

Activate

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News, views and support for RCN activists



Special
working longer
themed issue
see p2, 5, 6, 7

Green light for nurse staffing levels bill

Politicians in Wales have voted to make safe nurse staffing levels a legal requirement in all hospital wards following a concerted RCN campaign.

The Nurse Staffing Levels (Wales) Bill passed through Stage 4 of the lawmaking process in the Welsh Assembly and now only requires Royal Assent to become law. As delays threatened to jeopardise the bill's progress, RCN members bombarded Assembly Members with emails outlining why sufficient staffing levels are vital for patient care.

They were crucial in getting support for the bill and ensuring politicians were aware of its significance in securing the wellbeing of staff, reducing stress and allowing nurses to do their jobs well. RCN Wales Director Tina Donnelly said: "This is an historic step towards improving patient care and we are

very proud the National Assembly for Wales has listened to our views and led the way with support from all political parties. Governments across the United Kingdom can really learn from this approach to safeguarding patient care.

"The bill will protect patients and empower registered nurses to drive staffing decisions. When health care organisations fail to comply with recommended nurse to patient ratios, laws and regulations become necessary."

It is hoped that the bill will set a precedent for the rest of the UK and encourage ministers to ensure safe nurse staffing levels in all hospitals. "The work of RCN representatives and members has been pivotal in securing this piece of legislation. It shows the strength of change we can bring about when we all pull together," Tina added. See next month's issue of *RCN Bulletin* for more.

Working longer

The RCN has produced a 10-step toolkit for reps to assist members who face working longer as part of its commitment to support older staff.

The guidance, *Create a Learning Culture in the Workplace that Supports Staff Who Work Later in Life*, was produced in partnership with Unionlearn, following a year-long pilot scheme. The toolkit advises representatives on how best to start discussions with employers to support older workers.

It includes information on developing a positive learning environment for members who are changing their roles and developing a culture that recognises the important experience and knowledge of older workers.

Download the toolkit from the Reps' Hub at www.rcn.org.uk

Help defend exploited members

The RCN is warning all reps to watch out for attempts by employers to lure members away from the NHS pension scheme.

It has become aware of one London trust offering band 5 nurses the chance to receive more money each month if they are not members of the NHS scheme. The RCN sees it as yet another way to exploit members on the breadline at the cost of their long-term financial wellbeing.

Senior RCN Employment Relations Adviser Gerry O'Dwyer said: "It's difficult to imagine circumstances when a member should leave the NHS pension scheme. Anyone considering it should think very carefully and should seek independent financial advice which they can get through the RCN. The figures the trust quotes about how much extra pay a member might receive do not in any way reflect the overall long-term loss to them."

RCN London is urging the trust to withdraw the proposal and is currently seeking legal advice.



Members who have taken up the offer are encouraged to contact RCN Direct for support. There is concern the move could be replicated in other areas of the UK along with amendments to agreed working hours and overtime payments.

Gerry said: "We would encourage our network of representatives to be mindful of any attempts to undermine the pay, terms and conditions of RCN members and staff in trusts across the UK."

"We can only support members if information on these practices is fed back to us. No-one should accept a change to their contract without getting advice on the pros and cons from the RCN."

RCN students voice bursary concerns to health minister

RCN student members met with health minister Ben Gummer to raise concerns about the Government's plans to replace bursaries with loans for health care students in England.

Danielle Tiplady and Kat Barber, both nursing students and RCN members, told Mr Gummer the proposals would discourage people from poorer backgrounds from becoming nurses and questioned whether enough clinical placements could be found to match the claimed increase in students.

Mr Gummer acknowledged the concerns and said he was keen to find a solution.

A consultation on the bursary will be launched in the next few weeks and the RCN will be engaging with members as part of its response.

The Government claims the proposed changes will save the NHS around £800 million a year and create 10,000 extra training places for nurses and other health professionals.

RCN helps prepare amendment to Trade Union Bill

RCN staff are working with peers to get protection for facility time included in the Government's Trade Union Bill.

The bill has received vocal opposition from the RCN and other trade unions. It aims to increase thresholds for industrial action ballots, allow agency workers to replace striking workers, and cap the provision of facility time for union representatives.

The RCN's amendment focusses on clauses 12 and 13 of the legislation and calls for an exemption for limits on facility time for union representatives in the health sector.

RCN staff are talking to various members of the House of Lords about the wording and structure of the amendment.

There is strong support from Labour peers and the RCN hopes to make a breakthrough with the bill currently in the committee stage of the lawmaking process. The amendment will be tabled by 23 February in time for the next discussion of the bill.

