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Appendix A

President's Report for Annual Report 2009

Once again it has been an incredibly busy year for the College. We have reviewed all our training and development and planned ahead for 2009 and 2010. 'Piglets' have been formed from the original PIG in order to facilitate the development of the College and to share the ever increasing work load across the Executive and the NPC. We have advanced our professional agenda with the formation of the United Kingdom Board of Healthcare Chaplains (UKBHC), joining with the other three UK professional bodies – SACH, AHPCC and NIHCA. College members have made numerous responses to various faith group organisations and/or the Press about important issues arising and affecting healthcare chaplains. We have begun the process of updating both our website and our Journal.

Training and development

A two year programme was designed to cover introductory courses to chaplaincy (one residential, one not), two annual residential conferences for acute and mental health chaplains (the AHPCC also runs one for palliative care), a Faiths' Day and a number of day conferences around the UK, either for all chaplains or for those in a senior role.

The non-residential course, held this year in London, was very successful with 15 attendees from a variety of faith backgrounds. I was lucky enough to be involved on the first day and really enjoyed meeting all the participants.



The November day conference in Cambridge on the theme 'Professional Agenda' was well attended (50). The April day conference in Birmingham, on the subject of 'Training' was attended by 48

chaplains (there were also several others who wanted to attend but the venue had limited numbers). The next day will be held in Newcastle on 6th October 2009 and promises to

be just as interesting. Information about these day and others can be found on the College website.



PIGLETS

As you will be aware the role of President is usually combined with that of a fulltime chaplaincy post, therefore as the work of the college grows and develops there is an increasing need to share the workload. In order to enable this to happen, the Executive/NPC has been restructured. This means that we now have 4 subgroups of the NPC with the chair of each subgroup being a member of the Executive and all members of the NPC belonging to one of the groups. The four subgroups are: Education and Training, Pastoral Care and Supervision, Communications and Consultations and Interest Groups.

COMMUNICATIONS

The website is in process of being updated. The Journal Editorial Board has met with Executive committee members with a view to reviewing its production. There have been a number of consultation documents requiring attention from the College during the year and I wish to thank all those from the NPC and other members who have taken the time and energy to read and make responses to these. Also chaplaincy has had high profile for a number of reasons over the last few months and I know many have been involved with the media, particularly over the Secular Society and the nurse who was suspended for praying for a patient. All publicity attracted by these two issues appears to have had positive results for healthcare chaplains. There have been other communication issues of a less positive nature that continue to stretch the patience and endurance of our membership.

UKBHC

The UK Board has been up and running since the end of 2008 and many of you have



registered. There has been a lot of interest in how the Board was formed, its brief and developments and I have had copious



correspondence from chaplains across the UK about this.

All Party Parliamentary Group for Health Care Chaplains

This was set up last year by Mike Penning and conducted initial enquiries of chaplains with regard to spiritual and/or religious care to which many responded. Although there were plans to hold a two day formal enquiry at which he would invite individuals to give further information to the committee this has not yet happened.

Finances

As in other areas of life, money (or lack of it) remains a significant issue for the College. Although letters were sent to all members at the beginning of the year about the professional supplement the response to this has been poor. I encourage you to continue to send your supplement to the registrar in order that we can continue to grow our work particularly with the website, Journal, chaplain's education and professional developments.

Invitations...

I have spoken at CHCC regional meetings in Trent, Scotland and London and will be visiting the North Western and Merseyside in October. I have represented the College at the UKBHC Board meetings in London and Edinburgh and Mark Stobert attended the one in Belfast.

Thanks

I would like to take this opportunity to thank our Unite Professional Officer, Carol English, for all her continued hard work on behalf of chaplains with particular regard to pay and conditions and providing invaluable support and information about advancing the professional agenda. Our sincere thanks to Carol for everything she has achieved for us and continues to do so. Thank you also to all members of the National Professional Committee for all their energy and commitment to the College and to William for supporting us as our registrar. Particular thanks to Mark Stobert who on a number of occasions this year has stepped in to cover for me in my absence. I also wish to thank all my colleagues at Addenbrooke's for their long suffering support and encouragement.

