



**GMB**

EAST OF ENGLAND  
AMBULANCE SERVICE

### Branch Contact Details

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Facebook | f

<https://www.facebook.com/gmbeeas>

Twitter | t

<https://twitter.com/gmbeeas>

If you would like to become a GMB workplace organiser please contact Tony Hughes your  
Regional Organiser: [tony.hughes@gmb.org.uk](mailto:tony.hughes@gmb.org.uk) or call 01582 404842

## September 2014 Newsletter Contents

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## NHS Pay Ballot 2014

### Ballot timetable

**BALLOT OPENS - 10 September 2014**

**BALLOT CLOSSES - 1 October 2014**

*WHEN YOU RECEIVE YOUR BALLOT PAPER, PLEASE CAST YOUR VOTE AND  
RETURN IT AS SOON AS YOU CAN.*

*Your GMB NHS Senior Reps will be meeting on 23 & 24 September to discuss how the planned  
action will take place following a YES Vote.*

Join online at [www.gmb.org.uk/join](http://www.gmb.org.uk/join)

## A voting paper is on its way to you

As a GMB member working for the NHS, you will soon be receiving a voting paper for an official GMB Industrial Action Ballot. This is about the Government's refusal to honour a decent NHS pay rise as recommended by the independent Pay Review Body. Therefore, along with other NHS unions, GMB is asking you to vote to support strike action and action short-of-strike action.

The Pay Review Body's recommendation covers approximately 1.3 million NHS staff across hospitals, community, mental and ambulance trusts and, after their extensive review of evidence on NHS pay, recommended that NHS staff be given a 1% consolidated uplift on all rates. However, Jeremy Hunt, Secretary of State for Health, said NO! NHS staff have endured increases in pension contributions, faced low pay settlements for a number of years and are facing a cost-of-living crisis. **Enough is enough!** We cannot tolerate the Government freezing NHS pay back to April 2013 rates. GMB, and other unions, have asked the Government to agree the full NHS Pay Review Body's recommendations.

**When you receive your ballot paper, please complete it and vote YES for strike action and YES for action short-of-a-strike. We need an overwhelming YES-YES to both options of action.**

We can't allow the Government to halt fair pay in the NHS and we need to stand together to fight to keep NHS pay terms and conditions. Perhaps, then, the Government will listen and get back round the table to discuss fair pay in the NHS.

## Why Join GMB?

GMB is Britain's fastest growing trade union.

GMB is a campaigning trade union; its job is to get the best deal for GMB members at work and is committed to building a strong organisation in every GMB workplace, and so help make every workplace safer.

Whoever you are, wherever you work, joining GMB is the right decision.

### Membership Subscriptions:

**1<sup>st</sup> October 2013 rates for GMB membership will be as follows.**

Full time- Grade 1 = £2.75 p.w (£11.92 per month)

Part time - Grade 2 = £1.60 p.w. (£6.94 per month)

**UNIONLINE**  
YOUR TRADE UNION LAW FIRM  
**0300 333 0303**  
[www.unionline.co.uk](http://www.unionline.co.uk)

**Join online at [www.gmb.org.uk/join](http://www.gmb.org.uk/join)**

## • Ambulance Workers and The Law When Claiming Exemptions from Road Traffic Law

The subject of when being able to legally claim exemptions from Road Traffic Law still remains a hot topic both for the Trust and our members. Following a recent incident I was contacted once again concerning this very matter and decided to write to the Association of Chief Police Officers (ACPO) to get their updated perspective on where we stand on claiming exemptions and protecting ourselves from prosecution of the law. This legal advice is very clear on where we stand and will be communicated to the Director's of the Trust as we will support any member that follows the law. Trust policies and procedures cannot supersede the law of the land. Response received:

*I am the Road Policing national police liaison officer working to Chief Constable Suzette Davenport (National Road Police lead officer) and with the Department for Transport as the police advisor on road policing. I have been forwarded your letter/email.*

*I understand your role and how your colleagues are being deployed to calls for emergency help and in that role, as a driver, there are occasions when you feel the purpose you are driving an ambulance is hindered and therefore S87 RTRA 1984 covers your exceeding the speed limit of the vehicle or road and therefore exempts that offence.*

*I think the first really important issue for us to agree on is that it is the **driver** who holds the exemption should there be one **not the Trust**. Therefore it is not up to your employer to designate when you use an exemption but you the driver, if your employer instructs you to commit an offence they would be guilty of causing the offence and could be prosecuted too. Any organisational issue is more one for employment and working conditions not the RTRA 1984 which refers to the driver only.*

*I agree that if the 999 system for the ambulance service brings in calls that are not an emergency as well as those that are, then you cannot assume a call is an emergency when the phone is connected, there has to be a conversation to confirm the need for an emergency response. As soon as the call is confirmed as an emergency then the ambulance driver can be updated and informed of the situation leaving the driver to decide whether to use exemptions or not. I especially agree that until you have the location and know there is an emergency you should deploy but within the legal requirements of all drivers not using possible exemptions.*

