



Canberra Health Services

Consultation Guideline for Managers

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Document History

The Canberra Health Services Consultation Guideline has undergone the following amendments:

Version control			
Version	Date	Author(s)	Brief description of change

The current version of the Consultation Guideline and associated templates can be accessed electronically on the [Policy Register](#).

1. Introduction

This Guideline focuses on providing advice to managers leading change processes to meet consultation requirements of Enterprise Agreements as well as advice on how to deal with unions.

The People & Culture Branch and Communications Unit will work closely together to ensure the effective and consistent use of key messages for consultation and communication within and external to Canberra Health Services.

2. Scope and application

This document forms an overarching consultation framework and associated processes relating to consultation with staff and unions. The Framework also includes general principles associated with consultation, which could be applied more generally to change processes within Canberra Health Services.

The Framework has been designed to be scalable across Canberra Health Services and should be tailored according to the context of the project and/or consultation activity and the scope of the works involved. For advice relating to the application of the Consultation Framework, please contact the People & Culture Branch.

3. Consultation with staff and unions

3.1 What is consultation?

Consultation involves the sharing of information and the exchange of views between employers and staff and unions and provides the opportunity for stakeholders to contribute effectively to a project and/or decision making process.

As defined in ACTPS Enterprise Agreements:

“Consultation means providing relevant information to employees and their union or alternate employee representatives. It means more than a mere exchange of information. For consultation to be effective the participants must be contributing to the decision-making process not only in appearance but in fact.”

The following table references the section in each Enterprise Agreement regarding consultation with unions in.

Table 1 – Consultation and representation with union/s clauses in ACTPS Enterprise Agreements;

Enterprise Agreement	Clause	Sub-section	Page reference
Medical Practitioner EA	Communication and Consultation	O	Pg. 122 - 129
Nursing and Midwifery EA	Communication and Consultation	P	Pg. 109 - 116
Administrative Services EA	Communication and Consultation	G	Pg. 100 - 108
Support Services EA	Communication and Consultation	G	Pg. 100 - 108
Health Practitioners EA	Communication and Consultation	G	Pg. 101 - 109
Technical Officers EA	Communication and Consultation	G	Pg. 96 - 104
Infrastructure Services EA	Communication and Consultation	G	Pg. 97 - 105

3.2 Why consult with Staff and Unions?

Beyond simply meeting the obligations set out in the various Enterprise Agreements, consultation also provides an opportunity for improved decision-making, and is good management practice as it increases the likelihood of employee ownership of the change/s; improved staff motivation and engagement; positive workplace culture; and lowered risk of industrial disputation.

3.3 Potential consequences of insufficient or inappropriate consultation

Consistent with the ‘Grievance and Dispute Avoidance’ (or similar) clause of each Enterprise Agreement, the union/s may advise of a dispute if consultation does not take place, or it is not done properly.

If advised of a dispute, the status quo existing immediately prior to the matter giving rise to the dispute must be maintained. This may delay the implementation of a decision and/or commencement of a project.

Advice should be sought from the **People & Culture - Employee Relations Unit** on notification of a dispute and for further guidance and advice about maintaining status quo.

A failure to consult effectively can also undermine employee understanding of the reasons for or commitment to the implementation of change, which in turn could lead to a failure to realise benefits or savings.

3.4 What changes require consultation?

Consultation is required for any change that relates to work practice or work organisation. Regard should also be given to the effect of the intended change on employees. Changes requiring consultation may include (but are not limited to):

- Major changes in the composition, operation or size of the employer's workforce or in the skills required
- Restructuring an organisation's or business unit's organisational structure
- The alteration of an individual's or team's hours of work and/or duties
- The need for retraining or transfer of employees to other work and/or locations
- Changes to administrative process and/or procedure

3.5 Consultation requirements

Consultation is required not only with staff, but also with unions, as they are party to the Enterprise Agreements that apply within the ACT Public Service.

