

Activate

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News, views and support for RCN activists



It's time we got a fair deal

speaking up on nursing pay
#nursingcounts

Fair pay 'would help stabilise NHS'

As the Chancellor's autumn statement on 23 November approaches, the attention of the national media is focusing increasingly on NHS finances

The situation has rarely been bleaker but the RCN will not be deterred from seeking a pay award that exceeds the current 1% limit on public sector pay.

The College's 2015 employment survey revealed that more than half (59%) of nursing staff are too busy to provide the standard of care they would like. A similar percentage work when unwell and 53% need to work extra hours so they can pay bills and manage everyday living expenses. To keep things in proportion, for a nurse at the top of band 5 a 1% increase in pay represents just 14.6p an hour.

Josie Irwin, RCN Head of Employment Relations, said the NHS has for too long relied on staff being prepared to go the extra mile. "Nurses continue to work excess hours out of compassion for patients and are taken for granted," she said. "Financial pressures on staff combined with increases in workload are leading to potentially dangerous levels of morale. That's why we're asking activists to urge members to write to Philip Hammond, the Chancellor, with personal stories about the impact of the pay cap."

If NHS pay is not addressed, the financial challenges will only grow, she added. "A pay award that feels fair would start to reverse the problem of staff feeling so demoralised they leave the profession, which in turn would help reduce agency costs. It won't resolve the bigger system questions but it's a start." Visit www.rcn.org.uk/nursingcounts to write to the Chancellor.

Dear future nurses

You only have a few more weeks to get involved in an exciting centenary project that will record the views of RCN activists living and working in 2016. The RCN is inviting you to email your peers of the future with a message about what being “active” on behalf of the College means to you.

“Your first-hand accounts will form an important historical record not just of how being an activist and nursing works today, but also the feelings and opinions of the people doing the job,” said RCN Centenary Programme Manager Sarah Abley.

A selection of emails will be printed and stored in a sealed box in the RCN archives with the instruction “not to be opened until 27 March 2116” – the RCN’s 200th anniversary. Email RCN200@rcn.org.uk by 31 December. Visit www.rcn.org.uk/future-nurses

Help save our story



RCN forums have issued an SOS to “save our story” by asking members to donate documents and other memorabilia to the RCN archives.

The RCN archives are home to hundreds of thousands of items connected to the RCN and nursing history. However, there is a gap when it comes to forum history and activists and members are being urged to help.

Jason Warriner, Chair of the RCN Forums Chairs Committee, said: “It’s really important to preserve our history for future generations. Being able to see the contribution forums have made to the progression of nursing practice is

a great motivator and something we should be proud of too.

“By donating to the RCN archives we can make sure our stories are on the record and can be celebrated for years to come.”

If you have any items please contact the archives team first. They will be able to tell you if they already hold the item in the collection or if it is suitable to be added to it. Email archives@rcn.org.uk or telephone 0345 337 3368.

Preserving history

What to donate:

- minutes and paper documents
- fliers, posters and campaign information
- photographs (with as much information about the images as possible)
- newsletters and publications
- conference papers and information.

How to donate:

- gift the items to the RCN archives – they will keep and look after them
- allow the RCN archives to scan your items and return them to you.

National agreement for nursing associates must be honoured

The RCN is working to ensure there is consistency in role content and banding for the new nursing associate (NA) role.

The College is part of Health Education England’s Implementation Group set up to prepare for the launch of the role, which was developed in a national pilot.

The RCN has pushed for model job descriptions at band 3 for NA trainees and at band 4 for the NA role. The trainee job description has now been agreed and the NHS Job Evaluation Group has confirmed it matches to a band 3 job profile.

However, two pilot sites have advertised for the NA role in different ways: Greater

Manchester offering a band 2 post and Leeds a band 4, subject to Annex U provisions, which cover arrangements for pay and banding of trainees. This would take the salary down to band 2.

“Both these approaches are unacceptable and could potentially damage the national roll out of the NA and lead to a race to the bottom,” said RCN Head of Employment Relations Josie Irwin.

“If you’re working in one of the test sites, make sure your employer is aware that this is a national post that must be paid at a nationally agreed rate, the same as for any other job in the NHS. They should not advertise at a band that is different from the national agreement.”



Students have their say on placement funding



Rhys: We need to stand up for students

RCN student activists have been speaking out about placements.

Rhys Mood, Gareth McLean and Charlotte Callow, who all sit on the RCN Students Committee, represented the RCN and nursing students when they attended a Health Education England consultation on the future of funding for placements.

Historically placement funding has been allocated based on the capacity an organisation has to host placements, whether or not placements are filled.

“We suggested the current funding of more than £3,000 a year per student should follow the student,” Rhys explained.

