

Activate

Vol 10 No 5 January 2016

News, views and support for RCN activists



A century of campaigning

2016 marks 100 years since the formation of the Royal College of Nursing and it's a time to recognise the role every activist has played in helping the College grow and remain strong

A host of events is planned throughout the year to mark the occasion and show appreciation for the hard work of members and activists past and present who have established the College as the voice of nursing.

RCN Chief Executive Janet Davies said: "This is a historic year for the RCN and everybody involved in the College. Even though we didn't officially become a trade union until 1977, campaigning has always been at the heart of our most successful work; representing members and helping to improve workplace conditions and nursing practice in general.

"With a record number of members and a growing influence at a time of upheaval in the NHS and the independent sector, it is important the hard work continues to ensure the next generation of activists can take up the mantle and the College is in an even stronger position when it celebrates its 200th anniversary."

For more information on upcoming events and how you can get involved go to www.rcn.org.uk/RCN100 and look out for more details in future issues of *Activate*.

Turn to page 2 to find out more about the centenary launch event and how you can apply for an invitation to one of four Royal Garden Parties hosted by the RCN's patron, Her Majesty the Queen. Turn to page 6 for a feature on the history of RCN campaigning and some of the organisation's most important milestones.

RCN advice during strikes

Activists are urged to familiarise themselves with RCN guidance on what to do when colleagues are involved in industrial action. Following the walkout of junior doctors' last week, a further three days of strike action were planned as *Activate* went to press. Unless progress is made in talks between the Government and British Medical Association, junior doctors are due to provide emergency care only between 8am on Tuesday 26 January and 8am on Thursday 28 January and to fully withdraw labour between 8am and 5pm on Wednesday 10 February.

The RCN guidance, which reps are encouraged to share with members, outlines what rights nursing staff have in terms of taking on increased workloads while avoiding undermining lawful industrial action.

Download *Industrial Action by Other Unions* from www.rcn.org.uk/publications

10,000 nurse vacancies in capital, reports RCN

New RCN research has exposed a critical shortage of registered nursing staff in London with more than 10,000 vacant posts in the capital's NHS trusts last year.

The figure, gathered through Freedom of Information requests, is equivalent to 17 per cent of the total registered nursing workforce in the NHS in London in 2015.

The RCN believes historic cuts to training places in conjunction with the ongoing NHS pay freeze means many London trusts are unable to find the permanent staff they need. The shortage is resulting in employers having to choose between putting patients at risk by running wards short of staff, or turning to expensive solutions like temporary agency workers.

RCN London Regional Director Bernell Bussue said: "The Government urgently needs to give nursing staff a pay rise at a level which helps them settle in the capital for the long term, before staffing shortages start to damage the quality of care."

Centenary celebrations

The RCN's centenary celebrations began on 12 January with a fantastic launch event at RCN headquarters in London.

RCN Chief Executive Janet Davies and RCN President Cecilia Anim spoke about how much they were looking forward to the year of events ahead recognising the College's historic anniversary. They received a handmade banner (pictured) from the Townswomen's Guilds, with whom the RCN has campaigned alongside in the past, to mark the centenary.

This was the first of 100 events taking place throughout 2016 including four Royal Garden Parties, hosted by RCN Patron, Her Majesty the Queen. In recognition of the significance of this historic milestone a small number of members will be given the chance to attend.

Members in England, Wales and Northern Ireland can apply to attend Buckingham Palace on 10, 19 and 24 May. Members in Scotland can apply to attend at Holyrood House in Edinburgh on 5 July.

Members available on the dates above are asked to complete an application form, including 100 words explaining why they deserve to be given a place at www.smartsurvey.co.uk/s/royalgardenparty2016/



Successful applications will be chosen by Cecilia and RCN Chair of Council Michael Brown.

The deadline to complete applications is midday on Friday 29 January. Successful applicants will be notified by Friday 12 February.

Figures reveal thousands of overseas nurses denied work

More than 2,000 nurses were denied permission to work in the UK last year, despite chronic staff shortages.

A Freedom of Information request by the RCN to the Migration Advisory Committee (MAC) shows that 2,341 applications by trusts for Certificates of Sponsorship were refused between April and November 2015.

