

20 December 2017

To all Trades Unions

Dear Sir / Madam

Creation of a new Subsidiary Company of Yeovil Hospital (Simply Serve Limited)

Further to my letter of 18 August 2017 advising you that Yeovil District Hospital NHS Foundation Trust is pursuing the opportunity to establish a wholly owned Estates and Facilities Management Company, I can now confirm that the Board of Yeovil Hospital approved the establishment of a wholly owned Subsidiary Company to provide the Trust with a fully managed healthcare facility.

This follows a period of consultation with the unions, JCNC and staff, and I can confirm that a number of staff attended briefings, drop-in sessions and 1-1s, and we believe this has enabled all staff to discuss any queries they may have had regarding the transfer. During the consultation period the unions, JCNC and staff have requested the following amendments:

Request 1: Will the Trust provide staff with a 5 year guarantee that their terms and conditions would be protected for 5 years?

Management Response: Yes. There is no time period attached to TUPE ("Transfer of Undertakings (Protection of Employment) Regulations 2006"), so terms and conditions cannot be changed after a certain amount of time has elapsed for any reason related to the transfer. However, to provide some reassurance to staff, the new company will guarantee to 'mirror' NHS terms and conditions of employment, including pay rises, for a minimum of 5 years. Please note Simply Serve Limited has no intention to change terms and conditions after 5 years.

Request 2: If staff apply for and secure a role back into Yeovil Hospital, will their continuity of service be recognised?

Management Response: Yes. If in the future staff successfully secure a role back into Yeovil Hospital, the Trust will recognise continuity of service as if it is continuous.

Request 3: Will Bank staff who transfer across to Simply Serve Limited have their terms and conditions protected as if they transferred under TUPE.

Management Response: Yes. Staff who currently work on the Bank may continue to be paid on NHS terms and conditions, if this is their preference.

Staff will now transfer to the Simply Serve Limited on **01 February 2018**, and Yeovil District Hospital NHS Foundation Trust will cease to be their employer from this date.

Simply Serve Limited do not propose to make any changes to staff terms and conditions of employment as part of the transfer process, therefore, their existing terms and conditions of employment will remain the same as they are now, including access to the NHS Pension Scheme. In



particular, the transfer will not affect their statutory rights and their continuity of service will be preserved.

Yeovil Hospital has also guaranteed to staff that if they change roles within the Simply Serve Limited, they will retain the right to keep their NHS Pension and annual leave entitlement, known as the 'Golden Thread'.

No other Measures are proposed as a result of the transfer.

Although the formal consultation process has ended, the Trust will continue to consult with unions and staff throughout the change process and not close its mind to consultation after this date if further concerns arise.

If you have any queries please do not hesitate to contact me.

Yours faithfully



Mark Appleby
Associate Director of HR and OD