He believes funding should be more closely monitored. “It must be clear where placement money is being spent and that it’s being spent appropriately. I suggested the money could be spent on a supernumerary nurse who would act as a learning and development facilitator to work on a one-to-one basis with nursing students.”

Rhys says that it is important to get involved with consultations like this one. “If we let others speak on our behalf, the funding may not be used to support students in placements. We need to stand up for students.”

A report on the consultation is now being prepared.

Funding changes

Reforms announced in the Comprehensive Spending Review in 2015 will lead to significant changes in the way health education funding is provided. From August 2017, most new students in England on pre-registration courses will have access to the standard student support package of tuition fee loans and support for living costs. The cap on the number of university places will also be withdrawn.

Steward highlights unfair pay in NHS

An RCN steward has highlighted the unfairness of nursing staff having to campaign for fair pay while some NHS board chairs receive huge pay rises.

Anne Wells, a steward at East and North Hertfordshire NHS Trust, where the RCN remains in dispute over a pension issue, said her new trust board chair’s salary has increased to £40,000 per annum.

Many of these roles are not full time positions and some individuals hold positions in more than one organisation.

“I keep thinking back to the Conservative party conference when Prime Minister Theresa May said that you will only get a pay rise if you deserve it,” Anne said. “Nursing staff are busting a gut and I’m getting a huge number

of distressed members coming into the union office saying they feel that they just can’t go on. This message makes me so angry.”



Pay petition

In just four weeks more than 35,000 people have signed a petition calling for an end to the 1% cap on NHS pay increases. At 100,000 signatures, the petition will be considered for a debate in Parliament. Danielle Tiplady, who started the petition, said: “This is a huge achievement, but colleagues are struggling to pay bills and even turning away from the profession. It’s time Parliament debated why.” Add your name at www.rcn.org.uk/nursingcounts

100 years of activism

You can now order additional copies of *100 Years of Activism: An Activate RCN Centenary Special*. The publication, produced as part of the RCN’s centenary celebrations, could help you recruit new reps as it highlights the vital work undertaken by activists. The booklet also charts how activism has changed in the last 100 years. Email publications@rcn.org.uk, quoting publication number 005 838 to order your extra copies.

Branch funding

Branch administration funding is not changing. However, from January 2017 new arrangements replace historic funds. The equivalent of the historic funding is being allocated to boards based on £0.45 per member in each country and region to support branch activity. Your board will be letting you know how and when to apply for that funding.

Behind the scenes



We don't shy away from challenging discussions, says Janet Davies, RCN Chief Executive & General Secretary

The RCN always seeks to improve pay and conditions for members wherever they work, in the NHS or the independent sector. Our negotiators have been involved in discussions with employers and the Government about reforms to Agenda for Change since April 2015. That's when we agreed to talks as part of the settlement of the dispute over the 1% pay rise.

Occasionally, journalists seek to make mischief or they get their facts wrong, as with a recent story that the talks involved unsocial hours. This is categorically untrue and the RCN has made it plain that there is no mandate to talk about unsocial hours.

We continue to press the case for a more modern pay structure that allows for quicker progress to top pay points – the real rate for the job – and by getting rid of overlaps between pay bands, making sure that promotion means something. We're seeking this solution for the UK – a band 5 nurse does a broadly similar job in Edinburgh, Cardiff, Belfast or London – and the talks involve representatives from each of the four countries.

Our aspiration is a modern pay structure as part of a wider workforce strategy that covers a healthy and safe workplace, equality, diversity and inclusion, and safe staffing levels. This sits alongside our argument that a fair pay award is needed, above the 1% cap, as a long term solution for the financial problems of the NHS.

“There is no mandate to talk about unsocial hours”

ASK AN ADVISER



Forgetting to pay



What happens if members forget to pay their NMC fees?

It's vitally important that registrants pay their annual Nursing and Midwifery Council (NMC) fees on time because the regulator no longer allows any grace period for lack of payment. Any registrant who fails to pay or to revalidate will be removed from the register and must apply for readmission at tiny.cc/nmcregister

If members approach you because they have forgotten to pay their fees, advise them to:

- inform their employer and apply for readmission via the NMC website immediately
- read all the guidance notes on NMC online carefully – significant delays may be caused by submitting incorrect and incomplete information
- be accurate with all references, referees' PINs, and with dates if they have worked while lapsed
- send all documentation first class and recorded delivery.

Where all the correct information is provided it generally takes between two and six weeks to be readmitted to the register. It can, however, take up to three months.

Get help with workplace problems, and more, at www.rcn.org.uk/advice

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

View from the frontline



Let's stand together

At the joint reps' conference in September, delegates were asked if they thought members were in a position to react if the Government chose to attack their NHS terms and conditions of employment. It was clear that more needs to be done to get members ready and make sure they understand the issues and consequences of not reacting. Your RCN UK Stewards' Committee is here to help. But we need information from you. What resources do you need on the ground? You are the local experts and I, along with Chair of RCN Council Michael Brown, believe you are the people who have the answers to the questions specific to your area.