Final thoughts...

This continues to be an exciting (if somewhat busy) time for all of us! I have enjoyed the opportunity to get to know members through many conversations by phone, email or at conferences and am encouraged that so many are so positive and enthusiastic about the future of healthcare chaplaincy.

Anne Aldridge, June 2009

Hon. Treasurer

YEAR ENDED 31ST DECEMBER 2008

BRANCH FUNDS

Receipts

Proportion of Members' Subscriptions	2075.74
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Payments

Web Site Maintenance	710.00	
Conference Fees/Expenses	661.59	
Meeting Expenses	760.30	
Sub-Branches	298.09	
Postages and Stationery	20.00	
	-----	2449.98

Excess of Payments over Receipts (374.24)

Cash & Bank Balances at 1st January 2008 419.45

Cash & Bank Balances at 31st December 2008 45.21

BURSARY & TRAINING FUNDS

Funds generated by

Annual Study Course	4503.77	
MHRG Conference	8582.93	
Introductory Course	367.35	
	-----	13454.05

Payments

Journal Publication	4403.02	
Bursaries	500.00	
Research Methods Course (net)	3141.34	
Other Training Costs	424.58	
CAAB Website etc.	988.62	
UKBHC - Grant	3314.00	
Miscellaneous	103.63	
	-----	12875.19

Net Receipts 578.86

Cash & Bank Balances at 1st January 2008 8383.28

Cash & Bank Balances at 31st December 2008 8962.14

Notes

The accounts are prepared on a cash basis therefore income from Courses and Conference is only accounted for when actually paid.

In 2007 £2136.78 expended by way of subsidy for the Research Methods Course making the total subsidy £5278.12

Nick Flood, June 2009

Vice President & Conference Organiser

The Politics of Pastoral Care - Cardiff 2008

Chaired by Rev. Malcolm Masterman, The Politics of Pastoral Care aimed to address the complexities and tensions of pastoral practice within the secular institution of the NHS.

One notable tension was that which exists between the pastoral practice and theology emerging from the religious setting, particularly the Christian Church, and the place of Chaplains within those institutions. Another dynamic explored was how pastoral response became political action. Throughout, participants were asked to think about who they were, and who they within the context of their institutions.

Rev. Andrew Todd, St Michaels College, Cardiff gave a very full lecture on the aspect of ministry in the society we live in and the context of Equality and Diversity Agenda within the NHS.

Rev. Mark Sutherland delivered a stimulating and well received presentation, introducing the Conference to Spiral Dynamics, which was for most a new framework to understand the dynamics of systems. With self effacing humour

Prof. Leslie Francis presented an excellent recap of the evidence base that is personality types, with a clear meshing with the practical realities we face as chaplains. A light was shone on us all so that we may be better able to know ourselves – a prerequisite for ministry.

Rev. Mike Williams, a former NHS Trust Chief executive, gave a clear affirmation of the worth of Chaplaincy and the challenge to be bold in talking about what chaplains do.

Lord Ellis Thomas brought 'political clout' with a listening ear. He gave a glimpse of what a Welsh NHS that will include an integrated Spiritual Care Strategy would look like. It was an energetic and passionate presentation that is tantalizing for English Chaplains as they can only look over Offa's Dyke. He has proved to be a 'Friend to Chaplaincy'.

In the Workshop led by Rev. Kathryn Price participants revisited their ordination vows and compared and contrasted the differences as a starting point to reflect on what make us ministers and on our relationship to church.

In the Members' Presentations Canon Jane LLoyd passionately described the development of how Chaplaincy can deliver sensitive compassionate care to those who experience pregnancy loss. Rev. Graham Hancock presented his research into the psychological typology of Anglican Healthcare Chaplains that demonstrated the issues that The Church of England might need to face. Rev. Mark Stobert reflected on the phenomenon of countertransference in spiritual care.