Each Enterprise Agreement contains a clause regarding consultation (see section ['3.3.2 – Why consult with Staff and Unions'](#)). Reference should be made to the clause in the Enterprise Agreement applicable to the employee/s and the union/s you are consulting with. Each Enterprise Agreement has slightly different wording and consultation requirements, but can be summarised as follows:

- Consultation involves the sharing of information and the exchange of views between employers and persons or bodies that must be consulted and provides opportunity for stakeholders to contribute effectively to a project and/or decision making process
- Employers must consult in good faith, not simply advise what will be done
- It is an accepted principle that effective workplace relationships can only be achieved if appropriate consultation between parties occurs on a regular basis
- Workplace change that will affect a significant number of employees should not be implemented before appropriate consultation has occurred with the union
- Unions will be given the opportunity to adequately consult with the people they represent in the workplace, in relation to any proposed changes that may affect employee's working conditions or the service employees provide, and provide meaningful input into the decision making process and

3.6 Consultation principles

Consultation is not just communication

- Consultation is not simply advising what will occur
- Consultation involves all parties sharing information and exchanging views
- Management should enter into consultation with staff and union/s with an open mind and consider issues and concerns raised and be prepared to make changes to what is being proposed
- Communication is the giving, receiving and understanding of information, whereas consultation requires input and feedback, and where practical actioning of the feedback
- It is necessary and required to involve unions and staff in the journey

Consultation does not require agreement

- Workplace change is not subject to agreement (unless specified under the relevant Enterprise Agreement)
- Unions may or may not wish to indicate their agreement to the proposed change, but agreement is not required nor should it be sought
- Consultation may involve management considering different options developed through discussion with unions and/or staff

Consultation takes time

It is important to allow enough time for the consultation process. Not allowing adequate time could be seen as inappropriate consultation by the Fair Work Commission.

The consultative process needs to be able to demonstrate that staff and unions have been provided with the opportunity to offer input and feedback in relation to decisions/proposals, and that differing views have been considered with respect.

3.7 Preparing for consultation

In preparing for consultation, it is important to anticipate possible union and staff concerns so that appropriate communication strategies are developed, including media and internal communications (e.g. developing Frequently Asked Questions). Typical concerns may include:

- Proposed timeframes and scope
- FTE reductions and impact on workloads
- Staff relocation/s
- Impact of proposed change on staff in other units or health networks

- Whether there will be any impact on industrial entitlements
- Changes to ways of working/duties/training requirements
- Changes to structures and/or reporting lines

The **People & Culture Branch** can assist with identifying potential issues that the union may raise.

Management representatives (including representatives from the **People & Culture Branch**) may need to meet with each other prior to meeting with union/s and/or staff to workshop issues and be clear on the consultation process, approach and key messages.

3.8 Consultation processes

The consultation process for significant change is outlined in [Section 4](#) of this document. General principles and advice about the consultation process is outlined here.

Reminder - Seek advice about consultation with staff and unions from the **People & Culture Branch** before commencing your change process.

When to commence the consultation process

Once we have decided on a proposal for change we must consult prior to making any decision or implementing any changes.

It is good practice, and appropriate in some circumstances, that the union/s and staff are involved in discussions/consultation leading up to the proposed decision.

- **Note:** Prior to a proposal being developed for consultation, it may be necessary to discuss proposed changes with senior staff in their capacity as managers, in finalising the proposed change. Such discussion is separate to consultation with senior staff in their capacity as employees and this may need to be made clear to the staff concerned. Reference should also be made to [Section 7](#) of this Guideline for further information about role clarity for managers when dealing with unions.

How to formally commence the consultation process

Typically through writing directly to unions and staff.

Reminder - Refer to intended change as a “proposal”, “proposed change” or “intended change” and put “draft” on documents.

How to obtain feedback

It is often recommended that written feedback (providing reasonable timeframes) is requested as well as meetings with staff and unions.

This can also be done through mediums such as Survey Monkey.