When an organisation recruits a nurse from outside the European Economic Area they must apply for a Certificate of Sponsorship. Until November last year, nurses were not on the shortage occupation list (SOL) and as a result, the number of certificates was limited.

After RCN campaigning, nursing has since been placed on the SOL but this was a temporary measure while the MAC assessed whether the profession warranted a permanent place on the list. *Activate* will include the committee's final recommendation when it is made public in February.

Thousands protest for bursary rethink

MPs last week debated plans to scrap the bursary for nursing students in England. It came about after an online petition, set up by RCN member Kat Barber, received more than 100,000 signatures in just three days. The weekend prior to the debate, RCN student members joined thousands in a protest march in London.

Organiser Danielle Tiplady, a third year nursing student at Kings College London, said she was driven to take action because she was “insulted, infuriated and worried” about the proposals to abolish bursaries and end state payment of nursing students’ university fees from September 2017.

“I’m really concerned about the future of the NHS and who is going to look after our patients because this loan idea is going to deter people from entering the profession. Nursing is for people that care not just for those that can afford to study it,” she said.

More than 1,300 student members have submitted their stories of financial hardship and reliance on the bursary via the *Nursing Counts* website. These were collated and sent to select MPs ahead of the debate in parliament. The RCN has attended numerous meetings with Health Minister Ben



Gummer and remains firm on its commitment to get the best deal for nursing students.

Speaking at the protest rally outside Downing Street, RCN Chief Executive Janet Davies said: “Student nurses and midwives are the profession’s future and their voices and concerns must, and should be listened to. Over our 100 year history, the RCN has a long track record in the education of nurses and the Government should listen to our knowledge and expertise as it consults on these ill-thought-out plans.”

NI pay dispute

The RCN is considering the best course of action on next steps in light of a pay award in Northern Ireland. The decision may need to go back to RCN Council which previously agreed to ballot members on industrial action, short of strike action, before an offer was on the table.

Last week Northern Ireland Health Minister Simon Hamilton said: “Northern Ireland’s Agenda for Change (AfC) staff at the top of their pay bands will receive a one per cent non-consolidated payment, at an average of almost £300 each (up to maximum of £985).

“Those not at the top of their pay bands will receive an average rise of 3.7 per cent equating to £1,588 (up to a maximum of £4,509).

“The pay demands made by the trade unions would cost close to £40 million and are simply unaffordable in current circumstances.”

Janice Smyth, Director of the Royal College of Nursing in Northern Ireland said: “Nurses are angry and frustrated that the minister has singled out nurses when the pay award applies to 50,000 health and social care staff.

“They perceive that he has blatantly misrepresented the situation in relation to nurses’ pay.

“Members of the RCN Northern Ireland Board voted unanimously to consult RCN Council seeking authorisation to ballot members in Northern Ireland in relation to the imposed pay award announced by the minister and taking industrial action short of strike action.”

As *Activate* went to press RCN Chief Executive Janet Davies and Chair of RCN Council Michael Brown were meeting to discuss a possible extraordinary meeting of RCN Council.

TU Bill reading

The controversial Trade Union Bill has had its second reading in the House of Lords as it continues its journey through the law-making process.

The RCN has opposed the bill from the start. It aims to limit the powers of trade unions to take industrial action and restrict facility time for union representatives, since it was first proposed.

Josie Irwin, RCN Head of Employment Relations, said: “The Government says the Trade Union Bill will protect essential public services. But all the evidence shows that happy, fairly treated employees produce the best work.

“Two of the bill’s clauses aim to tighten controls on facility time. Facility time is vital in allowing trade union representatives time away from their clinical duties to spend on trade union activities, such as supporting those experiencing difficulties or negotiating improvements in the working environment.”

Board vacancies

The RCN is looking for members who are passionate about nursing, committed to the purpose and work of the RCN and able to listen to and speak up for fellow members to join their local boards.

There are currently vacancies in the Northern region, Northern Ireland, North West, Scotland, South East and South West.

