

What's the point of a Union at a time like this?



Thanks Roy, for inviting [MiP](#) to contribute this guest editorial on the thousands of job losses triggered by the abolition of NHS England, mergers of ICBs, the 'winding down' of Commissioning Support Units (CSUs) alongside the order to cut staff by 50%.

This piece looks at the detail of these changes, not the why of the Government's decisions in March.

Enough to say here, the Government made a huge mistake and took a massive gamble.

Since then, its incompetence has compounded the pain and shown a lack of respect for working people.

The result?

Severe damage to management capacity and capability, just as happened after the 2012 Lansley changes... will hobble its own mission to get the NHS back on its feet.

NHS England has not prescribed a full process on ICBs, who've had to do their best in a terrible situation. The following points arise from what we know across the changes so far.

ICBs have launched voluntary redundancy (VR) schemes and in some cases collective consultations on redundancies and new structures. NHS England and CSUs are running VR schemes. Long wrangling over funding saw these start late last year.

Many members have been put in a very difficult position: invited to consider VR without meaningful information about new structures and the future of their jobs.

We don't yet know how many earlier expressions of interest will convert into VR applications and therefore how many compulsory redundancies may follow.

The national VR scheme, which must be used to get Treasury approval, has been controversial.

The unions refused to agree it back in April.

We opposed stringent clawback provisions, going far beyond the repayment terms of *section 16 of Agenda for Change*.

A clarification has since softened the clawback: it will apply only to re-employment in the NHS, DHSC and its

agencies. But, a job secured with these employers up to six or – for payments over £100,000 - 12 months after termination will trigger repayment of some or all compensation.

The stark contrast with compulsory terms is something members must weigh carefully.

The VR scheme brought to light another injustice: excluding service on which partial retirement benefits have been drawn from redundancy calculations.

This unintended consequence of partial retirement, introduced in October 2023, prompted the NHS Staff Council to ask DHSC for a mandate to negotiate a solution.

We await a reply...

Meanwhile, employers are banned from offering their own solutions, even where staff took only some benefits.

For unions, equity is at stake.

There is no ‘double bubble’. Someone without partial retirement can get a full redundancy payment and retire the next day with full lump sum and a pension.

But, someone with partial retirement in the same job will get a statutory redundancy and little more.

They are no more cushioned against redundancy than anyone else. Of course, members can choose not to apply for VR, but a solution will be essential when employers look at compulsory redundancies of partially retired staff.

Another service-related issue is counting service in relevant employment

alongside NHS reckon-able service. There is no definitive list of ‘relevant’ employers, leaving decisions to employer discretion.

Challenging decisions therefore is hard and as ever with discretion, relies on showing precedents and inconsistent treatment by the same employer.

Approval for ICB payments requires agreeing departures by the end of the financial year. ICBs are taking different approaches.

Accounting rules allow some wriggle room for payments in the next financial year (i.e. after 5 April).

For example, the struggling NHS BSA may take a long time to issue pension estimates to inform decisions - a concern unions have raised with ministers.

Payments made up to 30 April can help with tax bills, such as post-employment notice pay (PENP), without being a tax dodge.

Some ICBs may need to open consultations on compulsory redundancies running into 2026/27.

Unions are asking NHS England for more information about the numbers of VR applications and the status of consultations across ICBs, so we can get a handle on what comes next.

Is there a point joining a union amid this mess?

Absolutely.

While unions like [MiP](#) limit individual advice for new members with an immediate issue, but new members still receive all the benefits of the union's information, participate in collective representation and, importantly are covered for future changes.

And, every new member strengthens our voice.

Our goal is simple: to stop the next self-destructive reorganisation.

