NHS BRIEFING AND GUIDANCE
DOWN-BANDING WITHIN NHS TRUSTS

GMB members in NHS Trusts are being faced with Grade down-banding (or de-banding), as employers make cost reductions as a direct result of the coalition Government’s budget cuts. This is despite the Government’s empty promises that their cuts will not affect frontline services. This Briefing and Guidelines is intended to advise GMB members and Representatives of the steps that could be taken in the event of down-banding.

NHS staff Pay Bands have been established through partnership working between employers and trade unions and are set out in the NHS terms and conditions handbook. Allocation to a Band is determined by job evaluation as laid out in the NHS job evaluation handbook.

THERE IS NO PROVISION IN EITHER DOCUMENT FOR DOWN-BANDING OF POSTS

Against the spirit and principles of Agenda for Change and those stated in the proposed Government’s Reforms, NHS Trusts are exploiting a loyal, dedicated and hardworking workforce in order to comply with the Government’s unnecessary budgetary cuts.

One method often used by employers is to disguise down-banding in the pretext of redundancy and state that a lower grade is ‘suitable alternative employment’. This makes employees fearful of losing their jobs and leaves them in a very vulnerable position; however it is often simply a management tactic to justify ‘down-banding’. The effects of these tactics will be dramatic and are likely to lead to:

- Reduced quality of service provision
- Longer waiting times
- Cancelled operations
- Increased workloads on staff, despite being down-banded
- Loss of morale in staff
- Increased stress in staff
• A potential loss of up to £5,000 in annual salary once protection has expired.
• Demoralised staff moral
• Increase in Disciplinary and Grievance’s
• Higher sickness levels

**GMBS POSTION:-**

GMB is opposed to the indiscriminate cutting of our members’ earnings through this unfair practice. We are calling, “on the Government to withdraw the constant attack on our GMB members in the National Health Service”

We must care for those who care and stand together to protect our NHS and the foundations from which it was built. Down Grading Staff many of whom are already on low pay and suffering from wide spread cuts will only lead to more insatiability.

Following is advice for GMB members and Representatives who may find themselves in this particular situation.

In some trusts the workforce change group tend to agree a way forward on this type of issue therefore this briefing is for the purposes for advice and guidance and should not be seen as guidance that supersedes any current arrangements you may have on this locally.

**INFORMATION FOR MEMBERS**

1. If your employer notifies you that you are to be down-banded, inform your local GMB Representative **immediately**
2. Inform your employer that you wish to challenge against the down-banding and get a meeting set up with your local GMB Rep.
3. Obtain the justification for the proposed down banding and request how you can appeal against the proposal.
4. Make sure you notify GMB of any changes to your personal details since joining.
5. If you are down-banded, ask your employer which tasks you will no longer be required to carry out.
6. Ask your employer which pay point you will be moved to and what pay you will receive once pay protection has expired.
7. Request a copy of the grievance procedure and rights of appeal procedures.
8. Make sure you and your colleges are all members of the GMB

**If you are down-banded, you are no longer obliged to carry out the tasks commensurate with your previous grade.**
ACTION PLAN FOR REPRESENTATIVES

• On notification of down-banding, get the employer to supply you with names and posts of all groups and/or individuals who will be affected (including non-members), plus the departments affected.
• Request a meeting to discuss Organisational change is there a workforce change group operating in the trust?
• Lodge a grievance on the grounds that the employer is breaching the Agenda for Change Agreement and may be in breach of contract. The timing of a grievance often can be crucial if in doubt speak to your local GMB officer for advice and guidance.
• If you have not been notified by the employer of the down-banding proposals, lodge a grievance on the grounds that the GMB has not been consulted.
• Down-banding should not take place without re-evaluation of the post. Check whether proper procedures have been followed in this respect.
• Re-evaluation should only happen if a new job description has been issued. Any job description must be agreed by the post-holder before re-evaluation. **Jobholders should not agree with new job descriptions if they do not reflect their job demands and tasks.** If the post-holder does not agree then the matter should be resolved firstly through informal procedures and then by formal procedures if the matter cannot be resolved.
• Employers may impose pre-existing job descriptions which are at a lower band. This may contravene any national agreements. Job descriptions, according to the agreement, have to be agreed with the post holder and/or their representatives
• If the down-banding occurs through matching to a national profile, check with the member to see if it accurately matches their own job description and reflects their current role.
• Insist on a Risk Assessment to gauge the effects of any organisational changes arising from down-banding proposals.
• Ask for a written copy of the Equality Impact Assessment.
• Ensure that accurate minutes and notes are taken of all meetings and dates, even if they are informal.
It may be that, due to re-organisation and restructure, some down-banding may be justified due to significant changes in job demand. If this is the case, the employer should go through the agreed job evaluation procedures of consulting with the GMB, re-evaluating the job and issuing new job descriptions with the agreement of the job-holder.

However, the GMB does not accept the current practice of failure to consult and imposing job descriptions and down-banding purely as a means to cut costs. This strategy is endangering the aim of Agenda for Change. Agenda for Change was designed jointly, in partnership, to achieve high quality service provision through the development of employees. It contradicts the aims of Agenda for Change by blocking career progression. GMB is calling for employers to continue working in partnership by consulting with the GMB and adhere to the National Agreement and its processes and procedures.

Sources of Information:
NHS terms and conditions of service handbook (Amendment number 22)
NHS job evaluation handbook (Third edition February 2010)
(Both available on www.nhsemployers.org/publications
GMB Branches, Local &Regional Office
GMB Representative

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