As he began so Rev. Malcolm Masterman concluded the conference. Malcolm's summary was in collaboration with the delegates and was a very helpful integration of themes and phrases that were circulating during the conference. This was followed by an excellent meditation led by Anne Aldridge CHCC President

One attendee exclaimed, *"This was the most stimulating and thought provoking annual conference I have attended. (This is the sixth that I have attended.) There was a real sense of professional chaplaincy at this conference, a much more confident experience."*

By an overwhelming majority the delegates prefer the option of a shorter conference in 2009, with a more tightly packed programme. The conference would begin on Monday after lunch and end on Wednesday lunchtime.

The College of Health Care Chaplains
2009 Annual Study Conference

University of Durham
Collingwood College - Conference Centre

Monday 6 July -Wednesday 8 July

***Facing the Storm:
Spiritual and Pastoral
Responses to Crisis and
Trauma***

Registrar

1. Membership

Membership during the previous year experienced a small initial decline, probably an effect of the ongoing staffing reductions and financial pressures in the NHS. However, for the past six months the figure has increased from 876, in December 2008, to 983 subscribing members. Some of the increase is from the CHCC Introductory course, Faiths day conference, regional sub group meetings and also the work of the UKBHC.

The following is the breakdown of members whose subscriptions are due:

SP1 (1 – 12 weeks arrears)	11
SP2 (13 – 26 wks arrears)	14
SP3 (over 26 weeks)	169

Members are encouraged to pay the membership subscription by direct debit mandate to avoid falling into arrears.

2. Regional Representatives

There are three regional posts vacant - January 2009 to 31 December 2010:

Oxford part of South East region

Yorkshire and Humber

Ireland

It is important having regional representatives for all the regions, in order to have the College function fully.

3. Website

The Council (NPC) has proposed a new webmaster to revamp the existing College website, which will be ready by mid September.

The current College web name ([Error! Hyperlink reference not valid.](#)) will remain the same.

3. Communications with Members

I have continued to arrange and attend NPC, Executive, Study conferences, together with attending Regional meetings and sub-groups as required. Contact with the President, NPC and Executive members, and, of course, Carol English, has been regular and frequent.

Direct contact with individual members and prospective members, by e-mail and telephone, remains a large part of my work, and I hope that my input has given some help to members, not only in relieving some of their frustrations, but also helping in times of what are often situations of considerable personal pressure.

4. Conclusion

Looking ahead, I can see clearly how far CHCC and health care chaplaincy has advanced and developed to meet the challenges of fast-changing surroundings. The greater recognition of chaplaincy as an integral part of the professional health care team is well overdue, in large part, to the efforts of CHCC and its members, and the work so far done by the United Kingdom Board of Healthcare Chaplains (UKBHC).

I am grateful for the support from the President (Anne Aldridge) and all Council members in carrying out my duties. I would like especially to thank Carol English, who has been of tremendous support me.

I look forward to more years serving the membership of the College.

William Sharpe, June 2009

Unite/CHCC Professional Officer

IN GENERAL

For most of the past year we have seen the economic situation changing with resultant job losses. This has had an impact on the union's subscription income. The health sector is tasked with demonstrating a 20% reduction in expenditure for its activities while this situation continues. This will mean considering alternative forms of meeting such as video and telephone conferencing. This annual report is not being produced in the glossy format that we had in 2008 for that very reason. These are cosmetic changes that will not affect the real value of Unite/CHCC to our members.

At present CHCC membership is holding steady having recovered from the job losses in 2006.

PROFESSIONAL REGULATION

In 2004 all members of CHCC were sent a questionnaire. The results of that questionnaire were published in 2005 and have been used since then to direct and guide the CHCC agenda on behalf of its members.

One of the striking messages we received from our members was that in 2005 95% of respondents stated that they wished to see professional registration for chaplains, whereas in 1999 only 52% of membership had wished for registration.

This huge endorsement from our members set an important agenda for CHCC and gave us the mandate to go ahead and establish the UKBHC.

The UKBHC is addressing what is required if we are to demonstrate a transparent and accountable structure according to the principles described in the regulation White Paper "Trust, Assurance, Safety ..."

