

Activate

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News, views and support for RCN activists



The
results
are in

NHS pay deal for England accepted

RCN members voted in favour of the deal, which will see most nursing staff get a pay rise of at least 6.5% over three years

Following a six-week consultation with members, all but one of the NHS trade unions accepted the proposed pay deal for England. The increase should show in members' pay packets from the end of July and be backdated to 1 April.

Three in four (77%) members who voted in the RCN consultation said yes to the deal. The results were considered by the Trade Union Committee, which ultimately decided to accept it (see page 4 for more).

Chair of the committee Lors Alford said: "We don't see this decision as the end of our fight for fair pay, but rather a good first step. In three years' time, the political and economic landscape may be completely different. This deal gives our

members extra cash through potentially turbulent times ahead, and gives us a platform to build upon in the future."

Acceptance of the pay deal for England means the money to replicate it in the devolved countries will now be made available. Pay negotiations in Scotland, Wales and Northern Ireland are at very different stages but the RCN wants to secure the best pay deal possible for members no matter where they live or who they work for.

RCN Chief Executive Janet Davies said: "The Government cannot assume that the thorny issue of NHS pay has been put to bed. This deal marks a move in the right direction but the bigger leap to truly fair pay still needs to be taken. However, it does give a genuine pay rise to over one million people and that cannot be underestimated in challenging economic times."

Turn to page 5 to find out what happens next for members affected by the deal.

NEWS

Tributes paid to ophthalmic icon Janet Marsden



It's with great sadness that we report the death of former RCN Council member Janet Marsden.

Janet was extremely active in the RCN and was awarded a Fellowship for the remarkable contribution she made to the field of ophthalmic nursing.

Tributes flooded the RCN's social media channels as members heard the news. "Our profession has lost a star", said Natalie Nixon. "Janet was the biggest advocate for our ophthalmic nursing specialty", added Vicky Brotherton. "Her legacy will live forever," concluded Ramesh Seewoodhary.

RCN Chair of Council Maria Trewern described Janet as "a much loved and admired friend" who made such a difference to the lives and careers of so many.

Janet was a committee member of the RCN Ophthalmic Nursing Forum for a number of years. Speaking on the committee's behalf, current Chair Penelope Stanford said: "This is such sad news. We have lost our beloved ophthalmic icon."

Scottish government publishes safe staffing bill

New legislation shows ambition to get nurse staffing levels right, but more work must be done

The RCN has welcomed publication of the Health and Care (Staffing) (Scotland) Bill, which, among other things, puts a legal duty on NHS boards to use nationally agreed methods to set staffing in almost all settings where nursing staff work. It also puts the safety and quality of services centre stage, alongside the wellbeing of patients and staff.

First Minister Nicola Sturgeon pledged to develop legislation during her speech at RCN Congress two years ago and the College has been working constructively with the Scottish Government since to highlight where legislation could make a difference to patients and staff.

The bill requires the NHS and other care service providers to ensure appropriate numbers of suitably trained staff are in place at all times.

RCN Scotland Director Theresa Fyffe said: "Members have told us time and again that, because of staff shortages and increasing demands on services, there are times when the staff working are not able to meet the needs of their patients."

However, she said that delivering safe and effective care is about "more than putting workload and workforce planning tools on a statutory footing", and means listening to highly skilled professionals and letting them exercise professional judgement.

She added: "If Scotland is to seize the opportunity that legislation affords then there is still work to be done. But in introducing this bill the Scottish Government has demonstrated an ambition to get staffing for health and care right."

The RCN is launching a major campaign this autumn to demand safe staffing levels and accountability set in law for every part of the UK.

Pay update elsewhere

As the NHS pay deal for England is accepted, the RCN is continuing to campaign for fair pay for nursing staff wherever they work

The Scottish Government has announced that NHS staff in Scotland will receive a 3% pay increase from July. The RCN and other health trade unions are continuing to negotiate with the Scottish Government and NHS employers on a three-year pay offer.