*The issue with a prosecution is what the driver believed not what the call was. If your members honestly believed they were attending an emergency and the use of the purpose was genuine and required they would be covered by legislation. However, if they knew it wasn't an emergency or believed it may not be and used the exemption, they would be risking a prosecution as they did not believe the purpose was hindered at that time.*

*As we have said before, it is not for the trust to decide on the use of an exemption (unless they want to stop you of course) but for the driver to do so given the information he or she is provided with. Our previous advice remains the same and is copied here:*

*"On receipt of a Cad 3 Pre-Alert, the ambulance crew should commence driving under normal road conditions in the direction of the 999 caller, effectively shortening the travel distance and time. When the ambulance service have established that a medical emergency actually exists and the crew are informed as to the nature of the medical emergency, at THAT time the driver will be in possession of the information on which the driver will be able to upgrade the level of driving to that of emergency road conditions to base his or her claims for any exemptions from the rules of the road and Highway Code.*

*How and when the ambulance service determines that a driver needs to exceed the speed limit to achieve the purpose for which it was sent out, is initially a matter for them. However, exemptions for speed cannot be relied upon if the circumstances do not meet the normal definition of an emergency and the vehicle's purpose is hindered. There would also be a public interest test applied by the police and, if the case is referred, by the Crown Prosecution Service to consider.*

*In concluding I do understand that a Pre-alert response seeks to get the ambulance out on the road as quickly as possible in order to speed up response times for the public. However, the activation of emergency driving conditions must only be applied once it is believed that an emergency actually exists e.g. communication from a call centre to indicate this. I do appreciate that this aspect of the policy does appear to conflict with circumstances where a paramedic is lawfully required to drive under emergency conditions but the decision to drive in this manner is always the decision of the driver".*

*I hope this clears up any ambiguity. I wish you well in your work to save lives and assist the public, using the exemptions when right and necessary.*

*Regards*

*Jeremy Moore  
ACPO/DfT/HO Police Liaison  
NDORS (UKROEd) Operations Director  
CRASH Deputy Police Senior User*

Join online at [www.gmb.org.uk/join](http://www.gmb.org.uk/join)

**WHERE DO I SEND MY COMPLETED FORM?**

Just fill in parts 1, 2 and 3 or 4 below and post it to:

Freepost RSTX-CZTR-LCJL  
 GMB NHS Sector  
 22-24 Worple Road  
 London SW19 4DD

Or hand the form below to your local GMB representative

**FOR UNION USE ONLY**

Section

Branch No

Membership No

Date of joining

**1 TELL US ABOUT YOU**

Surname

First Name

Title

Mrs/Miss/Ms/Mr

Date of Birth

Home Address

Home Tel

Mobile

Date

**I agree to abide by GMB Rules**

Signature

National Insurance

Number

We ask for your ethnic origins as part of our equal opportunities policy of improving services to all members

Email

Bangladeshi

Black African

Black Caribbean

Black British

Chinese

Indian

Irish

Pakistani

White

Other

**2 TELL US ABOUT YOUR JOB**

NHS Employer Name

Your job

Work Address

How many hours a week do you work?

Pay No

Work Tel

Pay Date

**3 CHOOSE EITHER AUTHORISATION OF DEDUCTION OF YOUR TRADE UNION CONTRIBUTIONS FROM YOUR PAY**

Section 68, Trade Union and Labour Relations (Consolidated) Act 1992 as amended

**I authorise my employer to deduct from my pay each week/month the sum of**

£

**or other amounts as may be fixed by the GMB from time to time**

- Please start the deductions immediately and pay the amounts to the GMB
- I note that this agreement may be cancelled by one month's notice in writing
- I give permission to my employer to notify the GMB of any future change of address

Signed:

Date:

**Cash****4 OR INSTRUCTION TO YOUR BANK OR BUILDING SOCIETY TO PAY BY DIRECT DEBIT**

Please fill in the form and send to: Freepost RSTX-CZTR-LCJL, GMB, 22-24 Worple Road, London SW19 4DD

Name and full postal address of your Bank or Building Society branch

Service User Number

To the Manager of

Bank/Building Society

Address

Postcode

For GMB official use only. This is not part of the instruction to your Bank/Building Society.

If your A/C number is not available fill in your address below

Name(s) of account holder(s)

**Instructions to your Bank or Building Society**

Please pay GMB Direct Debits from the account detailed in this Instruction subject to the safeguards assured by the Direct Debit Guarantee. I understand that this Instruction may remain with GMB and, if so, details will be passed electronically to my Bank/Building Society

Bank/Building Society Account Number

Signature(s)

Date

Bank/Building Society Sort Code

Reference number (office use only)