RCN fair pay campaign breakthrough in NI

The RCN has secured a commitment for a “fair and sustainable way forward” for nurses’ pay in Northern Ireland, following a pay campaign which included the threat of industrial action for the first time in the RCN’s history.

While he hasn’t retracted the unsatisfactory imposed 2015/16 pay award, Health Minister Simon Hamilton has pledged to recommend that the Northern Ireland Executive honours recommendations made by the independent NHS Pay Review Body for 2016/2017. This is a significant undertaking.

The late award for 2015/16, announced in January, is for Agenda for Change (AfC) staff at the top of their pay bands to receive a one per cent non-consolidated payment. Those not at the top of their pay bands would simply receive the AfC spine point to which they would be entitled irrespective of the award.

A ballot on taking industrial action over this perceived unfair award was due to take place on

17 February. But as *Activate* went to press, the RCN Northern Ireland Board was contemplating calling it off in light of developments.

RCN representatives have played a big part in the #fairpay4Nurses campaign and have helped secure this latest pledge.

RCN Northern Ireland Director Janice Smyth said: “The RCN will be providing comprehensive evidence to the Pay Review Body, detailing all the issues on which we have been campaigning. We want to thank members for the leadership that they have shown and their commitment and support which has culminated in this significant achievement.

“The hard work of our representatives in hosting events and talking with members provided clear evidence of the strength of feeling over pay.

“We believe that this is a milestone in our campaign to get fair pay and fair treatment for Northern Ireland nurses.”

Scottish manifesto

RCN Scotland has launched its manifesto ahead of the Scottish Parliament elections on 5 May.

Titled *Nursing Scotland’s Future - Professional Voices: Practical Solutions*, the manifesto has three key aims it wants to see the Scottish Government endorse: value nursing, improve patient care and invest in health and care.

For more information and to see the manifesto in full go to: <http://tinyurl.com/zk635yw>

Menopause guidance

Updated guidance is available for reps supporting members going through the menopause. *The Menopause and Work – Guidance for RCN Representatives* includes advice on symptoms and how to work with employers to assist members.

Reps are encouraged to break down the taboos around the subject and engage employers and staff in recognising it. Download the guidance at www.rcn.org.uk/publications

Chairs appointed

The results of the RCN committee elections have now been confirmed. RCN steward Gordon Lees has been announced as Chair of the RCN’s Membership and Representation Committee (MRC). Professor Janet Marsden and Sue Warner will be joint Chairs for the Nursing Practice and Policy Committee (NPPC). Dave Dawes has been elected Honorary Treasurer.

Your views sought on new support role

Activists help is needed to give feedback to the Government about proposals to introduce a new nursing support role in England.

An email was sent to all members this week asking them to share their views on the provisionally titled “nursing associate” role, which aims to bridge the gap between health care assistants and graduate registered nurses.

Responses will help shape the RCN’s response to a Health Education England (HEE) consultation. A briefing to inform members about plans for the role is available on the RCN website.

The consultation seeks views on a range of issues including the title of the new role, whether it should be regulated, and what sort of training or qualifications will be required.

RCN Chief Executive Janet Davies said: “Health care assistants have a vital role to play and are



of huge value to patients and nurses alike. They deserve training, development and regulation. Support workers should also be given improved access into the nursing profession if they wish, but this must be through the graduate pathway.”

The RCN survey closes on 24 February with the consultation ending on 11 March.

Find out more and respond directly to the HEE consultation at <http://tinyurl.com/h5lztcf>

Prepare to speak out on pay



Pay remains central to many conversations representatives are having with members and it's an issue activists can't let up on, says Chair of the RCN Stewards Committee Graham Revie

Let's face it, the issue of pay is important to our members not just because of the lack of fair pay in the NHS, nor simply because we know nursing staff in the private sector deserve more, but because members are coming to us on the headline. They're struggling to pay bills and it's a situation we simply can't allow to continue.

We expect George Osborne to make an announcement about NHS pay in his budget on 16 March. This will have implications for the devolved countries and have an impact in the independent sector. It's important to organise your networks now so you can tell members about their pay.

It is clear from submissions to the Pay Review Body that extending plain time working remains an aim. As this is the main bone of contention in the junior doctors' dispute we need to be prepared for any attempt to change arrangements for unsocial hours' payments under the guise of delivering seven-day services. Meanwhile, for our members in the independent sector, the living wage is the burning issue as it will put extra financial pressure on employers.

I'd encourage all activists to speak to their regional offices and keep members updated about crucial decisions on pay coming our way.