Reminder - *When planning the change process allow adequate time for the consultation process, including the receipt of feedback and consideration of making adjustments to the proposal if necessary (with further consultation as appropriate).*

The mechanisms for dialogue

It is important to consult not only with unions but directly with staff.

Mechanisms for dialogue with unions include:

- Letters, bulletins
- One meeting, or several
- Meeting with all unions together, or separately
- Establishing a formal committee/working group

Mechanisms for dialogue with staff include:

- Staff forums/meetings
- Staff bulletins/emails
- **Note:** Ensure contact with staff on leave or part-time.

Reminder - *It is usual to commence consultation with unions and staff at the same time. Meetings with unions and staff are normally separate, although unions may be invited to open staff meetings if the manager chooses.*

What must be discussed and/or disclosed during consultation

- The background and reason for the change/s, which could include discussion papers/reports
- The effects the changes are likely to have on employees, including employees in other units
- Measures that will be taken to avert or mitigate the adverse effects of such changes on employees
- Timeframe for communication/dialogue/feedback

- Proposed commencement date(s) of proposed change

***Reminder** - Management should respond to the issues raised during consultation and needs to be reasonable when considering issues raised.*

There is no need to disclose confidential information which, when looked at objectively, would be against the employer's interests.

3.9 Meeting with Unions

Meeting with unions is an important part of the consultation process. The manager/operational lead/subject matter expert should attend the meeting. It would normally be appropriate that a representative from the **People & Culture Branch** attends meetings with union representatives to provide support and/or advice to management.

***Reminder** - Management representatives do not need to respond to questions or requests for information from a union at a meeting.*

It may be appropriate to take questions on notice, so that the management representative can discuss with or seek instructions or advice from their manager or the **People & Culture Branch**.

***Reminder** - Take notes of meetings and a list of attendees. It may also be appropriate to circulate minutes or actions from meetings.*

Should matters be requested in writing at meetings, management representatives should refer to the outcomes being recorded in minutes (if applicable) or request they put their issue in writing to ensure we understand their query/issue in order to respond.

Paid time meetings for union delegates and staff for union meetings

Union delegates/worksite representatives may attend meetings with management during paid time, if approved.

The practice is that union officials/delegates/representatives meet with their members outside of paid time (i.e. after shift, during lunch breaks, approved flexitime). Advice should be sought from the **People & Culture Branch** for any requests from unions for paid time meetings with their members.

Reference should also be made to [Section 5](#) of this Guideline for further information about union workplace visits.

3.10 Written correspondence with Unions

When written correspondence is received from unions, it is recommended that immediate advice is sought from the **People & Culture Branch** and acknowledgement is sent via email. It is preferable that the acknowledgement does not specify a date by which a response will be provided.

The unions frequently ask for a response by a certain date. Management are not bound by union timeframes although should attempt to ensure matters are responded to within a reasonable timeframe, and should notify the union if they do not intend to comply with their suggested timeframe. There may be certain matters that will take some time to formulate a response, and it is recommended in those circumstances that the union is kept informed of progress.

***Reminder** - Language is key to how responses are formulated. Responses should be kept to the specifics of the letter, concise, factual and not emotive language.*

