

Branch guidance

28 July 2021

Summary

On Wednesday 21 July the Government announced a 3% pay rise for NHS staff in England.

The pay outcome of 3% **fails to meet the demands** of our [2k position](#).

It fails on the grounds of:

- ▶ It does not increase pay by £2,000 for anyone other than staff in band 8c and above
- ▶ 3% stretches the gap between the highest and the lowest paid staff in the NHS
- ▶ It does not embed the Foundation Living Wage as a minimum

Therefore, **the Health Service Group Executive (HSGE) cannot recommend members accept this pay outcome**. Our assessment is that to have an impact on the outcome we need to mount widespread and sustained industrial action in the NHS.

We now need to hear from members about how we should go forward collectively as a union – whether the majority want to oppose the outcome and are willing to take part in industrial action to try and secure change. If enough members vote for this in the consultation, the next stage would be for the union to run a formal ballot.

The consultation will run from Friday 30 July until Friday 10 September.

This pack provides branches with further detail on the outcome, the assessment of the Health Service Group Executive, the consultation process, and the role of branches in leading workplace conversations on the pay outcome and driving maximum participation from members. We will update this guidance as the consultation progresses.

Key actions for branches

UNISON is the largest union in the NHS and we are giving members an honest choice in this consultation. The first step in members making that choice is ensuring they can take part. Branches have the most important role in ensuring members have that opportunity. That is an incredibly important exercise; to seriously consider moving to an industrial action ballot we first need to see more than 50% of members taking part in this process.

- ▶ **Talk** – in your branch about how you'll support promoting this consultation process, including workplace sessions and meetings, walkabouts
- ▶ **Order** – UNISON resources to your branch (details below)
- ▶ **Encourage** members in your branch to make sure their email address is up to date on RMS via WARMS, My UNISON or UNISONdirect
- ▶ **Run** – member meetings and briefings – why not bring a laptop or mobile device and get members to vote while they are there?
- ▶ **Host** – ballot boxes in your branch – all you need is a PC, laptop or other device connected to the internet – as long as a member has their membership number and date of birth they will be able to vote!
- ▶ **Get out and talk** – and why not bring a smartphone with you, so members can vote when you talk to them?
- ▶ **Mix it up** – we have a long consultation so we can get maximum engagement from members, giving you as much time as possible to cover all the workplaces and areas that you can
- ▶ **Talk** – to your region and other branches – find out what is working well elsewhere and share your great ideas!

Branch guidance

28 July 2021

Pay outcome

The [Government has decided](#) that a 3% increase will be applied to all NHS pay points in England. The Government intend to [work with NHS employers](#) to impose the pay award immediately and without consultation.

At every stage the government has resisted our calls to open pay talks and this is no exception. They are not asking NHS staff to consider an “offer”. The government wants to implement this whether they have our consent or not.

That has direct consequences on how we consult with members. Instead of deciding whether to accept or reject an offer they will be making a decision on whether they want us to challenge this outcome.

UNISON position

The Health Service Group Executive met on Friday 23 July to consider that outcome and agree the format and timetable for our member consultation. They agreed the following.

The pay outcome of 3% **fails to meet the demands** of our [2k position](#).

It fails on the grounds of:

- ▶ It does not increase pay by £2,000 for anyone other than staff in band 8c and above
- ▶ 3% stretches the gap between the highest and the lowest paid staff in the NHS
- ▶ It does not embed the Foundation Living Wage as a minimum

Therefore, **we cannot recommend members accept this pay outcome.**

Our assessment is that to have an impact on the outcome we need to mount widespread and sustained industrial action in the NHS. The bar for this is high, but achievable provided a large

majority of UNISON members in the NHS wish to do this.

Therefore, we can challenge this if there is widespread support from UNISON members in the NHS to do so.

Specifically, to mount lawful industrial action UNISON would need over 50 per cent of all eligible members to take part in a formal postal ballot.

For many of our members the test is much higher. Industrial action involving workers who provide what the government calls an “important public service” can only be lawful if at least 40% of the workers balloted over the action vote in favour of it. That would mean, for example, 80% of members voting for action in a 50% turnout, or a simple 50% +1 members voting for action if turnout is as high as 80%.

Our consultation is the test of whether members wish to challenge this outcome with that kind of depth and strength of feeling.

Read the [press release on the consultation launch and the HSGE's position](#)

The question for members

UNISON Health Service Group Executive agreed to consult members with the following specific question:

This outcome is not acceptable to UNISON's HSGE and falls far short of our One Team 2k position. We want to hear your views.

This is your choice:

- ▶ *I Accept the outcome and do not wish the union to challenge it*
- ▶ *I Oppose the outcome and will take part in lawful industrial action up to and including strike action*

Branch guidance

28 July 2021

Consultation process

Our consultation will take the form of a direct digital consultative ballot of all affected members in NHS employers in England.