The tasks around regulation are to create an independent organisation that is not directly influenced or funded either by employers or by practitioners. This is likely to involve the introduction by UKBHC of a registration fee, and the need to involve an external organisation in the appointment of the council of half lay and half professional people that the council/fitness to practice committee will require.

We have also recently acknowledged that the chaplains' code of conduct now sits within the remit of the UKBHC, while the function of the professional advisers sits with the professional membership organisations, which now need to work together on the management of this process.

PROFESSIONAL SUPPLEMENT

This was a voluntary contribution that was taken up by about one third of our membership. We are grateful to those who contributed. However, I have decided not to pursue the supplement and will not be asking for this payment in 2010. Given that it is likely that our members will need to pay a registration fee to UKBHC in 2010/2011, I think it better that we acknowledge that members will not look kindly upon paying both, and we wish to positively encourage registration with the UKBHC.

PAY, TERMS AND CONDITIONS/AFC

It has come to my attention that some trusts are attempting to down-grade chaplains. This action is being vigorously fought by my colleagues on behalf of our members.

Some may have noted the "authorisation" process being promoted by the Multi Faith Group for Health Care Chaplaincy in England. While the endorsement of chaplains by their faith community is acknowledged and supported by CHCC, members should note that the regime being promoted by the MFGHC in England has no status and is unenforceable. I have been contacted by some

members who are in fear of losing their jobs as a result of the MFGHC proposals. I have assured these members that they have nothing to fear.

RRP continues to be resisted by many NHS employers. However, we have been assisted by the judgement in a recent equal pay case involving chaplains and maintenance staff. This judgement confirms that the RRP is a contractual right for chaplains.

(See *APPENDIX A*)

TRAINING & DEVELOPMENT

At the end of 2008 I attempted to put together a two year rolling programme for our training, the idea being that people would know well in advance what we are offering and can get the dates in their diaries and begin to seek funding to attend.

We have had a very successful programme this year with a good faiths day in the West Midlands and the non-residential introductory course, both of which were well attended. We look forward to our next introductory course in Leeds in the autumn and also two one-day seminars.

The 2010 programme has yet to be finalised. Please keep an eye on the CHCC web site for further details. We expect to provide a similar programme of events to this year.

WALES

The Wales strategy for the provision of spiritual care has been on hold this year due to massive re-organisation of the NHS in Wales. However, indications are that we will be picking up the threads soon and be able to finalise the policy in Wales in full consultation with our members there. The Presiding Officer, Lord Ellis Thomas, is taking a personal interest in this work.

Our members in Wales are supported by my colleague Steve Sloan in our Cardiff office.

SCOTLAND

I have visited Scotland once this year to attend a study day for the CHCC Scottish branch. My colleague, Michael Fuller is available in Scotland to support CHCC members locally. Michael is based in our Glasgow office.

NORTHERN IRELAND

While we do not have many members in Northern Ireland, it has been a pleasure to work with the Northern Ireland chaplaincy organisation in partnership with UKBHC. I attended the recent meeting of UKBHC in Belfast.

Our members in Northern Ireland are supported by my colleague, Kevin McAdam in our Belfast office.

MEETINGS

Since the 2008 AGM I have attended 2 NPC meetings, 2 Executive meetings, 2 “piglet” (sub-committee) meetings, 2 meetings to discuss training for UKBHC members, 2 meetings to discuss the CHCC journal, 4 meetings of the UKBHC, 2 meetings of CHCC London Region, the CHCC non-residential introductory course, organised and facilitated the CHCC presence at this year’s NHS Confed. at Liverpool in June.

I also deal with quite a high volume of individual case work for CHCC members – usually involving the RRP!

IN CONCLUSION

In realising the importance of the indications of the membership questionnaire of 2004/05, I am suggesting that in early 2010 CHCC conducts another survey of its members, so that we can remain relevant and ensure that what we do is the wish of the majority of members and that we have a mandate to act on their behalf.

Carol English, June 2009

Chair of Education & Training sub-committee

The mental health annual study course “Mind the Gap” took place in Leeds in Oct 08. annual. It was well attended and appreciated. Thanks to Harry Smart for organising it.