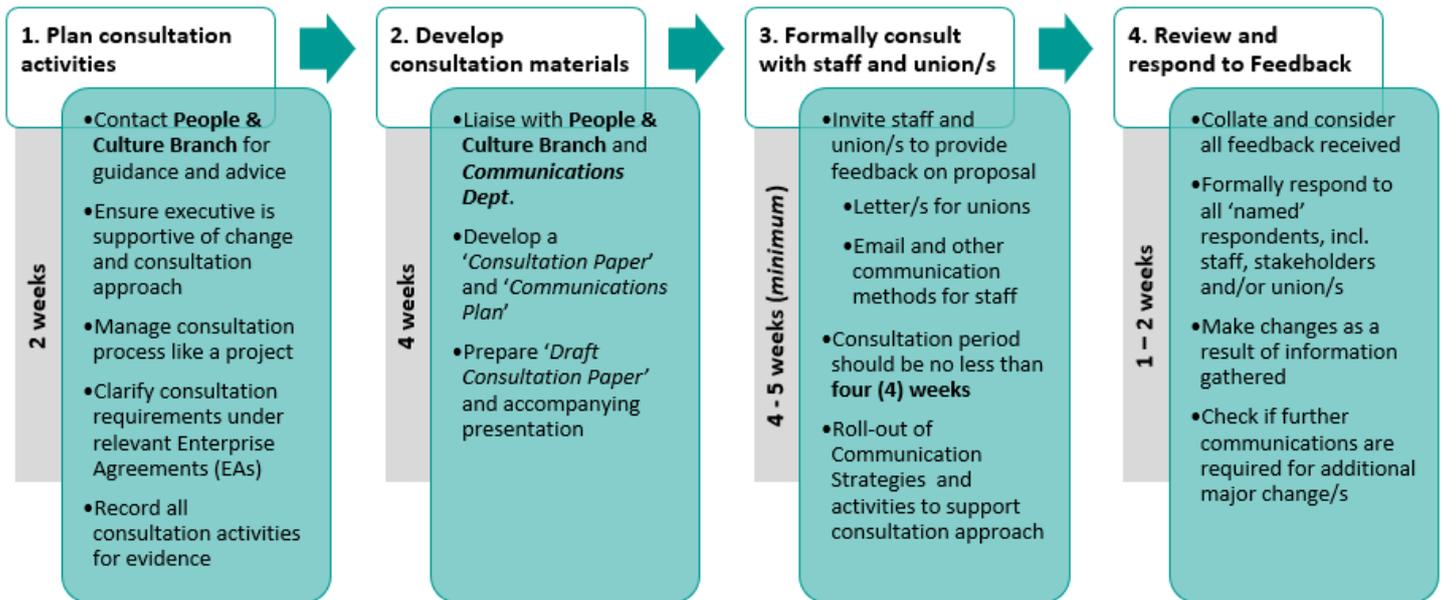
In relation to matters regarding significant change, correspondence should be drafted by the operational lead/subject matter expert and reviewed by the **People & Culture Branch**. Formal correspondence should be sent from the Chief Executive, Deputy-Director General or Executive Director, depending on the subject matter. The **People & Culture Branch** can provide further advice about this. The acknowledgement email can be sent from the contact person for the matter.

***Reminder** - Keep copies of all documents exchanged with unions and staff.*

4. Consultation process

Below is a summary of the CHS **Consultation Process for Significant Change**;

Consultation Process for Significant Change - summary



For a more detailed overview of the Consultation Process for significant change, including detailed step-by-step guide – see **Attachment A; Consultation Process for Significant Change**.

Union workplace visits for matters that are being consulted

Canberra Health Services is a Directorate with a diverse range of industrial organisations representing our employees and we strive to maintain a positive and collegiate relationship with all unions.

As outlined in the [ACTPS Union Encouragement Policy](#), Union Officials are to have access to reasonable facilities for the purpose of undertaking union activities on the condition that service delivery and work requirements are not unreasonably affected.

Engaging with employees and Unions is an integral part of the consultation process and provides opportunities to gain insight and for further engagement. Stakeholder engagement is critical to the success of any project or initiative.

For further information or guidance regarding union workplace visits, please contact People & Culture – **Employee Relations** on **620 51646**, or via email – CHS.WR@act.gov.au.