Consider how you engage with social media, your local press and the local radio. How could you do it better? What can you do in your own workplace and how can we support you? What can branches and RCN staff do? We'll consider all your ideas and comments and do everything we can to help you get members on board. Alongside your country and regional boards we are ready to help. Contact your local UK Stewards' Committee member and let's prepare the ground.

For my whole union career I've fought to protect nursing staff while seeking to ensure we get fair pay for the complex and challenging role we perform. We need to be sure that we are ready to stand together as one union, with one voice and one message. A campaign is won through careful and thoughtful planning. The time to plan is now.

Graham Revie
Chair, RCN UK Stewards Committee

LEGAL UPDATE



Discrimination allegations



Many activists will be aware that employers are potentially vicariously liable for acts of discrimination carried out by their employees.

In addition, under section 109(2) of the Equality Act 2010, an employer can also be vicariously liable for discrimination carried out by its authorised

agents, whether or not the employer knew about, or approved of their actions.

Unite the Union v Nailard is an important case about a union's liability for breaches of discrimination law by its elected officers, including its accredited representatives. It reinforces the importance of unions always taking seriously such allegations, and making sure they are properly investigated.

In this case, Ms Nailard was employed as a regional officer by the union. She alleged she had been sexually harassed and bullied by two Unite accredited stewards. There was a history of poor relations between the officer and reps. She claimed both discrimination and unfair constructive dismissal by the union.

Union agents

Although the employment appeal tribunal overturned the employment tribunal's finding that the stewards were employees of the union (the standard tests of subordination, remuneration and mutuality of obligation always apply), it did go on to agree that the stewards were acting as agents of the union. Therefore the union was vicariously liable for their actions.

The tribunal had been wrong to conclude that Unite's failure to properly investigate Ms Nailard's allegations amounted to unlawful discrimination, without also considering how that failure was connected to Ms Nailard's gender.

The case emphasises the importance of investigating properly all allegations made against RCN staff and accredited representatives.

Chris Cox
RCN Director of Membership Relations

Helping you help members

The pressure is on for today's RCN members. Workplace and domestic concerns can make members feel stressed and understandably worried. The RCN has experts to help you and them

As the first point of contact for so many members, you're the person who often has to deal with the brunt of their emotions. Add that to your already large workload and there's a danger you could feel you're reaching breaking point. Members turn to you, but who do you turn to?

"We want reps to know that we're here to support them, as well as members," says Ian King from the RCN's Welfare Rights and Guidance (WRG) service. "Although members can phone RCN Direct if they need advice or assistance, reps are often in a better position to identify when members have financial problems and could benefit from welfare support. By referring members to us we can help you to manage members' expectations of the help you're able to provide."

Ian believes using the RCN in this way will help you manage your cases. This will also give you a better chance of proactively helping members to avoid challenging situations such as the threat of homelessness, benefit sanctions, or court action.

Specialist help

There are many situations where you might find it helpful to refer to the specialist help provided by the RCN's experts. For example, if members need help dealing with unmanageable debt, the WRG service can provide advice and check the person in question is receiving all the benefits and tax credits available to them. They can also advise members who are facing difficult housing decisions and offer advice on negotiating with mortgage lenders in the event of a drop in income.

To help you know when it's appropriate to refer members, the service is working on guidelines for reps explaining how to spot when members may be eligible for financial support and debt remedies available to them.

"Help with employment issues is only a part of the service members need when facing problems with work. Through the WRG service members can access expert advice which helps them in so many



"I signposted a member who had a long-term illness, and there was a huge sense of relief for the person."

**Laura Clarke,
RCN learning rep**

different ways," says Mark Farmer, RCN Senior Officer in the London region. "Please familiarise yourself with the team's work and promote it as part of your recruitment and support activities."

Email wrg@rcn.org.uk if you have a specific query on behalf of a member and want to know whether referral to the WRG service is appropriate. You can also request a call back from a welfare adviser.

What help is available?

The WRG service team provides members with guidance and casework representation on:

- welfare benefit disputes, revisions, appeals and advice on complex benefit issues
- tax credit disputes/overpayments
- Financial Conduct Authority-regulated debt advice
- repayment plans for undisputed salary overpayments.

Reps can refer members to the service and use it themselves. Visit www.rcn.org.uk/mss

Get in the know



Janine Dyson, RCN England lead on devolution and integration, urges reps to find out more about their local Sustainability and Transformation Plan

What are these plans?

Sustainability and Transformation Plans (STPs) were established to get the NHS in England working in partnership with local government to support delivery of the commitments made in the *Five Year Forward View*. They describe how each of the 44 geographical locations in England will deliver against the priorities of financial stability, integration of health and social care, improvements in a population's health and wellbeing, and quality of care.