Make sure you apply no later than 1 February. For more information visit www.rcn.org.uk/elections

2016 is a special year



Since becoming your President, it has been my absolute privilege to meet as many of you as possible on wards, at branch events, study days and workshops across the UK

“Activists allow the College to continue to flourish”

I'm so proud to represent you and champion everything that is great about nursing. To be able to do this in our centenary year is even more special.

We share a common bond as nursing professionals and, of course, as activists. Whether you are a health and safety rep, a learning rep or a steward, we all share a desire to support our colleagues and improve patient care.

As a steward for more than 20 years, I am immensely appreciative of your skill, hard work and dedication.

When Dame Sarah Swift and others founded the College in 1916, they fought hard for professional registration and recognition of the value of nursing at a time when women didn't even have the vote. Today we continue to fight for fairness on behalf of our members and their patients.

Whether it's educating members on revalidation requirements or organising demonstrations against the removal of the student bursary we, as representatives, make this College what it is and allow it to flourish.

Now is the time to push even harder and ensure that the next 100 years are just as successful.

ASK AN ADVISER



Disciplinary records



Can an employer keep documentation about a disciplinary warning on record after the warning has expired?

One of the principles under the Data Protection Act 1998 is that personal data should not be kept longer than is necessary for the purpose or purposes for which it is being processed.

The information commissioner's employment practices data protection code recommends that employers ensure there are clear procedures in place on how "spent" disciplinary warnings are handled, and these procedures should be covered in the relevant local policy.

An employer must consider why it is necessary to retain documentation relating to spent warnings indefinitely. It may be more appropriate to keep a record of the warning instead of all the documentation relating to it.

Spent warnings should not normally be taken into account in deciding on a sanction for a subsequent disciplinary matter, except where there is a justifiable need.

The ACAS *Guide on Discipline and Grievance* gives more detail on time limits for warnings. Discipline advice guides are available on the RCN website.

You can also speak in confidence to an RCN Direct adviser any time between 8.30am and 8.30pm, 365 days per year.

RCN DIRECT
www.rcn.org.uk/direct
0345 772 6100

View from the frontline



Scrutinising Agenda for Change

Twelve years ago I became a representative in the wake of Agenda for Change, so it seems fitting that this year I'm now involved in reviewing its terms and conditions to secure a better deal for all NHS nursing staff.

Like many of you, when I first qualified as a nurse I never envisaged that I'd be involved with the RCN as an activist. But following an appeal for representatives when Agenda for Change came into practice in 2004 I responded to the College's call and I've never looked back.

For the past year I've been Chair of the UK Safety Representatives' Committee and that has been an eye-opening experience. I've been involved in a host of meetings and developments, but what stands out is the commitment of all representatives and stewards to help members get a fair deal in the workplace.

Which brings me back to my involvement in Agenda for Change. It was clearly a huge development for health care but in the time since its launch, pay bands have moved on and overlapped to the point where some nurses are now getting a promotion but seeing no improvement in salary. Clearly this is something that can't continue, which is why we have agreed to undertake a review. It will be a long process but we hope at the end of it, we'll see an improvement in the deal for all NHS nurses and HCAs.

Denise McLaughlin, Chair of the RCN UK Safety Representatives' Committee

LEGAL UPDATE



Making reference



References are tricky things, as the recent case of Pnaiser v NHS England and Coventry City Council shows. During her employment with the council, Ms Pnaiser had taken a lot of time off work because of a medical condition, amounting to a disability under the Equality Act 2010.

Following a genuine redundancy situation, she signed a settlement agreement which included a bland reference, making no mention of her sickness record. Later, NHS England offered her employment, subject to satisfactory references.

Dissatisfied with the lack of detail in the written reference, her prospective line manager spoke over the telephone to a council employee, who declined to share Ms Pnaiser's sickness record, but did comment about her sickness absence, and hence the council couldn't confirm her suitability.

Successful claims

On this basis, the job offer was withdrawn and Ms Pnaiser brought claims against both Coventry City Council and NHS England, arguing that the giving of the negative verbal council reference was unfavourable treatment which arose in consequence of her disability, and similarly for the withdrawal of the offer by NHS England. Both claims were successful.

