

Activate

Vol 13 No 8 April 2019

News, views and support for RCN activists



Thousands act on safe staffing

There's still time to make sure leaders are held accountable for safe staffing

More than 5,000 RCN members and supporters have so far taken action to help end the ongoing workforce crisis affecting health and care services in England.

When the *NHS Long Term Plan* was published earlier this year, the College welcomed its ambitious direction. But we said there must be clear accountability for making sure there are enough staff to deliver it.

We argued that the health secretary should be accountable to parliament for an adequate supply of health and care staff. But other national, regional and local bodies should have duties and responsibilities too.

NHS England and NHS Improvement are now seeking views on changes to legislation that they say will help deliver the long term plan.

Chris Elston, an RCN learning rep at Hampshire Hospitals NHS Foundation Trust, is among those who have used an online tool on the RCN website to respond to the consultation. He said: "You just put in your details and there's a pre-written message. You press submit and it does it all for you.

"But the beauty of it is that you can tailor it so if you've got some additional local information you can add it."

RCN England Director Patricia Marquis said nursing staff should seize the chance to have their say. "The more members who take part, the louder that voice will be – and harder for Government and NHS England to ignore."

The letter RCN members and supporters are being urged to send in response to the consultation says the current staffing crisis will deepen unless key leaders are made accountable. It takes only one minute to send the letter and respond to the consultation using our automated tool.

rcn.eaction.org.uk/NHS-consultation

Jersey nursing staff accept pay offer

Members on Jersey have voted to accept an improved pay offer from the States following a mediation process with the island's Advisory and Conciliation Service.

In January a pay offer was rejected and members threatened to run a ballot on strike action. But an improved offer was made last month and of the 53% of eligible members who voted, 75% chose to accept it.

Lindsay Meeks, Director of RCN South East region, said the negotiations had been "bitter and difficult at times".

"It's a huge disappointment to us that it took the historic step of the threat of a strike ballot to shift the thinking of the States," said Lindsay. "Our position over the months has never changed: pay our nurses fairly."

She praised the tenacity of members who she said had been "fantastic" throughout the process. The deal means a pay increase of 3.1% for 2018, 3% for this year, and RPI plus 1.3% in 2020.

Prison safety survey

Do you or your colleagues work in prison services in England or Wales? We're asking members who do to let us know about health and safety issues in their workplace. All answers will be confidential. Complete the survey by 30 April.

tinyurl.com/rcn-prison-survey

Changes made to shared parental leave and pay



The RCN, alongside other health unions, has negotiated improvements to shared parental leave entitlements for NHS staff in England and Wales

Shared parental leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave and can decide to take time off work together and/or take turns to have periods of leave to look after the child.

Before 1 April, NHS staff were only entitled to basic statutory pay for shared parental leave, rather than enhanced occupational pay such as for maternity leave. This meant they were often financially worse off if they chose to split their leave.

Changes to child bereavement leave

Losing a baby or child is a devastating experience for any family. From 1 April, parents working in the NHS in England and Wales who suffer a child bereavement will be entitled to two weeks' leave on contractual pay.

New statutory entitlements to child bereavement are due to come into effect in the 2020 Leave and Pay Act 2018 but NHS England has signed up as an early adopter of the legislation.

Under the new NHS policy, entitlement to two weeks' paid leave applies to anyone who had responsibility as the primary carer for a child who has died. The new NHS policy improves on the statutory rights. Entitlement

From 1 April, shared parental pay in England and Wales has been enhanced to the same levels as occupational maternity and adoption pay.

Entitlement to enhanced shared parental pay will mirror current eligibility requirements for occupational maternity/adoption pay. It's hoped the changes will enable parents to make a choice based on what's best for them.

The RCN and other health care unions are working with NHS Employers to develop new materials to support members considering this option. Details about the policies can be found in section 15 of the updated NHS terms and conditions handbook.

tinyurl.com/nhse-section15

to bereavement leave for parents or carers applies regardless of the age of the child who has died.

Staff will also not be limited to taking leave in blocks of one or two weeks. They will be able to take bereavement leave at any point up to 56 weeks after experiencing child bereavement and can use the leave on a flexible basis – at times which best support them.

For more information, see the new section 23 of the terms and conditions handbook. tinyurl.com/nhse-section23.

The RCN and other health care unions are working with NHS Employers to develop materials explaining the new entitlements to child bereavement leave.

Nurse shortages could double, thinktanks warn



RCN backs findings of new report calling for significant funding for nurse education

A report by three major health thinktanks calls for a radical expansion of nurse training in England to stop the health and care workforce crisis worsening dramatically.

The measures outlined by experts from the Nuffield Trust, the King's Fund and the Health Foundation include £5,200 a year cost-of-living grants for students and a tripling in the number of postgraduate trainees.

The report, *Closing the Gap*, argues that without decisive action being taken in the upcoming NHS workforce plan, nurse shortages will double to 70,000 and the goals outlined in the *NHS Long Term Plan* will be impossible to achieve.

Acting RCN Chief Executive Dame Donna Kinnair said: "The staggering numbers in this report should cause alarm in Whitehall and focus the minds of ministers on the cash they must put on the table to close the gaps.

