



## **Royal College of Nursing briefing ahead of Report Stage and Third Reading of the Trade Union Bill**

With a membership of over 425,000 registered nurses, midwives, health visitors, nursing students, health care assistants and nurse cadets, the Royal College of Nursing (RCN) is the voice of nursing across the UK and the largest professional union of nursing staff in the world. RCN members work in a variety of hospital and community settings in the NHS and the independent sector. The RCN promotes patient and nursing interests on a wide range of issues by working closely with the UK Governments, the UK Parliaments and other national and European political institutions, trade unions, professional bodies and voluntary organisations. The RCN is a politically neutral organisation.

### **Summary**

- The RCN opposes the Trade Union Bill, which if enacted, would have serious consequences for productivity and staff morale in the NHS and it therefore poses a threat to patient care.
- The RCN believes clauses 12 and 13 seek to solve a problem that does not exist and is calling for them to be rejected from the bill.
- Independent evidence funded by the RCN shows that facility time for union representatives is linked to increased productivity, crucial in the NHS for delivering high quality, cost effective care. There is therefore an economic case for retaining the current arrangements
- Facility time is beneficial to the safety of practice environments, staff welfare and consequently, to patients. The RCN is warning that clauses 12 and 13 may have unintended consequences for patient safety.
- The RCN and all other trade unions invest in their representatives to bring skills, knowledge and experience to the workplace and to facilitate effective partnership working. This is a cost effective way of developing practice and managing organisations. Alternative provision would increase costs for employers and, therefore, the tax payer.
- Employers report good working relationships with trade union representatives and there is a clear feeling among employers and trade unions alike that this bill will do little to improve industrial relations.
- Evidence shows that turnover in organisations where there are no union representatives is three times higher than in those with union representatives, equating to an annual saving for the NHS of over £100 million on recruitment costs. Clauses 12 and 13 could lead to unnecessary costs to the NHS and are particularly concerning at a time when the health service is struggling to balance the books.

## **Union facility time**

**The RCN believes clauses 12 and 13 must be removed from the bill.**

Clauses 12 and 13 propose changes to the current arrangements for union facility time under the Trade Union and Labour Relations (Consolidation) Act 1992.

**Clause 12** would introduce a power for the Minister to make regulations requiring a relevant public sector employers to publish information relating to facility time taken by union representatives.

**Clause 13** would create a reserve power whereby the Minister may make regulations to impose a cap on the percentage of facility time that trade union representatives are allowed for carrying out their duties.

Union facility time is beneficial to productivity, safety, learning and development and staff welfare, which in turn affect patient outcomes and staff morale, and are therefore closely linked to patient safety. At a time when one in four healthcare staff are considering leaving the health service, the role of trade unions could not be more important. Independent research commissioned by the RCN<sup>1</sup> shows a positive relationship between union representation and organisational performance outcomes.

The link to productivity demonstrates the economic case for retaining the current arrangements and the RCN is concerned that any moves to cap union facility time may lead to employers having to make alternative provision, which could prove costly to the taxpayer. Furthermore the research shows that staff turnover in organisations where there are no union representatives is three times higher than in those with union representatives, equating to a saving for the NHS of over £100 million a year in recruitment costs. In a large NHS teaching hospital, annual savings are estimated to be £1,190,625 for all Agenda for Change staff.

The RCN is warning that if enacted, clauses 12 and 13 may lead to a reduction in facility time, threaten productivity and potentially impose unnecessary costs on the NHS at a time when trusts are struggling to balance the books. The RCN believes the clauses seek to solve a problem that does not exist and should be rejected.

## **Employers' perspectives**

Employers report excellent working relationships and a high level of trust in union representatives<sup>2</sup> and employers' views outlined below support this.

South Tees Hospitals NHS Foundation Trust:

“The RCN’s role in a case of excellent partnership working was formally recognised at the South Tees Star Awards ceremony on 18 September. Senior RCN Officer Sandra Bullock was part of the IMproVe (Integrated Management and Proactive Care for the Vulnerable and Elderly) project team, which won the Chairman’s award for its role in smoothly facilitating a radical restructure of community services.”

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<sup>1</sup> [http://www.rcn.org.uk/\\_\\_data/assets/pdf\\_file/0009/640449/RCN-WERS-briefing.pdf](http://www.rcn.org.uk/__data/assets/pdf_file/0009/640449/RCN-WERS-briefing.pdf)

<sup>2</sup> Ibid.