"Members are coming to us on the headline"

ASK AN ADVISER



Notice payments



What is payment in lieu of notice (PILON)?

PILON is a payment made when your employment is terminated without notice, or the employer does not require you to work your notice period, but will still pay you.

It is different from "gardening leave", where you are formally employed and receive the usual benefits of employment – including pay during the notice period – even though you are not present at work.

How an employer approaches PILON will usually depend on what is said about PILON in the contract of employment.

You must get all of the basic pay you would have received during the notice period. You may also get all the remuneration and benefits you would have been entitled to as an employee.

PILON may be taxed in the same way as your usual pay. However, if the payment is damages for a breach of contract (i.e. there is no contractual right to a PILON), this may not be taxable. For more information visit <http://tinyurl.com/z9y2hjj>

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



Working after 60

I started my nurse training 50 years ago and love it as much now as I did then. I am an older worker and people regularly ask me if I'm mad. Things are harder, faster and more technological than they've ever been.

Working in nursing is hard and I understand that people approaching retirement age may become worn out by it.

To me, that doesn't mean giving it up. It means finding a new role where you can use your experience to be creative and empower others.

I retired when I was 56 and when I hit 60 felt that I was on the scrapheap and unemployable. It wasn't true. It was my perception stimulated by the expectation of others. People tell me they have felt the same but older workers have so much to offer. I took on a part-time role which keeps me active and allows me to have a healthy family and social life.

I'm 68 now and still love being involved in nursing. I work with a young, creative team, who are a joy to be around. As a team we are up for whatever comes and will shape it to what we can deliver, with an improvement mindset.

Don't feel pressured into thinking that after 60 you have nothing to offer. We have skills and experience; let's influence change and improvement. Nursing needs us.

Sandie Paice, RCN learning representative

LEGAL UPDATE



Avoiding age discrimination



The abolition of the default retirement age in 2011, coupled with the deterioration of occupational pension arrangements, means that many employees delay retirement beyond 60 or 65 years.

Employers are now generally unable to force employees into retirement on the grounds of age

alone. They must rely on one of the familiar reasons for dismissal (e.g. conduct, capability, redundancy) to avoid payment of unfair dismissal compensation.

Whilst a mandatory retirement age is direct discrimination under the Equality Act 2010, it can be justified on grounds of ensuring that employment opportunities are shared fairly between generations and avoiding the need to dismiss older workers whose productivity has diminished.

Each case must be assessed on its own facts. The retirement age must be a proportionate means of achieving a legitimate aim to avoid a successful age discrimination claim.

Dispelling myths

Recent evidence dispels many of the health and safety "myths" associated with the older workforce. The main issues for older people tend to be decline in physical strength for manual occupations and a slowing in reaction times.

Biological age does not necessarily reflect chronological age, and there is no evidence that older workers are more likely to have their health adversely affected by work than younger staff. There is no evidence to suggest that older workers' cognitive or physical functioning affects health and safety or workplace performance.

Employers must now be particularly vigilant to ensure that they do not breach the equality legislation when handling employment issues arising from either the recruitment or employment of older workers.

Chris Cox
RCN Director of Membership Relations

YOUR DEVELOPMENT

Working later in life

David Ford looks at how RCN representatives can use midlife development reviews to help members recognise their skills

Since the state pension age was changed to 67 many nursing staff have been facing the prospect of working longer. The RCN has been looking at ways to influence employers so that workplace practices are adapted to the needs of older staff.

Activists are crucial in supporting these changes and ensuring mature members are supported to stay in work so health services can continue to benefit from their experience.

“Many members have told us they feel unsure about the future,” says Irene Murray, RCN Learning and Development Facilitator. “They are concerned about meeting the physical demands of their role as well as having financial security for the years ahead.”

The RCN has been running a working longer pilot scheme for the last year which has been funded by the Union Learning Fund.