"Nursing staff are the first to admit that, despite straining every sinew, the care of their patients is too routinely compromised by these shortages."

The *Fund our Future* campaign, led by RCN student members, is calling for immediate investment by the Government of at least £1bn into nursing higher education to encourage more people to train to become nurses.

Donna said: "It's good to see the thinktanks echoing our argument that the supply of nurses cannot be increased without very significant new funding for undergraduate and postgraduate nursing courses.

"But as the report rightly points out, increasing the number of students in nurse education will also require a big expansion in the number of clinical placements, something hospitals and community nursing employers aren't currently in a position to provide."

Find out how you can support the *Fund our Future* campaign at rcn.org.uk/fundourfuture

President joins advisory panel



RCN President Anne Marie Rafferty is joining a team of other health and social care experts on a new forum tasked with supporting delivery of the *NHS Long Term Plan* in England. More than 500 people applied to sit on the NHS Assembly, with successful applicants chosen according to their knowledge, skills and experience. Other assembly members include clinical leaders, patients and carers, and representatives from the voluntary, community and social enterprise sectors.

RCN backs indemnity scheme that will provide cover for staff in GP practices

The RCN has welcomed a new state-backed indemnity scheme that will automatically provide cover to nursing staff working in NHS GP services in England

The Clinical Negligence Scheme for General Practice, operated by NHS Resolution, will provide indemnity cover from this month. Nursing staff do not need to make payments towards the scheme or register. Those working in out-of-hours services, walk-in centres and prison primary care services will also be included.

Roz Hooper, RCN Head of Legal Services (Regulatory), welcomed the scheme, saying the RCN has had to support many members in GP practices whose employers have made mistakes

about indemnity: "This has caused those members great anxiety but now they can be confident that they have the correct cover in place."

She said the RCN had also heard that some GP employers have told nursing staff they will no longer be purchasing indemnity cover from their medical defence organisations (MDOs).

"As a result, the MDOs will no longer provide them with support for their other legal issues like employment advice, NMC referrals, inquests and many other potential legal issues. All members of the RCN are covered for this type of legal help," said Roz.

Visit resolution.nhs.uk for more details.

Pay leaflet

A campaign leaflet published by the RCN highlights growing differences between nursing pay in Northern Ireland and other UK countries. From this month, pay in England, Wales and Scotland, already higher than in Northern Ireland, will increase further as the second year of a three-year deal begins. No pay award has yet been agreed in Northern Ireland for 2019-2020. Download the leaflet and read about the RCN campaign for fair pay in Northern Ireland at rcn.org.uk/northernireland

Accountability for safe staffing



RCN Acting Chief Executive Dame Donna Kinnair considers what accountability means for the RCN's safe staffing campaigns

Members across the UK are leading our campaigns to get safe staffing enshrined in law. The need for such laws couldn't be more urgent. There are tens of thousands of vacant nursing posts and nursing staff are stretched to breaking point.

But without accountability at all levels – from government departments to service commissioners and providers – responsibility for safe and effective care will continue to fall to frontline practitioners. It's deeply unfair to put this pressure on nursing staff when they have no way to influence the number of staff in their setting. We need to fix this problem – and we need to fix it now.

Our campaigns across the UK call for laws to set out clearly, throughout the health and social care system, whose job it is to make sure there are enough nursing staff to meet patient need. In Wales and Scotland, the campaigns are already bearing fruit and we're working to build on the success we've had.

In England, there is no law. The health secretary makes decisions that impact on the NHS workforce, such as changes to the education funding model that has led to a decline in applications to study nursing. Government departments issue edicts which impact on staffing because finance is considered without safety. Service commissioners and providers make local decisions too.

The result of this is that nurses feel they're carrying the can for delivering safe patient care when so many factors are out of their control. Members now have an opportunity to influence a review of the law covering health and care in England, and to help make the case for putting accountability for workforce into law.

The time for action is now. Visit rcn.org.uk/safe-staffing

ASK AN ADVISER



RCN indemnity scheme



Who does the scheme apply to?

Indemnity remains one of the most common reasons why members call RCN Direct. Our indemnity scheme may cover members against the financial consequences of a claim against them for clinical negligence. Generally, it may cover the following groups of members: the self-employed, members who don't work under a contract of employment (such as agency or bank workers), volunteers and those acting in a "Good Samaritan" capacity.

Our indemnity terms and conditions detail all aspects of the scheme but to make them easier to understand, we've developed a new online tool which asks members a number of simple questions to determine whether or not the scheme applies to them. Find out more at rcn.org.uk/indemnity

Remember, even if the scheme doesn't apply, RCN indemnity is just one of a wide range of member benefits including workplace support, learning resources, professional forums and member discounts.

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



Lindsay Cardwell

Support worker regulation

The decision by the Nursing and Midwifery Council (NMC) to regulate nursing associates (NAs) is an opportunity to campaign for regulation for assistant practitioners (APs) and other health care support workers. Regulating, clarifying and standardising support roles will benefit patients and staff in the long run.