The building and running of the consultation will be coordinated nationally. However, branches and activists have an absolutely vital role in facilitating workplace conversations, building member confidence in talking about pay, and ultimately in driving turnout to the kind of levels we need to see.

The main, secure, method of voting will be by accessing a secure link by email. However, we will also provide web access voting so branches can host virtual ballot boxes in offices, stalls, meetings, and walkabouts.

The consultation will include:

Run by UNISON nationally:

- ▶ A secure, online form for members to cast their ballot
- ▶ Direct email communications
- ▶ Direct text message communications
- ▶ Direct postal communications – to members for whom we have no other contact details

Run by UNISON branches, supported by regions:

- ▶ Recruitment drives – new members can be enrolled onto the voting register provided they are in RMS by no later **than Friday 3 September 2021** – the earlier you get new members on the list the more chances we have to promote the vote to them!
- ▶ Workplace meetings and ballot boxes – branches can host all-member meetings and get members to cast their ballot on their smartphone, or arrange for laptops or tablets to be at the back of the room so members can vote during the meeting

- ▶ Branch office ballot boxes – if your branch office has a PC or tablet, encourage members to pop in to cast their vote
- ▶ Walkabouts with a mobile/tablet device – getting members to vote as you talk to them
- ▶ Virtual meetings – provide the link nhspay.org on-screen and get members to click or navigate to it during the session

Eligibility for inclusion is as follows:

Member employed by a NHS employer in England, as defined by Annex 1 of NHS terms and conditions of service.*

- ▶ Member record indicating full membership of UNISON.
- ▶ Member record indicating membership of the health service group.

The first build of the consultative ballot list was done early in the week commencing 26 July 2021. New joiners, or members who update their details and consequently become eligible, after this point will be included in the ballot but may not receive communications straight away.

(*See Non-NHS employers section for info on tests for other employers to be included)

Supporting materials

We have produced a range of materials to support local promotion activities.

- ▶ [Leaflets and posters - you can pre-order now via the UNISON Shop to get supplies delivered to your branch](#)
- ▶ [Social media materials, website and email headers, and Zoom/Teams backgrounds:](#)
- ▶ Scripts for branches and Branch presentations – coming soon!

Remember to visit

www.unison.org.uk/oneteamyoursay frequently to check out new materials.

Branch guidance

28 July 2021

And if other materials would help – why not ask? Speak to your region and see what else they might have or drop us a line on health@unison.co.uk if you have ideas or requests.

Our assessment of the offer

The Health Service Group Executive considered the following information when reaching their position, and in particular reviewed:

- ▶ The effect of the 3% in cash terms
- ▶ The effect on the wider pay structure
- ▶ The effect on the living wage

The 3% rise delivers the following cash increases over the year to the tops of the various pay bands:

Lowest point:	£540
Top Band 2	£580
Top Band 3	£634
Top Band 4	£725
Top Band 5	£918
Top Band 6	£1,137
Top Band 7	£1,335
Top Band 8a	£1,550
Top Band 8b	£1,860
Top Band 8c	£2,210
Top Band 8d	£2,633
Top Band 9	£3,148

The percentage approach means that the pay rise for the highest paid is nearly six times as much as the rise for the lowest paid staff.

That means the award further stretches the gap between the lowest and the highest paid staff in the NHS.

Worse, the new lowest hourly rate in the NHS will be just £9.485 an hour. That is one and a half pence short of the Real Living Wage rate of

£9.50 an hour. Both the Pay Review Body and the government ignored this, whether through incompetence or because they simply didn't think it was important enough. Back in 2018 UNISON worked hard to negotiate a deal which took the lowest NHS pay point above the real Living Wage for the first time. But since then the government has allowed poverty pay to creep back in again.

That is why the pay outcome of 3% fails to meet the demands of our [2k position](#). It fails on the grounds of:

- ▶ It does not increase pay by £2,000 for anyone other than staff in band 8c and above
- ▶ 3% stretches the gap between the highest and the lowest paid staff in the NHS
- ▶ It does not embed the Foundation Living Wage as a minimum

Therefore, we cannot recommend members accept this pay outcome.

Role of branches

Activists, as well as members, may feel strongly about this consultation and may wish to talk to members about their own views on how they should vote

However, it is the role of the Health Service Group Executive to set policy on pay, and the responsibility of all constituent parts of the union to work together to promote that policy position and take collective responsibility in supporting it once it is made.

In practice, this means that where UNISON resources, such as branch mailings, newsletters, and social media accounts, are used to promote the consultation they must clearly reflect the collective UNISON position.

This is described in the [Democracy in UNISON guidelines](#), particularly sections 2.5 and 3.1.

Branch guidance

28 July 2021



FAQs for members

A live list of FAQs is available at <https://www.nhspay.org/faq> These include the following:

Will the pay rise apply to all NHS staff in England? The media has not mentioned some roles.

We know that all staff working in a wide range of roles within the NHS, help to keep it running. Although we are waiting for more detail from Government we know that the pay rise announced will be for all staff directly employed by the NHS.