## University College London Hospitals

"The trade union partnership at our Trust is chaired by an experienced nurse and highly respected RCN member. Given current and forecast challenges facing the NHS, the quality of partnership we achieve will be fundamental to the patient care our staff are motivated and enabled to provide. Thus elements of the Bill that would confine trade unions' ability to engage with us are widely viewed by NHS employers as potentially undermining of the Government's health policy - in restricting the transformation we are keen to drive to achieve the Five Year Forward View."

## Nottingham University Hospitals NHS Foundation Trust:

"The Trust believes that recognised trade unions have a vital role in the development and consistent application of employment practice and provide valuable and ongoing feedback regarding the concerns and needs of the workforce. The Trust restates therefore the commitment to constructively engage with staff representatives to support the provision of ever better standards of care to patients."

## West Suffolk NHS Foundation Trust:

"Suffolk Community Health Services transferred back under the ownership of the NHS on 1st October 2015. West Suffolk NHS Foundation Trust with Ipswich Hospital and Norfolk Community Health and Care working in a Provider Consortium are now responsible for running services. This was a complex transfer of staff (TUPE) which required careful consultation and communications. Our Trade Union partners mainly RCN, UNISON and CSP were critical to this process. They acted as a sounding board for the Mobilisation Team and an assuring arm for the staff. I can safely say that we are on day five of the new service and although with many new arrangements there have been snags the continued conversations with Trade Unions has meant they are have not developed into significant problems which may have affected services we provide to the people of Suffolk."

## The Chartered Institute for Personnel and Professional Development:

"CIPD research with employers and consultations with its own members show that employer relationships with trade unions are generally good. Therefore the CIPD has urged the government and organisations to build a better dialogue with their workforces and consider alternative approaches..."

## **Government research into union facility time**

Research undertaken by the Department for Trade and Industry (DTI) in 2007 echoes the findings of the RCN's recent research, based on analysis of the 2004 Workplace Employment Relations Survey (WERS)<sup>5</sup>, which found cost savings associated with trade union representation, including that trade union activity is associated with:

- lower voluntary exit rates, saving £72-£143 million annually in recruitment costs<sup>3</sup>
- lower dismissal rates, saving £107-£213 million annually in recruitment costs
- lower rates of employment tribunals, saving the Government £22-£43 million annually
- lower rates of workplace related injuries, saving employers £126-£371 million annually, and;

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<sup>3</sup> <http://webarchive.nationalarchives.gov.uk/http://www.berr.gov.uk/files/file36336.pdf>

- lower incidences of workplace-related illness, saving employers £45-£207 million annually.

The RCN calls on the public bill committee to consider this evidence in the context of the current financial state of the NHS, serious concerns about recruitment and retention of staff and safe nurse staffing levels, and remove clauses 12 and 13 from the bill.

### **Further information**

RCN response to BIS consultation on ballot thresholds in important public services  
[https://www.rcn.org.uk/\\_data/assets/pdf\\_file/0006/640356/47.15-ballot-thresholds-in-important-public-services.pdf](https://www.rcn.org.uk/_data/assets/pdf_file/0006/640356/47.15-ballot-thresholds-in-important-public-services.pdf)

RCN response to BIS consultation on hiring of agency staff during strike action:  
[https://www.rcn.org.uk/\\_data/assets/pdf\\_file/0003/640362/47.15-Hiring-agency-staff-during-strike-action.pdf](https://www.rcn.org.uk/_data/assets/pdf_file/0003/640362/47.15-Hiring-agency-staff-during-strike-action.pdf)

RCN response to BIS consultation on tackling intimidation on non-striking workers  
<http://www.rcn.org.uk/support/consultations/responses/tackling-intimidation-of-non-striking-workers>

Independent research into the economic benefits of trade union facility time in healthcare workplaces:

[http://www.rcn.org.uk/\\_data/assets/pdf\\_file/0009/640449/RCN-WERS-briefing.pdf](http://www.rcn.org.uk/_data/assets/pdf_file/0009/640449/RCN-WERS-briefing.pdf)

RCN second reading briefing on the Trade Union Bill:

[http://www.rcn.org.uk/\\_data/assets/pdf\\_file/0006/640464/Trade-Union-Bill-Commons-Second-Reading-briefing.pdf](http://www.rcn.org.uk/_data/assets/pdf_file/0006/640464/Trade-Union-Bill-Commons-Second-Reading-briefing.pdf)

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