Many employers are now very cautious about giving references because of a fear (often misplaced in my view) that anything negative in a reference will give rise to a negligence claim by the employee. Clearly the employer does owe a duty of care to the reference subject, but that doesn't preclude the inclusion of potentially negative remarks, so long as they can be justified, and the reference is balanced.

This judgment is a timely warning to employers that both giving and relying on a verbal reference, to expand on a bland written reference, may expose them to discrimination claims, if the content of the reference relates to a protected characteristic.

Chris Cox
RCN Director of Membership Relations

100 years of championing nursing

As the RCN enters its centenary year David Ford takes a look at the history of the organisation from its formation in 1916 to its transition to a trade union in 1976 and beyond

One hundred years ago Dame Sarah Swift, Matron-in-Chief of the British Red Cross, began setting up the College of Nursing Ltd. Supported by Sir Arthur Stanley MP and matrons of several leading hospitals, this was the birth of the RCN as we know it today with its mission of championing nursing and improving the education of nurses.

The College was formed on 27 March 1916 with just 34 members. In September 1916, the Scotland board was set up in Edinburgh, which members felt was needed to better deal with local issues. Ireland soon followed suit when, in February 1917, the Ireland board of the College of Nursing Ltd was established. By the end of 1917 local centres were set up in Manchester, Birmingham, Bristol, Leicester, Liverpool and London.

By 1919, membership had grown to more than 13,000 and the College of Nursing Ltd moved to its current headquarters at Cavendish Square in London. That year was significant as the College began to make its first strides into influencing health care policy with its report on salaries and employment conditions. The report recommended a maximum 48-hour working week for nurses, though members' objections meant that this was raised to 56 hours.

Moving forward

The 1920s was a decade of great advancement with the establishment of the College of Nursing Ltd Library, free to all nursing students; opened with 273 books and 12 readers, in 1922. The first specialist section (for sister tutors) was created the following year.

Queen Mary became the official patron of the College and regularly visited Cavendish Square until her death in 1953. This paved the way for the Royal Charter the College received in 1928. The College wasn't allowed to formally use Royal in its title until 1939, as the application was opposed by other nursing organisations.

The 1930s saw the appointment of Frances Goodall as General Secretary. She would be influential in setting a precedent for the

RCN negotiating with the Government and having a say in health care policy. The work of nurses during the Second World War led to the creation of the RCN's coat of arms bearing the motto "tradimus lampada" meaning "we carry the torch".

The College's education department was established in 1930 and 6,000 nurses attended courses and lectures arranged by the College.

Catherine Hall was appointed General Secretary in 1957 and would become the College's longest-serving General Secretary, holding the position until 1982. She was known for her phenomenal hard work and diligence. Her tenure was a period of substantial change for the RCN and created the College we know today.



Decade of change

Despite the RCN not becoming a trade union until 1976, it was the 1960s which laid the platform for this movement as growing discontent among nurses in the health service saw the College standing up on pay, terms and conditions.

In 1960, RCN membership was opened up to men and Albery Verdun Whittamore became the first male nurse to be voted onto RCN Council.

Between 1955 and 1960 nurses' wages fell to 60 per cent of the average national salary. The first public pay campaign was launched in 1952. The Royal College of Nursing began its own campaign in support of higher pay when public sector salaries were frozen because of an economic crisis in 1961. The campaign, much like the recent Safe Staffing Levels Bill in Wales, mainly involved writing letters to MPs.

This was followed in 1969 by the RCN's *Raise the Roof* campaign which aimed to gain an average pay rise for nurses of 28 per cent. The campaign was widely supported and largely considered a success as it achieved the largest single increase in salary in the history of nursing - a rise of 20 per cent in a year.

That same year, Harrogate hosted the first meeting of Congress as a chance to unite the separate nursing sections, RCN Council and representative bodies.

Membership was opened up to nursing students for the first time in 1968 and Princess Margaret, who was patron of the Student Nurses' Association, became joint patron of the College.