5. Attachments and appendices

Ref	Title	
Attachment A	Consultation Process for Significant Change	 # CHS Consultation Guideline for Manaç
Attachment B	Consultation Paper - Template	h  # CHS Consultation Guideline for Manaç
Attachment C	Consultation Feedback Summary - Template	 # CHS Consultation Guideline for Manaç

6. Contacts

Name	Position	Phone	Email
Jim Tosh	Senior Manager, Workforce Relations Executive Unit, People & Culture Branch	512 49622	Jim.Tosh@act.gov.au
	Executive Unit, People & Culture Branch	512 49627	EDPeopleandCulture@act.gov.au

Consultation Process for Significant Change

- Consider the involvement of People & Culture in planning the change. This could be through membership of a People & Culture representative on a Working Group or Steering Committee.
- This process reflects best practice for significant change. For smaller scale changes and/or projects, please seek advice from **People & Culture Employee Relations (X 51646)** as to the minimum expectations in any specific circumstances.

2 weeks	<p>1. <u>Plan your approach</u></p> <ul style="list-style-type: none"> • Partner with P&C early to ensure that advice regarding consultation is received every step of the way • EA requirements for consultation should be considered from the outset and be deeply embedded into your plan • Ensure executive endorsement for the change before proceeding (depending on the size, scope and impact of the change the Head of Service and/or Minister may also need to be briefed and/or give approval) • Start a spreadsheet to document the chronology of events to provide evidence of robust consultation processes
2 weeks	<p>2. <u>Prepare a Consultation and Communication Plan</u></p> <ul style="list-style-type: none"> • Identify and document the steps and timeframes for communicating and consulting on the proposed change • A variety of strategies are available and include formal consultation papers, demonstrations, fact sheets, use of intranet sites, team meetings, DCC/WCC/union meetings, feedback surveys, preparation for media etc. • Remember that any internal communication will become external – therefore ensure that the plan includes appropriate endorsement of key messaging and proposed timeframes prior to the intended release of documents
2 weeks	<p>3. <u>Prepare a draft consultation paper and presentation</u></p> <ul style="list-style-type: none"> • The template Canberra Health Services Consultation Paper can be used as a guide for the information required to consult • Consider including: <ul style="list-style-type: none"> – What is the current situation? – What is the rationale for change? – What is the preferred time frame for implementation of the change? – What is the proposed change? – What are the risks/benefits? • The paper should be checked by P&C and Communications and endorsed by the responsible executive • Focus on what unions and employees will want to know. How will it affect them? How will it affect their clients/the community? What are the timeframes? • Address all known issues, create an opportunity to deal with everything in an open and transparent fashion • Include questions in the back of the paper that can be used to gather feedback from employees • Ensure the presentation includes details regarding the intended consultation process – incl. timeframes and strategy • Prepare a letter to unions with P&C input, and an email message to employees from CEO/DDG/Commissioner for release of the consultation paper
4-5 weeks	<p>4. <u>Formally consult</u></p> <ul style="list-style-type: none"> • Consider meeting with unions prior to written correspondence • Send letter to unions including the consultation paper and invitation to provide feedback within the consultation period • Correspondence to all affected employees including consultation paper and invitation to provide feedback within the consultation period • Consultation should be (as a minimum) no less than 2 weeks • Implement the strategies identified in the communications and/or consultation plan
1-2 weeks	<p>5. <u>Review Feedback and Make Decision</u></p> <ul style="list-style-type: none"> • Collate all feedback received from all sources • Group the feedback into trends or themes and prepare a summary of feedback and how it has impacted the proposal • Prepare responses to written correspondence where the writer is identified (this may include unions) in answer to any questions or concerns raised – be clear about what has been done with the feedback provided • Consider all feedback and identify where changes to the planned approach should be made • Make your final decision on the proposal • Consider if there is a need to consult further about implementation • Consider whether your decision requires any further consultation if major changes have been made since it was released for consultation • Prepare letters and correspondence to unions and other respondents, including an email to staff to be sent with the summary of feedback, your final decision and intended next steps



Canberra Health Services Consultation Paper;

<Insert title of change/project>

<Insert Branch/Division>

Remember - Seek advice about consultation requirements with staff and unions from the **People & Culture Branch** prior to commencing your consultation process.