The 3% increase does not restrict the health trade unions from negotiating further increases in pay in the three-year deal. If any further increase is negotiated, it will be paid later in the year and backdated to April. We will update members on the full details of a pay offer as soon as negotiations conclude, which is expected to be at the end of this month.

The RCN has written to Jeremy Hunt, Secretary of State for Health and Social Care, to demand equity for nursing staff who deliver publicly-funded services.

We are calling for a separate negotiating body, made up of employers and trade unions, to be established. This would negotiate pay terms and conditions for all nursing staff not directly employed by an NHS organisation.

RCN members in Jersey have settled on a 2.5% pay increase for 2017 but are continuing to fight unfair treatment in pay arrangements for 2018; namely the inequity of pay between nurses and allied health care professionals.

Nurses on Guernsey have voted to accept a new pay deal for 2017/18, which includes a 4.25% pay rise and the promise of further reform to pay scales.

All RCN members on Guernsey were consulted and 96% of respondents voted in favour of the deal, which was also accepted by members in other unions.

A call to action



The RCN's new Value of Reps framework will inspire you to get involved in growing and developing our community of reps and activists

The RCN has launched a new framework which sets out a five-year action plan to grow, support, develop and celebrate our community of reps and activists. *Being a Modern, Progressive, Professional Trade Union: The Value of Reps and Active Members* was released at Congress.

The project to develop it was led by our three UK reps committees and was informed by feedback from activists and members.

Under six themes – recruit, support and retain, develop, communicate, impact, celebrate – the framework showcases examples of achievements and of great partnership working

that is taking place across the RCN between staff and reps. It also shares ideas for further work that have come from reps, members and RCN staff.

In her introduction to the framework, Janet Davies, Chief Executive, asks every RCN rep, branch, network and staff member to consider their contribution and plans to recruit more reps and engage active members.

She says: “Together we can grow a vibrant community of reps and members who are committed to working with us to improve patient care and shape health and social care policies. Through collaboration we will make a difference together.”

To read the framework, visit
tinyurl.com/valueofreps

Nursing apprenticeships must not repeat mistakes of the past

Speaking at the Education Select Committee, RCN Chief Executive Janet Davies warned that the current apprenticeship system could put both patients and apprentices at risk.

Referring to historical research, which found hospital-based apprentice training was unsafe, inefficient, and did not equip nurses with the adequate skills for the future, Janet stressed the need to maintain degree-based learning

for nurses, which is safer, more consistent and inclusive.

The College believes apprenticeships risk putting undue pressure on overstretched NHS services, as they place the responsibility for training staff on cash-strapped employers. The current apprenticeship levy does not cover the full cost of training, leaving trusts to pick up the bill.

Executive pay in the NHS



The RCN is looking into how executive pay in the NHS is determined and whether salaries for senior female nursing posts are less than other comparable roles. This follows recent reports that some NHS employers have a 40% gender pay gap.

The law on equal pay allows people who feel their pay is not equal to a comparator of the opposite sex to take action.

If you are contacted by senior nurse members who would like to have a confidential discussion about this, please contact your regional officer or Nicola Lee in the RCN Employment Relations Department at nicola.lee@rcn.org.uk

Changing times



This July marks 70 years of the NHS. In the next issue of *Activate* we'll be exploring how RCN reps have helped improve working conditions for members over the years.

If you're a rep who has been working in the NHS for a long time and want to share your most significant moments, please get in touch. Email activate@rcn.org.uk

FEATURE

The voice of members

The decision to accept or reject the NHS pay deal for England rested with our Trade Union Committee. So who is on the committee? And why should they make the choice?

"Remember why we're here – to represent the membership," said Lors Allford (pictured left), Chair of the Trade Union Committee, as she opened discussions about the pay deal on 6 June.

The committee, formed six months earlier as part of the RCN's governance restructure, exists to make decisions on the RCN's trade union functions and activities. Or as Lors puts it: "Our job is to make sure terms and conditions for nursing staff are suitable, good and fair."