"To be able to move forward, you need to reflect on where you've been"

RCN Chief Executive Janet Davies

“We have always been guided by the principle that if you get it right for nurses, you get it right for patients. Let’s start the next 100 years by living that mantra”

RCN President Cecilia Anim

The turbulent industrial relations of the 1970s forced the RCN to become a trade union in 1977, not because of any change of heart by its leadership, but by force of circumstances. Both Conservative and Labour governments wanted to place union activity in a firm legal framework. If the RCN had rejected unionism, and remained solely as a professional body, it would have lost its authority to speak for nurses in the workplace.

Widely regarded as the most tempestuous time for relations between the Government and trade unions, the 70s included the infamous “winter of discontent” which saw widespread strikes and industrial action. The RCN held reasonable relations with the James Callaghan-led Labour Government, due mostly to its “rule 12” which prevented members from going on strike.

However, the RCN was far from inactive during this period with regular demonstrations organised including the famous *Pay Not Peanuts* campaign. RCN activists played a key role at this time and really cemented their place at the heart of the organisation as a crucial link between members and decision makers at the RCN.

In March 1979, the Government set up the Standing Commission on Pay Comparability, in an effort to stabilise public services. Chaired by Professor Hugh Clegg, the commission was charged with looking at pay in the public services and comparing various occupations in similar areas in the private and public sector. Despite some discontent at the commission’s report, which suggested a substantial rise for ward sisters and staff nurses, but threatened to divide the profession, RCN Council accepted the proposals as the best available offer.

Thatcher’s arrival

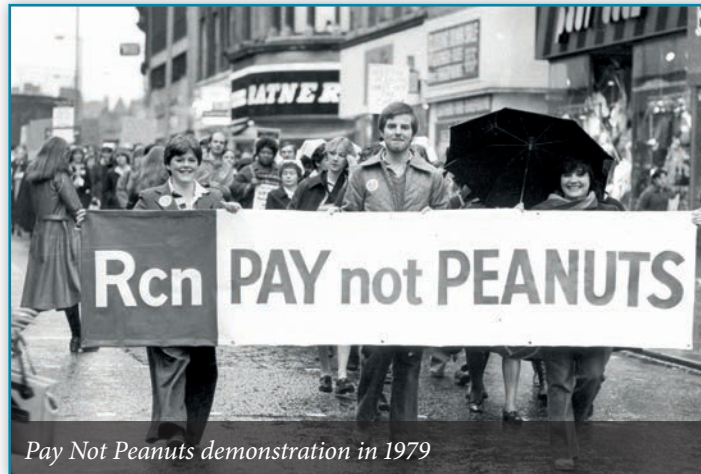
The incoming Conservative Government, led by Margaret Thatcher, disbanded the commission but honoured the recommendations, though only partially agreed to fund the increased wages with the rest coming from local health authority efficiency savings.

The RCN’s *Bridge the Gap* campaign ran from November 1981 until September 1982. At the time, 400,000 health workers had salaries below the poverty line. The Government eventually offered a 12 per cent pay rise and established an independent body to review nursing pay.

In 1982 Trevor Clay became the RCN’s first male General Secretary. He introduced parliamentary officers to the RCN and significantly raised the College’s public profile through the media. This baton was taken forward by Christine Hancock, appointed

General Secretary in 1989. She had previously been Chief Executive of Waltham Forest Health Authority and was the first General Secretary with an undergraduate degree.

The most significant development in the 1990s was the decision by members, at Congress in 1995, to amend the RCN constitution to authorise strike action. Since its inception the RCN’s constitution - as agreed by its members - had forbidden strike action.



The modern way

Health care assistants (HCAs) were admitted into RCN membership in 2001. Earlier research recognised the role of HCAs in contributing to a higher standard of care and greater patient satisfaction which led to a vote from members in favour of their inclusion.

In 2004, the introduction of Agenda for Change meant the RCN boosted its activist numbers to help inform members of the changes to NHS pay, terms and conditions across the country and offered training to understand the significance of its introduction.

Dr Peter Carter became RCN Chief Executive & General Secretary in 2007, with the College facing suggestions in the 2013 Francis Report into care failings at Mid Staffordshire NHS Trust, that it should split its trade union and professional body functions.