The residential course for newly appointed healthcare chaplains took place in Leeds in September 08 and was run very successfully by Chris Swift.

Following the decision of the NPC in November 2008 to form four sub-groups, the training and education sub-committee has been given the following responsibilities: to have an overview of the requirements for and provision of training and education that the College makes available to it’s members; and to maintain and facilitate a two year rolling programme of events. It is intended that each event should have a designated member of the College to act as a controlling mind to oversee the proceedings.

The non-residential introductory course for new healthcare chaplains held in London this March was a good success attracting some 18 delegates and

working well on a non-residential basis. Thanks to Robert Mitchell for acting as the designated controlling mind. It would appear that the pattern of one residential and one non-residential introductory course per year works well and it is the College's intention to repeat this for future years.

The Faiths Resource Group held in Dudley in March also attracted a good number of delegates and was well received. Thanks to Mark Stobert for acting as controlling mind.

The senior practitioner day held on April 27th in Birmingham "Learning towards registration" was fully booked and was a most successful day. Thanks to Ann Aldridge and Derek Fraser for planning the day.

Future Training Events

2009

CHCC Mental Health Conference –28th – 30th September at Hinsley Hall, Leeds – fee - £370 for the course or £80 for a day delegate on 29th September.

Seminar for all CHCC members and others – "Maintaining Registration"
6th October 2009 – Thistle Hotel, Newcastle upon Tyne –Fee £60

CHCC Introductory Course – Residential – 2nd – 5th November at Hinsley Hall, Leeds – fee £480.

2010

CHCC Faiths Resource Group day fee £35 – (date and venue to be confirmed)

CHCC Introductory Course – non-residential 3rd March, 9th March, 16th March & 24th March in Leeds fee £345. Day Delegate £78.

The College is considering a joint Annual/ Mental Health Conference in 2010 to replace the two separate conferences just for 2010. This would probably take place in September of 2010 (date, venue and cost to be confirmed)

CHCC Introductory Course – Residential – 1st – 4th November in the Bristol area – (venue to be confirmed) fee £485

Jonathan Perry, June 2009

Chair of Support & Supervision sub-committee

The group has met formally on one occasion since its formation in November 2008. It intends to carry out most of its work via email correspondence.

It is clear that issues relating to supervision and support arise not only from the concerns of members but also as a result of the constant demands for change made by the Department of Health and subsequently by NHS Trusts themselves.

Much of its remit relates to the workings of UKBHC. The group, through its chair, will seek to work closely with this body to ensure that members receive appropriate help and advice on these matters.

The group's first priority is to offer members guidance on the role and place of supervision within healthcare chaplaincy. The word supervision is used in a variety of ways that can often lead to confusion. The group hopes that by the summer of 2009 to have formulated some clear guidance for members.

It was re-affirmed that members' first point of support is their Regional Representative on the NPC. With this in mind all members will have been reminded of this through the latest newsletter.

Employment issues will continue to be addressed by Carol English supported where appropriate by the chair and or other members of the group.

Professional issues are often inseparable from employment matters and will be addressed accordingly both proactively and reactively.

Chris Davies, June 2009

Bursaries & Grants Officer

Given the financial position of the College during 2008/09 only one new small grant was made for the attendance of a healthcare chaplain at the non residential introductory course this March. One ongoing 3rd year grant of £500 has been made and one ongoing 3rd year grant was not taken up. These accounts are now both closed. With the improvement in the College's finances those applicants with applications pending approval have been approached and asked if they are

still interested. Members are welcome to submit new applications for consideration.

Jonathan Perry, June 2009

North West Region

I have recently taken over the role of representative for this region from Rev'd Jayne Shepherd, who in 2008 left Healthcare Chaplaincy to take up the post of a Parish Priest in Knutsford, Cheshire. In this report I want to publicly thank Jayne for all the hard work and commitment which she has undertaken and exercised on behalf of the North West Branch.

The CHCC group in the North West is a strong, active, friendly and vibrant group who meet twice a year.