Skills cards

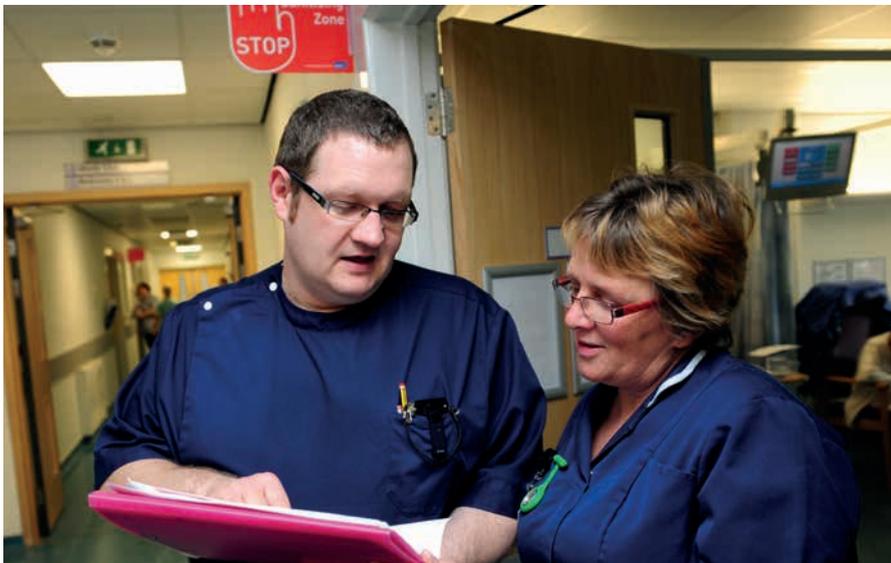
This includes encouraging members to look at their skills and think about future options using midlife development reviews.

The review is based around a set of “value my skills” cards covering areas of professional and personal development. During the review, members rate their confidence in those areas and start to build a map of where their talents lie and things they would like to develop.

Eamonn Clabby is an RCN learning representative at the Cheshire and Wirral Partnership NHS Foundation Trust, which has been involved in the pilot scheme.

“I’m getting close to retirement age myself and the reviews have helped me realise I might look at finding another role using my experience,” says Eamonn.

“We should be encouraging our members to do the same. We have a wealth of older staff from that ‘baby boom’ generation who are coming up



“It’s interesting to see the way people’s perceptions of their own skills changes”

to retirement age with knowledge that can be passed on to younger nursing staff.

“It’s very cost effective for the trust and, if people have a caseload built up over time, it allows them to have continuity with service users which improves patient experience.”

The scheme helps build relationships between activists and members, Eamonn says: “There is real value in making time for reviews and having discussions with members in your area. Working later in life has benefits for people both physically and mentally.”

Varied applications

Sarah Waters, an RCN steward in the West Midlands region, has been using the skills cards to have discussions with members of all ages.

“I went along to one of the workshops set up by the RCN to increase my knowledge and I got so much out of it,” she says. “I’ve been using the cards with members who have tended to undervalue themselves so it’s been interesting to see the way people’s perceptions of their own skills change.”

“I would urge all reps to start midlife development reviews with members. It helps members recognise their skills and experience as well as being an interactive means of engaging with them.”

Find out more

For more information on midlife development reviews and to access the cards and supporting resources visit:

<http://tinyurl.com/hkkue79>

Pension planning



While retirement may seem a long way off, the sooner you start planning your finances the better off you'll be. Tom Metcalf looks at the things you need to know

For many, financial planning can be a daunting prospect. Statistics from the Money Advice Service show 21 per cent of people lack confidence in managing their money, while 25 per cent of over-55s were unable to identify the better deal from two financial options.

While reps can't give financial advice to members, they still have an important role to play in ensuring members know where they stand and encouraging them to plan sensibly.

Consider the future

Sally Selvey, an RCN steward and treasurer of the Birmingham East, North and Solihull branch, says when members approach her about changing their work patterns, she has encouraged them to consider their future finances.

"If someone is thinking about a major change to their working arrangements in midlife, like reducing their hours as they get older, you don't want them to regret it later in life. It's about putting that lightbulb on and getting them to think about the implications. Of course you can't plan for everything, but you can prepare."

"You can't plan for everything, but you can prepare"

Reps need to be aware of members who may not be eligible for a full state pension. The pension is funded from national insurance (NI) contributions – if you haven't paid enough contributions you will not be eligible for a full pension. Until 1977, married women could opt to pay reduced NI contributions and some of those women have found themselves with a reduced pension. Taking a career break or living abroad for a time may have a similar impact.

"It's not something you necessarily think about in your early 20s, but that short-term mentality can have effects later down the line," says Sally.

She suggests that reps direct members towards an independent financial adviser so they can make an informed decision about their financial future. The RCN has a partnership with Lighthouse Financial Advice and all members are entitled to an initial free consultation.

Sally's pension tips

"Firstly, get all your pension information together. Find out your state pension age and get a full statement.

"Also get full details and a statement about your workplace pension. Then sit down and have a think about when you want to retire and what sort of lifestyle you want in retirement.

"Think about your family, your partner and your dependants. Think about the cost of running a home, but also smaller things like running a car or buying Christmas presents. Do you enjoy going out for dinner or to the theatre? These things all add up. You want to live life in retirement, not just exist."