The College defended its dual function robustly. Members showed their support when 99 per cent voted in favour of the existing structure at RCN Congress that year arguing that the RCN’s strength lies in its ability to support nurses and nursing practice in equal measure. Listening to members remains its fundamental ethos and our network of representatives gives us the power to tackle frontline nursing issues.

Look out for more special centenary stories to come throughout 2016 in *Activate* and *RCN Bulletin*, including a history of the RCN Presidents and more on how you can get involved.

NOTICEBOARD

Website progress

While some resources for activists, such as the case management portal, are already available on the new RCN website, further development work is taking place on the rep hub in consultation with the UK reps committees.

We are currently working to move all activists' content to the new site by the beginning of March. In the meantime, you can continue to access all materials previously available (e.g. activist stationery) on our archive site at www2.rcn.org.uk/support/activist

Members honoured

Public Health England's Chief Nurse Viv Bennett was among 18 RCN members recognised in the New Year's honours list. She was awarded a CBE for services to nursing. Sharon Blackburn, Policy and Communications Director at the National Care Forum, also received a CBE for services to nursing and the not-for-profit care sector.

Dr Oliver Shanley, Executive Director of Quality and Safety at Hertfordshire Partnership University NHS Foundation Trust, was given an OBE for services to mental health and disabilities nursing.

Among those to receive MBEs were Jane Collier, nursing adviser for Wales, for voluntary service to first aid and Beverley Barclay, Director of Clinical Services at the J's Hospice in Essex. See a full list at <http://tinyurl.com/gvrht58>

Tools of the Trade



This month's *Tools of the Trade* includes a guide on surveillance in the workplace. *Monitoring and Surveillance at Work - A Practical Guide for Trade Union Reps* summarises the key legislation and case law covering privacy at work and brings reps up to date with union activity to combat invasion of privacy in the workplace. Go to <http://tinyurl.com/j5kaebm>

The UK Government's pledge to invest extra funds into workplace health issues has been welcomed by the Institution of Occupational Safety and Health (IOSH). Read the response at: <http://tinyurl.com/he8ym6y>

Staff are not empowered to investigate NHS failures and are blighted by a culture of secrecy, according to the NHS watchdog, which has

found that 40 per cent of NHS investigations are inadequate. The Parliamentary and Health Service Ombudsman has released a damning report into NHS complaint investigations. Visit <http://tinyurl.com/hlqrgn3>

The Equality and Human Rights Commission has produced a review – *Is Britain Fairer?: the State of Equality and Human Rights 2015* – looking at the progress towards greater equality in Britain. See the report at: <http://tinyurl.com/gt3tqn7>

New guidance from the TUC aims to support those with less visible disabilities and assist employers in recognising where “reasonable adjustments” can be made. Visit <http://tinyurl.com/zu3qrdg>

RCN Council Chair visits BMI site



Chair of RCN Council Michael Brown paid a morale boosting visit to members at BMI The Park Hospital in Nottingham late last year.

He was invited by RCN learning rep Marva Duncan, a training and development coordinator with BMI Healthcare.

Michael was given a tour of the hospital and met and spoke with staff about the challenges facing nursing staff in the private sector.

“It was a boost for the staff,” says Marva. “It’s sometimes a challenge to engage with the independent sector but we feel like we’re supported by the RCN. Michael didn’t come to see the bosses, he came to see the members. He engaged with everyone and made them feel welcome and relaxed.”

The visit also helped to develop the partnership between the RCN and BMI. “It’s important the RCN and BMI work together,” added Marva.

Revalidation guidance

With the introduction of the revalidation process from April 2016 the RCN has produced two publications offering guidance for activists.

RCN representatives have a key role to play in helping to signpost members to the revalidation resources available on the RCN and NMC websites.

You can also help to question and influence, through partnership working, any issues associated with revalidation in your organisation.

This may include scrutinising and influencing policies and local plans for implementation.

The two publications available on the RCN website are: *NMC Revalidation: Next Steps, Plus Frequently Asked Questions*, an A4 publication (code 005 397) and *Your Essential Guide to NMC Revalidation*, a pocket-size publication (005 380).

All publications can be ordered from RCN Direct on 0345 772 6100.