised for all posts becoming vacant outside Dublin up to 31 March 2015 including the posts mentioned at (c) above.

The panel should expire on 31 March 2015.

(ii) 2013/14 Students

These remaining students should be offered posts in the Greater Dublin area on the understanding that, after taking up duty, and with effect from 1st April 2015, they will be placed on the new National Transfer Panel and given first priority on it for transfer to available posts in their requested locations. (These transfers will be planned for in the context of the intake of 2014/2015 students). In addition, this group, i.e. those obliged to take Dublin posts, will be given priority for any posts arising in the period up to 31st March 2015 which have been declined by the National Recruitment Panel.

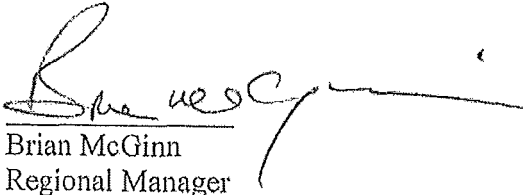
Those currently not on clinical placement in the Dublin region (as defined at (b) above), and unable to take up a position there, will be treated as follows:

- If currently seconded from HSE/Voluntary Hospital employment, secondment rules of return will apply.
 - *If not seconded but employed by HSE prior to taking up the PHN training, they will in the first instance be offered nationally approved Community RGN vacancies and, if this cannot be offered, they will be offered suitable staff nurse/midwife positions within a 45 kilometre radius of their current clinical placement.*
 - *If not employed by HSE prior to taking up PHN training, they will be given consideration for employment with HSE if such employment is available.*
 - **NB:** All of the above is on the understanding that any permanent posts in the regions up to 31st March 2015 will be offered in the first instance to the National Recruitment Panel and thereafter to the Dublin based 2014 graduates referred to at e(ii) above.
- (f) All fillable vacancies occurring in the period up to 31 March 2015 not taken up by this mechanism will be advertised in the normal manner until an agreed transfer panel is in place which should be on 1st April 2015.
- (g) The new national transfer panel should be negotiated and agreed between the parties and completely replace any existing local or regional system of filling posts. Discussions in relation to setting up this national transfer panel must incorporate rules relating to assimilation of the 2014 graduates, remaining national recruitment panel group, and those on pre-existing local/regional panels.
- (h) The HSE are advising that the 2014/2015 class are being recruited on the basis of Circular 019/2013 and information made available to each candidate at the start of the campaign. HSE are also advising that it will issue a further communication re-affirming the basis of the offer of training to each candidate prior to their final acceptance of a training place on the 2014/2015 PHN training course.

I note that the INMO are advising that they regard Circular 8/2000 as still extant and contest the status of Circular 019/2013. I further note that INMO are reserving their position in this regard.

The parties will meet at an early date with a view to resolving this matter and reaching agreement on the arrangements to apply in the future.

Yours sincerely



Brian McGinn
Regional Manager
Conciliation Services