The AGM was held in March 2009.

- Keslang Tumo (Buddhist Nun) was nominated and elected as Chairperson. To replace Canon Dr. Ian Lovett who stood down having held the post for 5 years. We wish to express our thanks to Ian for all the work he has undertaken on behalf of the CHCC in this region.
- Rev'd David Brown will continue as Treasurer
- As there were no nominations for the role of secretary Pat will remain in the role pro-tem organising one study a year to coincide with the AGM.
- We will endeavour to link another study day with those arranged by a collaborative or chaplaincy team. The next one will be in October when we will join with the Manchester Collaborative.
- The group have been greatly saddened by the death of Rev'd Mark Folland.

The Annual study day held in April was a great success and we were led in our deliberations by the Rev'd Jean Flood who took us into the field of liminality with particular reference to Chaplaincy.

We explored the notion that our ministry as Chaplains is one of occupying a "liminal" space which is often in the territory between "church" and the

workplace or the community where people spend significant aspects of their lives.

The liminal role of Chaplaincy frequently calls for a bridging function upon which the Chaplain (and anyone else who chooses to join them) can achieve an interesting view of the 'landscape' on either side of the bridge.

This role brings with it however, important issues of ambiguity and identity (where do Chaplains belong?) Moreover, is the liminal identity concerned with communicating God or the church (or faith community). Is it a catalyst for change or a maintenance of the status quo.

All of the above produced a wealth of interesting conversations and many requests for further details of Jean's continuing PhD studies.

Pat Harvey, June 2009

Wales Region

Back in the summer of 2007 the process was begun in order to produce an all Wales policy for spiritual care in the NHS through a Task and Finish Group related to the Welsh Assembly Government. This group included chaplains from the major traditions of the Christian faith along with a Muslim chaplain who belongs to the college and representatives from WAG along with representatives from the college and UNITE. A draft document based on the model used in Scotland was finished by this group in the spring of 2008 and it was hoped that this would become the policy for Wales after a final round of consultation. This did not happen for a variety of reasons. I am hopeful that later on in 2009 that we will at last have a policy.

Cliff Chonka, June 2009

Faiths Representative's Report

The Faiths Representative continued to advise members on various questions forwarded to him over the year. There were many questions related to dress code policy within Trusts and balancing the needs of infection control measures with equality/human rights law.

Department for Communities and Local Government

'Faith Matters' a company commissioned by the Department of Communities and Local Government invited Yunus onto an advisory group looking at new guidelines to be introduced for the employment of Muslim Chaplains in public institutions. The Faiths Representative clarified the College position that there should be no specific predisposition in singling out Muslim Chaplains and any attempt to do so would contradict equalities policy and law. The College recommends all Trusts to follow due HR process and policies in the employment of Chaplains regardless of their faith background.

Government reforms of the Death Certification Process.

The Faiths Representative met with representatives from the DoH working group on the reform of death certification. The death certification process is due to change by 2011. The changes may have an adverse impact on some minority faith communities and this has been highlighted to the DoH. The latest proposals updated in March are available on the DoH website.

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_090533

Multi Faith Group for Healthcare Chaplaincy

Yunus attended two meetings of the MFGHCC on behalf of CHCC as an observer.

Yunus Dudhwala, June 2009

NPC Members' contact details

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Ireland	Vacant seat
Multi-faith co-ordinator – Yunus Dudhwala	yunus.dudhwala@newhamhealth.nhs.uk
Mental Health Resource Group Rep. - Stephen Bushell	Stephen.Bushell@obmh.nhs.uk
Part-timers – Peter Brignall	office@wrexhamcathedral.org.uk

Appendix A

“The Employment Tribunal's decision in the case of Hartley v Northumbria Healthcare NHS Foundation Trust (and others) was reported yesterday late afternoon. The decision runs to over 200 pages and it will take some time for our team to fully analyse the findings. Communications following the ET's decisions will be from the National Health Sector Office and we ask that colleagues refrain from paraphrasing the decision in ad hoc communications.