The committee has 14 elected members including one from each of the three countries, one from each of the nine English regions and a student and health practitioner member.

"We're real members representing members' views," says Tracey Budding, Vice Chair (pictured right), who has worked in the NHS for 35 years. "The majority of us are frontline nurses so we know what it's like to work on the shop floor. It's a huge responsibility so I didn't go in to this role lightly."

The beginning of a journey

Lors feels the responsibility too but she's confident in the committee's ability to do the job.

"It's the first big decision we've had to make but it's the right decision. We've listened to members and I believe it's the way forward," says Lors. "In my 42 years of nursing, we are in some of the most challenging times I've seen as a profession and in the NHS. This is the beginning of a very long journey to turn things around."

Reflecting on the deal, Tracey says: "It's very easy to just look at one element of how something affects you but when you look at the whole framework, there is value in it. Increasing starting salaries over the next three years will benefit recruitment.

"There is protection for unsociable hours and annual leave which I know a lot of our workforce rely heavily on. It can be confusing



"We've listened to members and I believe it's the way forward"

but overall the deal is a good thing. We've got to start somewhere."

Lors points out the starker benefits of a pay increase too: "For some members this will make the difference in whether they stay in the profession or leave. For others it might mean they can pay next month's bills or they don't have to go to the food bank."

Like Tracey, Lors is also quick to point out that this is just the beginning, both in the fight for better pay for nursing staff and for the work of the Trade Union Committee.

Lors says: "This is the time to stand united. It's only the first chapter in bringing about much-needed change. As a trade union, I feel it's our responsibility to make nursing a profession that people want to go in to. If we're protecting members' terms and conditions, safe staffing etc. then they will be delivering better patient care and ultimately that is what it's all about."

Read the full story at www.rcn.org.uk/activate or find out more about members of the Trade Union Committee at www.rcn.org.uk/trade-union-committee



NHS pay in England

What happens next?

The NHS pay deal for England will now be implemented after members of the RCN and other trade unions voted to accept it

What pay rise will we get and when?

You'll get at least 3% more in your basic monthly salary, which should be paid from the end of July. This will be backdated to 1 April so you'll see slightly more in your July pay packet than you might in the months that follow. But it depends when you're due your incremental rise. If it was between April and July, you'll get that additional increase too. Others will get it in the month they go up a spine point.

Will the deal be implemented in stages?

The rise to basic pay will be made straight away for everyone employed by the NHS in England. That's 3% this year, 1.7% next year, and 1.7% in 2020/21. You'll also get a lump sum worth 1.1% in April 2019 if you're at the top pay point.

Other changes, to improve starting salaries for each band and remove overlaps between bands, will begin in year one and be finished in year two. Some points in the mid-range of each band will also be removed in years two and three of the deal, enabling staff to progress through bands quicker. If you're due to move up to a point that will be deleted, you'll automatically go to the point above.

It's the combination of these changes that will mean pay increases of between 9% and 29% over the three years if you're not at the top of your band already.

Will it be easy to understand in my pay?

Your pay increase will show as part of your basic pay so it won't appear as a separate line on your pay slip. However, the backdated element might be identified separately. You can see how much more you're getting paid by comparing your July payslip to your June one. Contact your payroll team if you need help figuring it out.

Will I be told what spine point I'm now on? And when I might go up a spine point?

Not necessarily, but your employer's payroll team should have this information.

What role will the NHS Pay Review Body have now?

The Pay Review Body (PRB) will be told the outcome of the pay consultation and will still submit a report setting out its recommendations for NHS pay. The Government will respond to both with the decision to go ahead with the pay deal officially approved at the end of June.

Going forward, the PRB will continue to collect evidence and make recommendations about NHS pay for the duration of the deal. We'll be working with them on areas we're both concerned about, such as attracting staff to work in high cost areas.

The independent advice of experts at the PRB will still be crucial in making sure the Government is aware of how pay is having an impact on the NHS.

Do the RCN's pay negotiations stop here?

Not at all. This pay deal is a starting point. It begins to make up for the years of lost pay NHS staff have had to suffer. We'll continue to campaign for fair pay for all nursing staff.