More information

For information on choosing a financial adviser visit www.pensionsadvisoryservice.org.uk
To find out your state pension age, and for a full state pension statement, visit <https://www.gov.uk/state-pension-statement>
To book a complimentary consultation from Lighthouse Financial Advice visit <http://tinyurl.com/jqhqcycg>

NOTICEBOARD

Reps' guide to revalidation

The RCN has launched a publication to advise reps on how their trade union activity can be used to meet the requirements of revalidation.

Registrants with an April renewal date will now have received their 60-day notice to complete the process and can begin their application online.

Revalidation and Your Practice as an RCN Representative: Using Evidence from Representative Activity for your Revalidation is based around the four key themes set out in the Nursing and Midwifery Council (NMC) code and how to apply your representative duties to them. The themes are: prioritise people, practise effectively, preserve safety and promote professionalism and trust.

It has a breakdown of these themes as they apply to learning reps, safety reps and stewards and has a completed example of the reflective account reps will have to complete.

Visit the Reps' Hub on www.rcn.org.uk to download the guidance.

The RCN has also produced a pocket-sized booklet called *Your Essential Guide to NMC Revalidation*, which has helpful advice for all members. Visit www.rcn.org.uk/publications

You can get more information on the revalidation process on the NMC's newly launched revalidation webpage at <http://revalidation.nmc.org.uk/>

Tools of the Trade



This month's *Tools of the Trade* includes information on the Health and Safety Executive's (HSE) proposed "Five Year Strategy", which focusses on tackling ill health at work as well as six strategy themes. Go to www.hse.gov.uk/strategy for more information.

The National Institute for Health and Care Excellence has issued guidance on the support, information and treatments needed to address the often-debilitating symptoms that women suffer during menopause. <http://tinyurl.com/zjg885b>

A new report by the Work Foundation maps out the prevalence and impact of multiple

sclerosis on employment and productivity in Europe. <http://tinyurl.com/zd3qrq4>

Research by the Future Work Centre found employees checking emails outside work hours were found to have higher levels of stress and pressure. Read the report at: <http://tinyurl.com/h5vsbz7>

The 12th edition of *Case Law at Work* is a key source of information on recent employment law cases. It contains clear summaries and updates of important cases decided by the appeal courts. Find out more at: <http://tinyurl.com/zbdmxun>

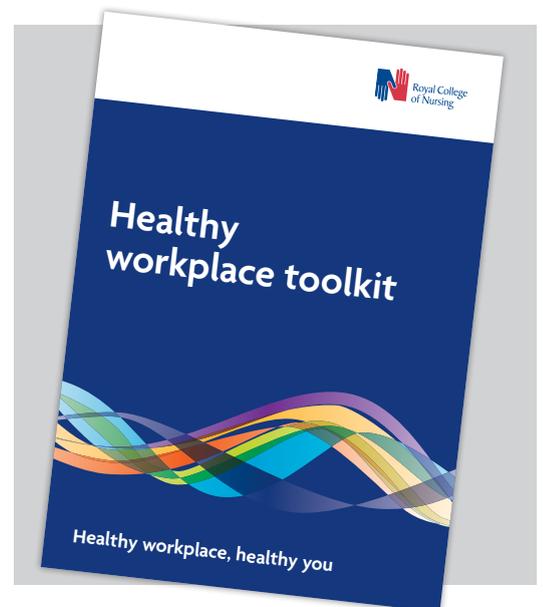
Call for healthy workplace case studies

Following the launch of the *Healthy Workplace, Healthy You* campaign in October, the RCN now wants to hear from representatives who have used the materials in their workplaces.

A range of guides and booklets were given to representatives at the UK Joint Representatives' Conference in Belfast. These were aimed at changing practices to ensure a healthier working life for nursing staff.

If you have used the resources and have feedback on the campaign, email healthyworkplace@rcn.org.uk or you can contact your regional office.

Go to <http://tinyurl.com/jjfdpdd> for more information.



Asking questions

Questioning and influencing workplace practices is a key skill for activists and the RCN has produced guidance on the best way to achieve this.

Ask. Listen. Act. Questioning and Influencing to Improve Workplace Conditions identifies ways of engaging with members to recognise issues in the workplace and how best to tackle these with employers.

It advises building strong relationships to enable discussion and resolution of problems identified by members.

Copies of the booklet are available from regional offices and will be accessible online from the Reps' Hub section of the RCN website.

Go to www.rcn.org.uk for more information.