

UNISON Direct 08000 857 857

Yorkshire Ambulance Branch

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***UNISON News Update***

**Holiday Pay Claims update**

**Over recent months, UNISON has led negotiations to secure a framework for NHS staff working under NHS terms and conditions (Agenda for Change) in England to ensure that they receive their correct holiday pay.**

The NHS terms and conditions handbook, under section 13 already clearly states that pay should be calculated based on what an individual would have received if they had been at work.

[**Section 13.9 of the NHS terms and conditions of service**](https://www.nhsemployers.org/tchandbook/part-3-terms-and-conditions-of-service/section-13-annual-leave-and-general-public-holidays)**,** states that:

‘*Pay during annual leave will include regularly paid supplements, including any recruitment and retention premia, payments for work outside normal hours and high cost area supplements. Pay is calculated on the basis of what the individual would have received had he/she been at work*.’

Until now employers have not consistently included regular overtime in these calculations.

These negotiations were only possible thanks to UNISON members taking legal claims, through a successful organising strategy, which helped to strengthen our position to collectively bargain on behalf of our members. UNISON made it clear from the outset that employers need to fix historic miscalculations of holiday pay and to prevent these underpayments from reoccurring.

After working through a range of varied and complex fixes to remedy the historic underpayments, trade unions and employers agreed that the fairest approach would be to apply a single percentage to all eligible overtime, including additional time worked by part time staff.

**The agreement means that employers will go back 2 full financial years (1 April 2019 to 31 March 2021) and correct historic underpayments for employed staff who meet the eligibility criteria. Payments will be made between April and September 2021.**

**In YAS it is confirmed that payments will be included in the August 2021 pay date for the two year period.**

Within YAS, UNISON has been campaigning since 2015 for holiday pay claims, with an agreed legal stay date of July 2016. This period between July 2016 and 31st March 2019 is under negotiation between the Trust, UNISON and legal representatives, with a meeting planned for 15th July.

The existing legal claims lodged in the Employment Tribunal or the County or High Court will be resolved through local settlement discussions between the relevant employer and the claimant along with their legal adviser.

The national discussions that have taken place now clarify how NHS employers should interpret section 13.9 of the NHS terms and conditions of service. It is now accepted that employers should include regularly worked overtime and additional standard hours in the calculation of pay when staff are on annual leave.

**Re- banding Appeals**

**JEG banding reviews**

Following an ACAS process regarding the CS banding review the CS, EMD and Dispatcher roles went to JEG (joint evaluation group) to be externally evaluated. The outcome to this was no change of banding to the CS and EMD roles, with an unexpected down banding of the Dispatcher role. UNISON is unhappy with this outcome and within process, is working with the post holders to prepare a review.

We fully understand member’s anger and disappointment at these outcomes, we are working hard to challenge the decisions and we will keep members fully informed of any developments.

**ECA Banding Review**

This is still ongoing with the final meeting to agree the JD to hopefully occur in the coming weeks. Once the job description is agreed by management and the post holders it will be evaluated under the A4C JE process. UNISON feel the role has changed hugely since its inception, with ECA’s working together as LAT, attending to patients to ‘assess’ and making decisions which we feel were not encompassed the current band 3 scope of practice.

We will keep members updated with the progress.

**Specialist Paramedic**

UNISON submitted a banding review for the Specialist Paramedic role in 2018, feeling the skillset and role requirements had changed exponentially from the initial banding process and job description, agreed in 2015.

In line with Agenda for change job evaluation processes UNISON has worked with the Trust to negotiate and agree a job description which reflects the skills, experience and the independent practice required of the current Specialist Paramedic role.

The job description has been evaluated and consistency checked using the agreed Job evaluation processes, being evaluated as a Band 7 role.

This has been agreed by the Trust and all qualified Specialist Paramedics will move to the appropriate pay point in Band 7 based upon the date they were signed off (this will become their new incremental date) and back pay will be paid accordingly in July’s pay date.

The middle group of SP’s currently in training move to band 7 on the implementation date and have to complete either the portfolio or educational route within 2 years

Aspirant Specialist Paramedics will move to Band 7 two years from the implementation date or on completion of training, whichever is soonest.

**Pensions Update**

The Government has published its response after seeking views on the proposed remedy option for correcting the unlawful discrimination determined in the Court of Appeal’s McCloud judgment.

In line with UNISON’s recommendation, it has been confirmed that Deferred Choice Underpin (DCU) will be the remedy option for the NHS Pension Schemes covering England and Wales, Scotland and Northern Ireland.

DCU means that all in-scope members will receive a choice at retirement, on whether they wish for all of their pension scheme service prior to 1 April 2022 to be in their previous scheme (i.e. 1995 or 2008 Sections) or have a combination of previous scheme benefits and the 2015 scheme for all service, up to 1 April 2022.

The benefit of making a choice at retirement is that members will be able to make a decision based on known entitlements instead of assumptions, thereby reducing the likelihood of making the wrong decision.

The Government response also confirms that everyone will be in the 2015 Scheme with effect from 1 April 2022.

Everyone eligible for a choice will be assumed to be in their previous scheme for all service before 1 April 2022 up to the point of actually making their choice.

Retirements from October 2023 is when it’s expected that eligible members will be offered this choice but it’s hoped that for those that have already retired that these members may get a choice earlier than this.

For anyone that has already retired or will be retiring before October 2023, all choices will be fully retrospective to your pension payment date, meaning that your award will be amended and backdated should you choose not to be in the 2015 Scheme for any period before 1 April 2022.

[Government responds to McCloud pension consultation | health | News | UNISON National](https://www.unison.org.uk/blogs/health/2021/02/government-responds-mccloud-pension-consultation/)

We understand that pensions are a complex issue and often difficult to understand, equally UNISON cannot give pension advice as we are not financial experts. However UNISON members have access to financial advisors who can offer pension seminars, these are currently via Microsoft Teams and for up to 50 members, alternatively members can book a private half hour of financial advice, previous feedback from members has been favourable.

Please contact us at [yas.unison@nhs.net](mailto:yas.unison@nhs.net) if you would be interested in the seminar, or the private financial advice.

The Branch will provide regular information in the form of a brief news update or on more specific developments as they arise as current conditions are demanding, fast paced and ever changing.

Updates will be posted on our Facebook page ‘UNISON Yorkshire Ambulance Branch’ and our website [www.uyab.co.uk](http://www.uyab.co.uk)

Please contact us at [yas.unison@nhs.net](mailto:yas.unison@nhs.net) for representation, queries or concerns; alternatively contact your local steward or convenor for more information.