We'll also be monitoring the impact of this deal and return to the negotiating table if inflation begins to rise. This deal is not the be all and end all – it's a minimum commitment for the next three years. If the economic situation changes, or if recruitment and retention of nursing staff gets worse, we'll be reopening talks.

What can I do if I'm not happy with the pay deal?

Keep campaigning. While this is the deal we're working with currently, our determination to secure better pay for nursing staff continues.

The RCN's power is only as strong as its members' desire to influence. Work with us to make sure the voice of nursing is heard.



An extended version of this feature, with more questions answered, is available online at www.rcn.org.uk/bulletin

VIEWS

Keep doing what you're doing



"We should see our work as a team effort"

As the NHS pay deal for England is accepted, Lors Allford, Chair of the RCN Trade Union Committee, reflects on the role of activists in successfully campaigning for better pay

First and foremost, I want to say thank you to all of you. You have done such amazing work from your involvement in the Scrap the Cap campaign to spreading the word about the vote on pay.

I know that being an activist can often be a thankless task, and you will never please everyone, but I implore you to keep doing what you're doing.

You are appreciated and I know that members of RCN Council and the Trade Union and Professional Nursing Committees would not be able to do our work without you.

Most of the Trade Union Committee members are activists, just like you, so we know the challenges you face. We will be looking at what more we can do to help support our reps and other active members.

Keep a look out in *Activate* for opportunities to get involved in the committee's work. We want to draw on the skills and expertise of our members whenever possible. Likewise, if you're passionate about a specific piece of work we're looking at then please let us know.

We should see our work as a team effort. No-one can give 100% all of the time so if you're feeling the pressure, take a break, don't give up. Just do what you can because every bit makes a difference.

ASK AN ADVISER



Using social media



Social media is a great way to network with others but if it isn't used responsibly, there can be major repercussions

Social networking sites are a public forum (despite your privacy settings). Once you publish something online, it can be copied and redistributed.

It's important to consider what you comment on or share. Acknowledging someone else's post could suggest that you endorse their point of view. You could also be mentioned in a thread that could have implications for you.

Read your employer's social media policies carefully. Registrants should read the NMC's social networking guidance too tinyurl.com/nmcsocialmedia

Employees who post negative comments about their employer or work colleagues on social networking sites could face disciplinary action if those comments come to the attention of their employer.

You can read the RCN publication *Use of Digital Technology* at tinyurl.com/rcndigital

For more information, 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



Meeting your MP

A while ago, after encouragement from my local RCN rep, I wrote a letter to Health and Social Care Secretary Jeremy Hunt. I was writing as a local constituent but also as a nurse. With a seemingly disproportionate amount of funding going towards acute services, I wanted to impress upon him how much community services in our area have to offer, especially district nursing.

My letter resulted in a visit. He came to meet some of the community nursing team where I work and found out about our roles. Although it was short, it felt like a valuable meeting because he listened to what we had to say and he's promised to come back later in the year.

I think it's really important to talk about the work nursing staff do and to make sure it's visible to the people who are making decisions about health care. If you want to contact your local MP then the RCN can support you. I found this really helpful, especially in arranging the visit. The easier you make it for the MP, the better. Be flexible and have a positive outlook; talk about how you can work together to make things better.

If you do get the opportunity to meet them then be prepared. Think carefully about what you want to ask beforehand and plan what you're going to say. Encourage your colleagues to do the same and support one another. It can be a bit nerve-wracking but it's worthwhile.

Lucy Wright, IT Clinical Lead, Royal Surrey Community Hospital

LEGAL UPDATE



Does continuing to work without protest amount to acceptance of a change in your contract?

The Court of Appeal decided "not necessarily" in a recent case. Nottingham City Council unilaterally imposed a two-year pay freeze from 1 April 2011. As a result, hundreds of employees submitted unlawful deduction of wages claims in relation to the annual increments they were deprived of between 2011 and 2013.

