



Dear Member,

We are writing in relation to the Trust's intention to consult staff on changing the way that TOIL is paid in SECamb for bank holiday working, the details of which were shared with unions on Friday 28th August. Ironically, this presentation and the webinar to announce the Trust's intentions to staff, have been timed to be immediately before and after a bank holiday weekend.

Under the NHS Agenda for Change (AfC) framework, local agreements are operational policies or variations negotiated and agreed upon at a local trust or board level. While AfC provides a standardised national pay and conditions structure, the NHS Terms and Conditions of Service (TCS) Handbook explicitly grants individual employers the flexibility to design specific arrangements in partnership with local trade unions and staff-side representatives.

The arrangements around TOIL on bank holidays form such a local agreement which has been in place since 25th December 2017. This variation on AfC terms and conditions, framed as the Trust's official interpretation of them, was agreed in partnership by the Joint Partnership Forum (JPF) and as such forms part of our members' contractual terms and conditions. It is not merely custom and practice, as the agreed position has been relied upon and applied for over 8 years.

We do not accept that the Trust can simply consult and seek to withdraw or amend this arrangement without appropriate negotiation with the recognised trade unions as doing so would breach the terms of the Recognition Agreement. There is, however, a significant difference between the Trust's and the joint union's interpretation on this point. We believe that if it seeks to implement such a change, it needs to fully engage with and negotiate an appropriate settlement or buy out with the recognised trade unions.

We have laid out the above argument and asked the Trust to therefore delay the proposed start of consultation to allow us to get round the table to discuss the legal findings sought by both the Trust and unions. We are very disappointed that the Trust have declined this in a move away from partnership working. Despite this, we genuinely hope that the consultation, should it go ahead as intended by the Trust, is meaningful and results in exploration of alternative solutions.

We are greatly concerned that the proposed change represents a significant financial detriment to affected staff and could result in a substantial reduction in pay. There would be a broad range of impacts as these depend upon pay band, shift length and number of bank holidays someone is rostered to work. The maximum number of bank holidays anyone can work in a year is 8, whereas the Trust's estimate of the average is rounded up to 4 per year. This table will therefore give some idea of how this will affect you personally:

Band	Value of 11.5 hour shift at time and a half	Value of average number BH shifts (4)	Value of max number PH shifts (8)
2	223	892	1,784
3a	227	909	1,818
3b	242	970	1,939
4a	250	1,002	2,004
4b	275	1,099	2,199
5a	283	1,132	2,264
5b	305	1,221	2,441
5c	344	1,378	2,755
6a	353	1,410	2,820
6b	372	1,488	2,976
6c	424	1,698	3,396
7a	436	1,743	3,486
7b	458	1,833	3,665
7c	499	1,994	3,989

We would like to stress that we are not calling for members to avoid participating in the consultation. However, we urge those who do so to make it clear that they are doing so under duress and that they do not take this to constitute an alternative to negotiation by their union nor to represent acceptance of the Trust's position regarding the contractual status of the existing arrangement. It is vital that the Trust receives evidence of the impacts, both on individual's finances and operational effects.

We are considering next steps and appropriate escalation should agreement not be reached with the Trust and will keep you updated as the situation progresses.

Signed on behalf of the Joint Unions,

Pete Steventon

Peter Steventon,
Branch Secretary,
UNISON

Jo Smith

Jo Smith,
Branch Secretary,
GMB

David Deville

David Deville,
Branch Chair
UNITE