



**Nicky Ackerley BA(Hons)**

Nicky is the owner of HR Support Consultancy. She has a BA(Hons) in Business Studies, is a member of the Chartered Institute of Personnel and Development and has been a practising HR manager for more than 20 years. HR Support Consultancy has provided the BVNA Members Advisory Service (formerly known as the Industrial Relations Service) since it began in 2002.

# Alterations to your Terms and Condition of Employment

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The BVNA Helpline has recently received many enquiries from VNs regarding their Practices wanting to make changes to contracts of employment. The most common reasons are changes to hours for example to now include a night rota. And the most common question is “can they do this?”

Well yes they can, but if your Practice wants to make changes to your terms and conditions of employment they should follow the correct process.

All employees should have a written contract of employment, or a statement of particulars. Employers should provide these within the first 8 weeks of employment. It is important when offered any job that the terms and conditions of employment are clearly laid out. These can take the form of a contract or a letter. They may refer to a handbook containing the policies and procedures of the Practice, in which case the handbook should accompany the contract. These written terms become what are known as “Express” terms of employment.

As your employment with the Practice progresses, you can expect small changes to occur. For example it may verbally agreed between your Practice and yourself that you start at 8.30 a.m. when your contract states a 9.00 a.m. start. This becomes an “Implied” term of your employment.

The Express & Implied terms form your Contract of Employment. If your Practice attempts to make changes to your Contract without consulting with you or agreeing changes without telling you this is unlawful.

If your Practice informs you that they plan to make changes to your contract and you just ignore their proposed changes, it might be understood by the Practice that you have just accepted the changes and they will implement them.

## What should you do?

When you are given a revised or new contract you should do the following:

1. Read the documents carefully.
2. Highlight any changes that will affect you.
3. Decide whether you are able or willing to accept these changes.
4. Write back to the Practice immediately and tell them you are considering the revised terms, and will respond within, say, two weeks. Call the BVNA Helpline on 01822 870270 if you require assistance with writing to the Practice.
5. Inform the Practice in writing whether you agree to the new terms, if you do sign and enclose the contract and keep a copy for your records.
6. If you disagree with them and request a meeting to discuss the areas you are not happy with.

Your contract should include the following:

- The names of the employer and the employee
- The date on which employment began
- The date on which the employee's period of continuous employment began – i.e. employment with an associated employer or where a take-over has happened
- Job Title
- Details of pay, how it is calculated and when and how payment is made (weekly/monthly, by cheque or bank transfer, etc.)
- Details of hours, including details of shift work, fixed start and finish times
- Details of holidays, including public holidays and holiday pay entitlement
- The place of work
- What notice period is required from both parties
- Disciplinary and Grievance procedures

These are “fundamental” terms of your contract.

The Practice should give you appropriate notice of when they wish to implement changes and advise you of how you will be rewarded i.e. night shift allowance etc. As a rule, the consultation period should be one week for every completed year of service up to a maximum of 12 weeks. So if you have worked for the Practice for 6 years, you will be entitled to 6 weeks notice of the changes being implemented.

If the Practice/Employer wishes to alter fundamental terms of your contract as listed above, they will need to follow a consultation process with you on the business reasons for the changes. This process

involves meeting and discussing the proposed changes with you individually. The individual consultation meetings are your opportunity to voice your concerns and offer suitable alternatives regarding the proposed changes and for the Practice to address your concerns.

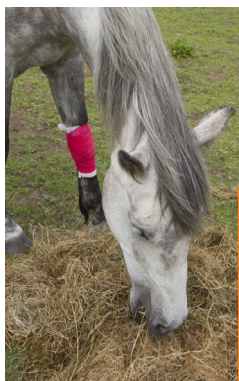
More than one consultation meeting with the Practice may be necessary before an agreement is reached. However the Practice cannot just make changes “unilaterally”; this period of negotiation and consultation with you is vitally important if the Practice is to work within Employment legislation guidelines.

If you agree to the terms to be changed before you finally sign the agreed contract

make sure you read carefully every section and you are happy with the terms. If you break the terms you could be disciplined; if the terms are broken by the employer you could go to an Employment Tribunal for breach of contract.

It is important to remember that an employer is entitled to make changes to the terms and conditions of the employment. They should follow the consultation procedure outlined above.

**For further support with this or any other HR issue, BVNA members can call the BVNA Advisory Service Helpline on 01822 870270.**



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