When will the pay increase be paid in England?

We are awaiting confirmation of when the 3% will be paid. We think it is likely to be in September salaries but the backpay may come in a subsequent pay packet.

When will the pay increase be backdated to?

The pay rise in England will be backdated to 1 April 2021.

What will happen to my High Cost Area Supplement (London weighting)?

The minimum and maximum payments for high cost area supplements will be updated by 3%.

I am retiring this year. Will I still receive the pay increase?

You should contact your payroll department to discuss receiving your backdated pay. Remember, your employer may need reminding to pay you what you are owed!

What is UNISON doing now?

UNISON is running an online consultation in England to find out what you think of the 3% pay decision – and what you want to do next. We need to hear from members about how we should go forward collectively as a union –

whether the majority want to oppose the outcome and are willing to take part in industrial action to try and secure change. If enough members vote for this in the consultation, the next stage would be for the union to run a formal ballot.

How do I vote?

UNISON is running an online consultation. From Friday 30 July, all eligible members in England will be emailed with a secure voting link which will enable you to vote directly. This is the quickest and easiest way of voting so please do check your junk mail in case the email has been sent there. If you do not have an email address, you can vote at [nhspay.org](https://www.nhspay.org), verifying your membership using your membership number or national insurance number plus your date of birth and surname.

What is industrial action?

Industrial action can include strike action (which is any concerted stoppage of work), or action short of strike action such as 'go-slows' or 'working to rule'. You can read more about industrial action here. You can also talk to your branch about what industrial action could look like where you work.

Strict trade union laws mean that industrial action can only take place following a lawful postal ballot of affected members, in which more than 50% must vote and (in important public services) more than 40% must vote in favour of taking action. These laws apply in England, Scotland and Cymru/Wales.

So is this a vote to strike?

Not at this stage. First of all, UNISON needs to establish whether the majority of affected members in England want to oppose the outcome and are willing to take part in industrial action to try and secure change. If enough members vote for this in the consultation, the next stage would be for the union to run a

Branch guidance

28 July 2021

formal ballot. The bar for this is high, but achievable, provided a large majority of UNISON members in the NHS in England want to do this.

I'm an apprentice – what will happen to my pay?

If you are paid on an Agenda for Change (AfC) pay point or using a percentage of an AfC point this will be updated by the 3%. If your employer uses another method of determining your pay you will need to check that they are planning to increase it by 3% and talk to your UNISON branch if you have concerns.

I work for a private contractor. Will I be asked to vote in the consultation?

UNISON's pay campaign has been totally focused on the NHS being 'One Team' – with all staff whoever they are employed by deserving of a decent pay rise. Through our 'One Team Us 2' campaign we are working to help get staff working for private contractors (including subcos), equivalent pay, and terms and conditions to their colleagues directly employed by the NHS.

As these contractors are not always covered by national agreements, the work to negotiate these equivalent terms and conditions is done on an individual employer basis. Some employers have formally agreed to mirror NHS pay and conditions, and if yours does, you may be included in the national consultation on the NHS pay decision and receive communications about how to vote.

If your employer does not mirror NHS pay and conditions, you will not be included in the national consultation. Whichever contractor you work for, and whether you are formally consulted or not, UNISON will continue to place pressure on Government for better terms and conditions, and for pay increases offered to staff directly employed by the NHS.

I am in Cymru/Wales, Northern Ireland or Scotland. Will I be asked to vote in the consultation?

The governments in Wales and Northern Ireland make their own decisions on what pay award to make in those regions. The Welsh government has announced a 3% pay rise and Northern Ireland is yet to announce. Members in these UNISON regions will be consulted on these outcomes, but it is likely to happen on a different timetable to the consultation in England. The Scottish government announced a pay rise of 4% for most NHS staff, which UNISON members in Scotland voted overwhelmingly to accept back in May.

Branch guidance

28 July 2021

Non-NHS employers- automatic AfC

There are a number of non-NHS employers that automatically and unconditionally implement AfC pay awards. Members in these employers have a reasonable expectation that we consult them on changes to their pay, terms and conditions of employment.

The Health Service Group Executive has worked with regions to develop a process to identify these employers and provide members with the opportunity to be consulted.

There are strict tests that need to be met, and evidenced in writing, in order to assure ourselves these employers would be part of the same trade dispute.

If you represent members in an employer that you think might meet the conditions of automatic and unconditional NHS/Agenda for Change pay awards, please contact your UNISON region who can advise further.

Non-NHS employers – One Team Us2

For contractors, sub-cos and other employers that do not apply AfC fully and automatically our One Team Us 2 campaign continues. Please use the **One Team Us2 resources** for lodging claims and seeking discussions around obtaining parity and observance of AfC for contractor staff. The resources at the bottom of the page include a **branch guide** with flow charts to follow for the different pay scenarios and supporting materials including a model survey.

These materials will be updated once the consultation on the pay outcome for directly

employed NHS staff is complete and we have a settled position to point to.