512 49610 - Employee Relations Hotline, People & Culture Branch

HealthEmployeeRelations@act.gov.au

Remove all Help Text (**RED ITALIC** and **YELLOW HIGHLIGHTS**) prior to submission prior to seeking endorsement.

Work Area	Author(s)	Contact Details
Branch, Unit	Action Officer	Phone number, Email

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1. Introduction

Canberra Health Services (CHS) is focussed on the delivery of high quality, effective, person centred care. It provides acute, sub-acute, primary and community-based health services to the Australian Capital Territory (ACT)—a catchment of approximately 400, 000 people. It also services the surrounding Southern New South Wales region which includes the Bega Valley, Bombala, Cooma-Monaro, Eurobodalla, Goulburn, Mulwaree, Palerang, Queanbeyan, Snowy River, Upper Lachlan Shire and the Yass Valley.

CHS administers a range of publicly funded health facilities, programs and services including but not limited to:

- **The Canberra Hospital:** a modern 600-bed tertiary hospital providing trauma services and most major medical and surgical sub-specialty services.
- **University of Canberra Hospital Specialist Centre for Rehabilitation, Recovery and Research:** a dedicated and purpose-built rehabilitation facility, with 140 inpatient beds, 75-day places and additional outpatient services.
- **Mental Health, Justice Health, Alcohol and Drug Services:** provide a range of health services from prevention and treatment through to recovery and maintenance at a number of locations and in varied environments for people suffering from mental health issues.
- **Dhulwa Secure Mental Health Unit:** a purpose designed and built facility providing clinical programs and treatment options for people suffering from acute mental health issues.
- **Six community health centres:** providing a range of general and specialist health services to people of all ages.
- **Three Walk-in Centres:** which provide free treatment for minor illness and injury.
- A range of **community based** health services including early childhood services, youth and women's health, dental health, mental health and alcohol and drug services.

CHS is a partner in teaching with the Australian National University, the University of Canberra and the Australian Catholic University.

On 1 October 2018 ACT Health transitioned into two separate organisations being the ACT Health Directorate (ACTHD) and Canberra Health Services (CHS).

To enable CHS to have a strong focus on operational effectiveness, efficiency and accountability in the health services we provide, CHS is proposing a realignment of functions.

The [current organisational chart](#) and the recent [Annual Report](#) and the ACT Government [Budget Papers](#) provide more detail about CHS.

Provide further background depending on the identified area that the change will impact.

2. Purpose

Insert detail about this paper and the consultation process so far and to follow (if relevant), for example:

The purpose of this paper is to describe the concepts of the <title of change/project> and the associated design implications for the <stakeholders> in the <business area – unit/branch/division>. The following document outlines and seeks approval to commence the next part of the consultation process for the <title of change/project>.

The <title of change/project> will streamline the <target of change/project> with improved access to appropriate services.

Provide further information if the scale of the consultation process requires, P&C can advise of the best practice methodology based on the circumstance/context of the situation.

3. Current model

Describe the current state/model. Include information such as:

- *What services are provided?*
- *What currently occurs/current customer / client journey?*
- *Who does what? Including positions, classifications, reporting lines.*
- *Include if we know why the current practice is done this way (i.e. is it a historical model that has developed over time/is it based on historical segregation of duties?). This will assist with identifying workplace cultural issues that may present a barrier to implementation.*
- *What equipment/technology is used?*
- *What are the interrelationships with other teams/services/practices with the current model?*
- *Are there any photos / diagrams / graphics that could be inserted here – eg. Organisational chart*

4. Rationale for change

Describe why the change is required. Include information such as:

- *Specific detail. Do not just refer to eg. ‘Commissioning of a new building.’*
- *May be multiple reasons e.g. change to equipment, implementation of strategic plan, whole of government approach, better service to the community, etc.*
- *Links to performance indicators.*
- *Include any interdependencies.*

- *How does it fit with broader plans, in and across the ACT?*
- *What is the link with the Canberra Health Services Values?*
- *What are the implications for no change?*

This section will assist in developing key messages for a consultation and communication plan.

