

The Labour Relations Commission  
An Coimisiún um Chaidreamh Oibreachtais

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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 30<sup>th</sup> 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 1<sup>st</sup> 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 31<sup>st</sup> March 2015 which have been declined by the National Recruitment Panel.

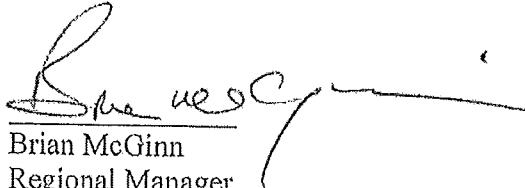
**Those currently not on clinical placement in the Dublin region (as defined at (b) above), and unable to take up a position there, will be treated as follows:**

- 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 31<sup>st</sup> 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 1<sup>st</sup> 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