Nottingham City Council said that employees were not entitled to incremental pay rises and, even if they were, that by continuing to work without protest, they had implied they accepted the pay freeze. The employees were unsuccessful at the Employment Tribunal but succeeded in part at the Employment Appeal Tribunal. Both parties appealed to the Court of Appeal.

The Court of Appeal found the employees were entitled to incremental pay progression during the pay freeze period. However, the court also had to decide whether the employees had accepted the pay freeze by working without protest during the same period.

The court held they had not for various reasons; (a) inference of acceptance must be unambiguous (b) if the change to the contract is entirely disadvantageous to the employee, acceptance is not likely to be inferred, (c) collective protests can negate the inference, (d) the question of acceptance does not need to be determined at the exact point of implementation and, (e) if the employer hasn't been truthful about a variation it is difficult for them to argue it has been accepted.

Therefore, although protests can be helpful because they demonstrate clearly that there's opposition, working without protest will not necessarily mean the case is lost.

Joanne Galbraith-Marten
RCN Head of Legal (Employment)



NOTICEBOARD

GDPR

Get ready for Pride



Some employers are using GDPR to stop safety reps getting the information they're legally entitled to

Employers are required to give safety reps the information they need to fulfil their role, such as anonymised sickness absence and injury data. GDPR does not change this.

Some employers are refusing to hand over information on the grounds that it contains personal data. However, both the Safety Representatives and Safety Committee (SRSC) Regulations and the 1998 Data Protection Act already restricted personal information being given out, which is why employers have to anonymise it or seek permission from the individual.

Safety reps can still get all the information they need either through consent from the individual or the name can be withheld. For further information, including advice from the Health and Safety Executive, see the TUC's blog post *GDPR and Health and Safety Representatives* at tinyurl.com/GDPRsafetyreps

You can also read the RCN publication *Ask, Listen Act* which includes information on how to ask for data from your organisation. Visit www.rcn.org.uk/professional-development/publications/pub-005357

RCN activists will be taking to the streets in full force over the summer months

They'll be marching in Pride events across the UK in celebration of lesbian, gay, bisexual, trans, questioning and intersex (LBTQI) culture and pride.

In May, RCN activists attended the Pride parade in Birmingham and this month activists, members and staff will be heading to similar events in Blackpool and Edinburgh.

Pride events are always a great opportunity to meet up with fellow RCN activists and members

so, if you're not already attending one, why not take a look at www.rcn.org.uk/proud and find an event near you. If you're posting photos on Twitter or Instagram, remember to use #ProudRCN



Closing date for nominations coming up soon

There's still time to nominate yourself to stand in the RCN's upcoming elections

However if you are thinking about standing, make sure you get your nomination in as soon as possible because the closing dates are coming up soon:

- Chair and Vice-Chair of Congress – 6 July
- President and Deputy President – 20 July
- UK reps committees – 30 July

Nominations for our Health Practitioner Committee close on 29 June.

There are also vacancies available on the steering committees for 35 RCN forums.

These will be filled by appointment and applications close on 30 July.

For full details on our elections, visit: www.rcn.org.uk/get-involved

Tools of the trade



Work-related cancer claims 742,000 lives a year worldwide. The *No Time to Lose* campaign ran by the Institution of Occupational Safety and Health explains the causes and helps businesses to take action. Watch the film and find free resources at www.notimetolose.org.uk/

Half of the 44,000 employees interviewed for Mind's latest *Workplace Wellbeing Index* had experienced poor mental health, such as stress, low mood and anxiety. While 84% would continue to work while experiencing poor mental health, only 58% would go to

work with physical ill health. Read more at tinyurl.com/mindindex

Visit tinyurl.com/helpingcarers to read the findings and recommendations from a workshop hosted by Simplyhealth and the Work Foundation on how employers can best support working carers.

Health Education England's new campaign *#knowaboutnursing* is encouraging 16 to 18-year-olds who have yet to choose their university degree course to consider nursing. Read more at www.healthcareers.nhs.uk/knowaboutnursing