

Branch guidance

9 August 2021

Summary

On Wednesday 21 July the Welsh Government announced a 3% pay rise for NHS staff in Cymru/Wales.

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 except bands 8c and above
- ▶ 3% stretches the gap between the highest and the lowest paid staff in the NHS
- ▶ It does not include staff on the lowest pay point - they are expected to make do with the £391 added to their annual salary back in April when the Welsh government implemented the 2020/21 Living Wage Foundation rate.

Therefore, **the Cymru/Wales Regional Health Committee (RHC) 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 Welsh 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 until Friday 17 September.

This pack provides branches with further detail on the outcome, the assessment of the Regional Health Committee, the consultation process, and the role of branches in leading workplace conversations and driving maximum participation from members.

Key actions for branches

UNISON is the largest union in the Cymru/Wales 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

9 August 2021

Pay outcome

The [Welsh Government has decided](#) that a 3% increase will be applied to all NHS pay points in Cymru/Wales with the exception of the bottom pay point which was updated by 2.2% in April [to implement the 2020/21 Living Wage Foundation rate](#). The Welsh Government intend to work with NHS employers to impose the pay award without consultation.

The government is not asking NHS staff to consider an “offer”. They want to implement this whether they have our consent or not.

That has direct consequences for 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 as a union to challenge this outcome.

UNISON position

The Cymru/Wales Regional Health Committee met on 28 July to consider the pay 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 include staff on the lowest pay point - they are expected [to make do with the £391 added to their annual salary back in April](#) when the Welsh government implemented the 2020/21 Living Wage Foundation rate.

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 Welsh NHS wish to do this.

Therefore, we can challenge this if there is widespread support from UNISON members in the Welsh 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 legislation 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.

The question for members

UNISON's Cymru/Wales Regional Health Committee agreed to consult members with the following specific question:

This outcome is not acceptable to UNISON's Cymru/Wales Regional Health Committee and falls far short of our One Team 2k position. We want to hear your views.

Branch guidance

9 August 2021

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*

Consultation process

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

The building and running of the consultation will be coordinated between the region and UNISON Centre. 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 centrally:

- ▶ A secure, online form for members to cast their ballot
- ▶ Direct email communications
- ▶ Direct text message communications

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 Wednesday 8 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/wales** 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 Cymru/Wales, 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.

New joiners, or members who update their details and consequently become eligible 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](#)

Branch guidance

9 August 2021

Scripts for branches and Branch presentations – coming soon!

Remember to visit the Cymru/Wales regional website frequently to check out new materials.

And if other materials would help – why not ask? Speak to your regional staff and see what else they might have or any ideas or requests you have.

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

<i>[Lowest point</i>	<i>£391*]</i>
Top Band 2	£581
Top Band 3	£635
Top Band 4	£725
Top Band 5	£919
Top Band 6	£1,137
Top Band 7	£1,336
Top Band 8a	£1,551
Top Band 8b	£1,861
Top Band 8c	£2,210
Top Band 8d	£2,633
Top Band 9	£3,148

**Band 1 and the entry point to Band 2 are not covered by this 3% award. Instead, they were increased by £391 (2.2%) in April in line with the 2020/21 Living Wage Foundation rate*

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

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 include staff on the lowest pay point - they are expected [to make do with the £391 added to their annual salary back in April](#)

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, in Cymru/Wales it is the role of the Regional Health Committee to set policy on NHS 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 in line with the [Democracy in UNISON guidelines](#), particularly sections 2.5 and 3.1.

Branch guidance

9 August 2021



FAQs for members

A live list of FAQs is available www.nhspay.org/wales-faq These include the following:

Will the pay rise be implemented for all NHS staff in Cymru/Wales? 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. The 3% pay rise announced will be for all staff directly employed by the NHS, apart from those on Band 1 and the entry point to Band 2 who, back in April 2021, had an uplift of £391 to their annual salary in line with the 2020/21 Living Wage Foundation rate.

Q When will the pay increase be paid in Cymru/Wales?

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

When will the pay increase be backdated to?

The pay rise in Cymru/Wales will be backdated to 1 April 2021.

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 Cymru/Wales 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. All eligible members in Cymru/Wales 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/wales 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% of those voting 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 Cymru/Wales 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 bar for this is high, but achievable, provided a large majority of

Branch guidance

9 August 2021

UNISON members in the NHS in Cymru/Wales 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 uprated 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 England, Northern Ireland or Scotland. Will I be asked to vote in the consultation?

The Westminster government has decided its award for England is 3% and a ballot is underway of members in England. If you're in England check your email (including junk folder) or go to nhspay.org for more information. The governments in Northern Ireland and Scotland also make their own decisions on NHS pay awards, although this is influenced by what the Westminster government does on funding. The Northern Ireland pay award is yet to be announced. The Scottish government announced a pay rise of 4% for most NHS staff, weighted to the lower paid and backdated to December 2020, which UNISON members in Scotland voted overwhelmingly to accept back in May.

Branch guidance

9 August 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.

We have developed 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 regional organiser 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.