“In the meantime the paragraphs from the decision shown below will be welcomed by many Unite workplace representatives and members. In short, the AfC Agreement stands including the provision of Long Term RRP payable to Qualified Maintenance Craft Persons and Technicians and Healthcare Chaplains, until March 2011 when the ET has ruled the provision of Long Term RRPs should be reviewed by the NHS Staff Council.”

"13 In any case in which one of the claimants relies on a comparator who receives a recruitment and retention premium in accordance with any provision of the collective agreement other than paragraph H13 or paragraph H15 of annex H of the collective agreement, the first respondent may rely on such provision as a GMF defence to the claim, insofar as the claim relates to a period since 1 October 2004. Objective justification is not required for such provision. In any event, such provision is objectively justified insofar as it relates to the period from 1 October 2004 to 31 March 2011.

14 In any case in which one of the claimants relies on a comparator who requires full electrical, plumbing or mechanical crafts qualifications and who receives a recruitment and retention premium (whether the claim is under subsection 1(2)(b) or subsection 1(2)(c) of the 1970 Act or both), the first respondent may rely as a GMF defence to the claim on all the provisions of the collective agreement relating to recruitment or retention premia, including paragraph H13 of annex H, insofar as the claim relates to the period from 1 October 2004 to 31 March 2011. Objective justification is required for payments which are made under paragraph H13 (uplifted in accordance with paragraph H17) and which exceed the “no loss” amount which would have been payable under paragraph H7. We find that payment of that increased amount under paragraph H13 (uplifted in accordance with paragraph H17) is objectively justified for the limited period specified above.

15 In any case in which one of the claimants relies on a comparator who is a chaplain and who receives a recruitment and retention premium (whether the claim is under subsection 1(2)(b) or subsection 1(2)(c) of the 1970 Act or both) the first respondent may rely as a GMF defence to the claim on all the provisions of the collective agreement relating to recruitment and retention premia, including paragraph H15 of the collective agreement, insofar as the claim relates to a period since 1 October 2004. The provisions of paragraph H15 do not require objective justification. Furthermore, we find that those provisions are objectively justified insofar as they relate to the period from 1 October 2004 to 31 March 2011, even if the amount of premium paid is greater than the amount which would have been payable under the “no loss” provisions contained in paragraph H7.

16 The Tribunal has jurisdiction to amend the collective agreement if any term of the collective agreement is void within the meaning of subsection 77(1) of the Sex Discrimination Act 1975 (as amended). It is on that basis and that basis only that we make the declarations contained in paragraphs 17 and 18 below.

17 Paragraph H13 of annex H of the collective agreement is void but only to the extent that it provides for the payments described below to be made after 31 March 2011 without further evidence having been first obtained to show such payments to be objectively justified. Those payments are payments which are made to men whose pay is governed by the collective agreement and who require the qualifications referred to in paragraph 13 above but which are not made to women whose pay is governed by the collective agreement, where the payments made exceed the amounts which would have been payable to the men under the “no loss” provisions contained in paragraph H7 of annex H to the collective agreement.

18 The collective agreement shall be amended with immediate effect by adding to annex H the following new paragraph H13A:

19 Paragraph H13 above shall be reviewed by the NHS Staff Council before 1 April 2011 and if not so reviewed shall cease to have effect on that date. Further research shall be undertaken and considered for the purpose of the review. The Pay Review Body shall be consulted and the review shall be subject to any necessary consent by the Pay Review Body. Having carried out that review, the NHS Staff Council may retain paragraph H13 or it may (with effect from such date as it shall determine) replace or amend it or remove it from this agreement without replacing it. Any new or amended provisions may (but need not) differentiate between existing employees (at the date of the review or at such other date as the NHS Staff Council shall determine) and may also differentiate as between relevant employees in different pay bands. If the premium is removed or reduced for any existing staff, the NHS Staff Council may adopt rules for the premium formerly payable to those staff to be protected for a transitional period. The NHS Staff Council must have regard to the need to be able to show objective justification for all new, retained or amended provisions (including any provisions for protection).”