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23 April 2008

Dear Kevin

Proposed Long Term Pay Agreement for 2008/2009/2010

Thanks for your letter of 7 April to Steve Barnett about the proposed three year pay agreement for staff under the remit of the Agenda for Change agreement. As Steve is now Acting Chief Executive of the NHS Confederation he has passed your letter to me as Acting Director of NHS Employers to respond.

We note the concerns you have expressed about the content of the proposed agreement and the reservations about the process that has been followed.

For the present, we are not convinced that a meeting with only some of the nationally recognised unions to discuss the proposed pay agreement would serve any useful purpose. This is because there is no scope for any further negotiations on the content of the proposed agreement.

It may help if we revisit the background to these talks. The negotiating agenda was agreed as part of the 2007/2008 pay settlement on 1st August 2007. This stated:

'All parties (i.e. the four UK health departments, NHS Employers and the NHS trades unions) are committed to entering into discussions on the potential for a multi-year pay deal to cover all or part of the next Comprehensive Spending Review period'

It also said:

'All parties are committed to reviewing the Agenda for Change pay scales with reference to the number of incremental pay points, the opportunities for incremental progression and the appropriate structure at the bottom of the pay'

In October, the national parties agreed the structure for these talks including a small reference group involving UNISON and the RCN. For the purposes of the talks, the Staff Council Executive was extended to incorporate additional representatives from Scotland and Wales and the Department of Health. There were discussions of various options in both the small and larger groups. These discussions included looking at options on reducing the number of incremental points and changes to the structure of pay band 1.

These groups were ad hoc bodies which had been established for the purposes of the multi year talks. This is because paragraph 40.4 of the Conditions of Service handbook makes clear that *'The NHS Staff Council will not negotiate pay settlements.'*

The talks concluded at meetings of the small group on 2nd April and the extended Staff Council Executive on the 4th April. At the final meeting, on the 4th April, we understood that the unions present were involved in the discussions, albeit this was through corridor discussions. Through this process there emerged agreement on the re-opener clause, the inclusion of words on apprenticeships and the prioritisation to be given to reduction in the length of bands 6 and 7 in future talks. Employers could not agree to the proposed increase to the level of support for registration fees.

We would stress that there is no 'offer' but a proposed agreement involving pay and non pay elements. The wording that was finally agreed with UNISON and RCN was to allow all unions, the other UK Health Departments and the management/employer side to consult their wider constituencies. In a spirit of partnership we would urge all the NHS trades unions involved to proceed to some form of consultation on the proposed three year settlement. It is important that all unions members are given the opportunity to have a say on the proposal.

You will appreciate that it would not be appropriate for us to comment on any issues you may have with other trades unions. These are matters which can only be resolved through discussions within the wider staff side.

I can reassure you that NHS Employers remains committed to continuing to working in partnership with joint NHS unions on the full range of workforce and employment issues.

Yours sincerely



Alastair Henderson
Joint Acting Director
NHS Employers

cc: Lesley Mercer, CSP
Jon Skewes, RCM
Peter Allenson, TGWU
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