Why is this important for activists now?

It's possible we could see major change in the way in which health and care is delivered in individual organisations, and across care pathways. The integration of health and social care may be speeded up and new organisations or job roles may develop. There could also be

an impact on terms and conditions of employment.

What's the RCN view?

Any changes must be proposed on the basis of improving the provision of health and care, and not used to simply cut costs. The RCN and other unions have written to Health Secretary Jeremy Hunt, requesting that the STP process is slowed down, to ensure that meaningful consultation can take place with staff in individual organisations and across care pathways. STPs could bring improvements but we think we should have been more involved in their development. Right now we are focused on protecting terms and conditions, pensions and employment rights.

How can reps help?

We need you to get involved with meetings and make sure you know what is happening. Having knowledgeable reps in place locally will help us ensure members are supported during any change. Get in touch with your regional office if you are interested in finding out more.

Preparing myself for changes



As part of my supervision programme with my officer, I attended a meeting at Essex County Council where evidence was

being taken about the new STP in South Essex.

This was my first visit to a council meeting and I saw senior health officials being challenged by local councillors over the impact changes would have in my workplace and in local health services. They discussed the financial deficit, A&E and other service changes. The committee agreed the health economy is clinically

and financially challenged and the demand for health and social care will continue to grow.

A panel of members from NHS Improvement presented their case to councillors from all over Essex. They discussed issues relating to the local population and the need for community engagement and transparent communication.

As a rep this will help me to prepare myself for forthcoming changes and support members with clear and consistent information and help with my revalidation.

Jesudass Johnselvan, steward at Southend University Foundation Trust Hospital

NOTICEBOARD

Your RCN

From 2017, all unions must submit an annual membership assurance certificate to the Trades Union Certification Officer to demonstrate they are doing everything possible to ensure that data they hold on members is accurate and up to date.

The RCN needs to know the following member details:

- home address
- email address
- telephone number
- workplace
- employer.

RCN Head of Member Administration Simon Hiscocks says having this data will help the RCN support members but additional information can help the RCN improve its membership service further. "We need up to date information for statutory reasons but extra details can add value to the service we offer," he says. "If the RCN has information about your job title or area of practice, your membership can be shaped and personalised to better suit you."

Gill Morgan, RCN Employment Relations Adviser, adds: "Employer information is absolutely crucial. For the majority of our national employers we will need to ballot members at least annually about pay offers and other issues."

Activists can help by asking members to keep their information up to date. Contact the RCN's membership team on 0345 7726 100 (Monday to Friday, 8.30am to 8.30pm) or visit www.rcn.org.uk/myrcn

Tools of the trade



Almost one in three UK employees have experienced mental health issues at work, but most rate their organisations' support as substandard. Just 44% of workers responding to a Chartered Institute of Personnel and Development survey say they would feel confident disclosing unmanageable stress or mental ill health to their line manager or employer. Visit tiny.cc/cipd_mentalhealth

A report by the British Medical Association says that occupational health professionals should help employers to provide a "safe, healthy, age-sensitive and discrimination-free working

environment". *Ageing and the Workplace* also recommends that occupational health staff should help address prejudices relating to older workers, specifically noting that in most jobs, declining health has no impact on job performance or safety. Visit tiny.cc/bma_ageing

The Health and Safety Executive is proposing to make changes to current guidance on risk assessment procedures; placing more emphasis on controlling risk and less on written assessments. Read the draft guidance and complete a short feedback questionnaire at www.hse.gov.uk/risk/news.htm

Get confident using case management



A new interactive online tutorial will help new stewards to learn about and become confident in using the RCN's case management system (CMS).

It's also hoped that experienced users will use it to refresh their knowledge.

Available on the reps hub, the tutorial includes bite-sized films to help stewards understand the rationale for using the CMS and its benefits for reps and the College. It also helps clarify

the RCN's expectations around data protection. Visit <https://www.rcn.org.uk/reps-hub/case-management>

What's included?

Help to:

- record member-facing activity, including enquiries and cases
- upload related documents
- use the email function to communicate securely with RCN members
- access information to help you understand recent updates or changes.

Remind members to vote

Activists are asked to remind members to vote in the current RCN board elections. Elections are running in Eastern, East Midlands, London, North West, South East, West Midlands and Wales. The last date members can cast their electronic votes is on 30 November.

Elections are also currently running for the student member of Council, the RCN Students Committee and the RCN Health Practitioner Committee. Only Wales, Northern and Yorkshire & the Humber seats are contested on

the health practitioner committee; other seats were elected unopposed.

Information about the candidates for any upcoming election is available on the RCN website during the voting period to help members make an informed choice. Visit www.rcn.org.uk/elections

Look out for the results of the election for RCN President available on the website later this week. Visit www.rcn.org.uk