5. Future model

5.1. Scope of the future model

Describe what the proposed change is. Include information such as:

- *What does the service/model look like for staff and clients once implemented?*
- *Which staff, roles, services and locations will the change impact?*
- *What other organisations will the change impact/affect (both inside and outside the ACT Public Service)?*
- *What are the changes for staff (e.g. ways of working, change in profile of staff, change in equipment/technology used, change in location)?*
- *What are the interrelationships with other teams/services/practices with the proposed model?*
- *Diagrams if this helps to visually explain the new ways of working etc.*

This section will assist in identifying key stakeholders.

5.2. Physical design/structure

Describe the physical design if important, otherwise remove this section entirely.

Include any maps / diagrams / pictures / organisational charts.

5.3. Benefits of the future model

Describe the benefits to staff and consumers of the proposed change. Include information such as:

- *Clarify the opportunities.*
- *Consider developmental / up-skilling opportunities.*
- *Are there efficiencies to be gained?*

This section will assist in developing key messages for a consultation and communication plan.

5.4. Implementation of the future model

Explain the high level proposed process for implementing the change – this may be in general terms as more detail may be provided after the consultation process. Include information such as:

- *Break it down into steps if possible.*
- *Indicate if there are any interdependencies with other processes (i.e. x cannot be implemented until y changes too).*
- *Consider whether there needs to be an implementation project team / governance group to drive the change.*
- *Is the team / area ready for change?*
- *How will we support staff through the change? Be specific or include that the changes will affect staff differently and that Canberra Health Services is committed to working with staff through this change process.*

5.5. Related change processes

Identify other change processes / projects that may impact this proposed change. In particular, indicate whether there are any other related change processes. Acknowledge that these are / will be subject to a separate consultation process if appropriate.

5.6. Implications for not undertaking the change

This section should address the consequences associated with not implementing the change.

6. Consultation methodology

Include details about how to provide feedback and timeframes, for example:

This proposal provides more detail in relation to the **<title of change/project>**. There are still details that need to be determined and your feedback, suggestions and questions will assist in further refining the **<target of change/project>**.

Feedback can be provided via **Survey Monkey <insert link>** or via email to **<insert email address>**.

Feedback is due by **<insert date>**.

In particular we are seeking responses to the following questions:

1. **<Question 1>**?
2. **<Question 2>**?
3. Do you have any concerns about the proposal so far, if so what are they?
4. Do you have any other feedback you would like to be considered in relation to the **<title of change/project>**?

Ensure that questions are open rather than closed to ensure quality of information received.

For any further information relating to the **<title of change/project>** and subsequent consultation process, please contact **<insert contact officer's name>** on **<insert contact officer's contact details>**.

7. References

Include references and links to documents if relevant / available, for example;

Document	Author
<i>Canberra Health Services Strategic Plan</i>	<i>CEO, Canberra Health Services</i>
<i>Recruitment policy</i>	<i>People & Culture, Canberra Health Services</i>
<i>People & Culture Business Plan/Strategic Objectives</i>	<i>People & Culture, Canberra Health Services</i>



<Title of Project/Change for Consultation>

<Business Area – unit/branch/division>

<Contact Officer – Contact No.>

Consultation Feedback must include:

- A summary of the feedback received and how this was considered and/or dealt with in the document.
- A lack of feedback should be noted as a 'nil response', where feedback received is 'no comment' then this should be recorded as such.
- As appropriate, evidence of a second consultation cycle where, as a result of feedback from the first cycle, there have been substantial changes made to the document.

Name/Title/Area Represented	Date Received	Feedback	Response	Action
		•	Y / N	-
		•	Y / N	-
		•	Y / N	-
		•	Y / N	-
		•	Y / N	-

Action Officer Details	Name: ##	Phone: ##	Position: ##	Division: ##	Branch: ##
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