At the moment if an unregulated practitioner makes a serious error in their practice they may be dismissed. Worryingly though, they could start a new job caring for patients without having addressed the error. Patients would feel more confident in our care when they know that there are standards we must all meet to protect our registration. Staff would also be better protected from employers who may ask support workers to do more than they should, because the regulator would set standards for what each role could do.

Recognition is important for individuals too. APs, who've been practising at the same level as NAs for many years, could be competing with NAs for jobs in the future with the only difference between our roles being that one is regulated and the other isn't. Despite being equally suitable for a job, I might miss out.

Please encourage support workers to have their say on this important issue. Read more at rcn.org.uk/healthcaremag

Lindsay Cardwell, Chair of the RCN Health Practitioner Committee

Maternity leave and redundancy

In *South West Yorkshire Partnership NHS Foundation Trust v Mr C Jackson & Others*, the claimants were dismissed for redundancy as the service they worked in was decommissioned. They claimed unfair dismissal.

Mrs Pease, on maternity leave when the redundancy exercise was carried out, also alleged discrimination on maternity grounds. The less favourable treatment in question was a failure to communicate with her about the redundancy exercise.

Mrs Pease was placed at risk of redundancy by email dated 26 July 2016 and provided with a redeployment document that she was required to complete as soon as possible. The email was sent to Mrs Pease's work email address and she did not receive it. She telephoned the trust on 4 August and was provided with the form. She returned it straight away and was not disadvantaged by the delay.

Nevertheless, her maternity discrimination claim succeeded. An employment tribunal held that Mrs Pease was subject to unfavourable treatment, given that the delay arose simply because she was on maternity leave.

The trust appealed. The employment appeal tribunal highlighted that for cause to be established, a tribunal must ask itself why the alleged unfavourable treatment took place. As the tribunal failed to explore that, the case was sent back for further clarification.

Therefore, although it can amount to less favourable treatment to send a woman on maternity leave an important email to an address she can't access, the reason why the email was sent must be considered. The same reasoning is required as in any other discrimination complaints.

Joanne Galbraith-Marten
RCN Head of Legal (Employment)



Do you have what it takes?



With elections underway for the RCN Congress Agenda Committee, Maureen Dolan encourages fellow activists to consider standing for this important role

Are you keen to influence the national nursing debate? To shape the direction of the RCN? To give a voice to fellow members? If so, there could be a role for you on the RCN Congress Agenda Committee.

As anyone who has been will testify, Congress is massive. Thousands attend, hundreds speak at the podium and the nation's media follow events avidly. Congress matters. And the Agenda Committee is the cog that turns the wheel.

Maureen Dolan (pictured right) has served two terms on the committee and will stand down this year. She says anyone interested in becoming more involved in the RCN should give serious thought to seeking election. "You see Congress from so many different angles when you're on the Agenda Committee," she says.

Maureen has been active in the College for many years. A former vice chair of the RCN Northern Ireland Board, she also served as secretary of the Southern branch and on the committee of the

"You see Congress from so many different angles when you're on the Agenda Committee"



Perioperative Forum. Maureen was first elected to the Agenda Committee four years ago after a conversation with other committee members who were about to stand down. The deadline for nominations was approaching and she admits she was not well prepared. "I was sort of talked into it. But I didn't need much persuasion."

She adds: "What I had was my passion – for the RCN and members. And if you're passionate, you don't need a script."

Giving members a voice

Although the focus of its work is that single week in spring, the Agenda Committee convenes throughout the year. As well as selecting agenda items for the next event, the committee meets to consider which debates at the last Congress went well and proved popular, which were picked up by the media and where improvements might be made.

But Maureen is keen to emphasise that it is always the membership that shapes Congress. "We just facilitate, giving members a voice, a podium to share their concerns and what they want done about them."

That said, the Agenda Committee is influential and those who are elected to it tend to have strong opinions, Maureen says. But it's also essential they respect the views of others and keep in mind their remit. "We're all there for the same reason," she says. "To make Congress brilliant."

Although her term of office is ending, Maureen's passion for Congress remains. "We've had so many fantastic and memorable debates. But what's always stood out for me is when someone we've encouraged gets up to speak for the first time. Then they come back to the Agenda Committee and say, 'I wouldn't have done that without your support'. And that's the strongest thing I've ever heard."

Nominations for the Agenda Committee are now open. Visit tinyurl.com/agenda-committee-elections

There is still time to book your place at Congress, which runs from 19-23 May. Visit rcn.org.uk/congress

Lending a hand

Safety reps can play a key role in helping reduce the incidence of work-related contact dermatitis among nursing staff

Glove Awareness Week begins later this month, offering RCN safety reps an opportunity to help reduce the incidence of debilitating work-related skin conditions among nursing staff.

It's estimated that every year 1,000 health care workers develop contact dermatitis through their work. This is seven times higher than the average for all professions but, because of under-reporting, may only be the tip of the iceberg.

There is a close relationship between glove use and infection prevention and control but inappropriate use of gloves can put staff at risk of contact dermatitis, which can have an impact on clinical care.

RCN National Officer Kim Sunley says: "Severely cracked and broken skin is not only painful but it can be an infection risk to staff and patients. If nursing staff have damaged hands then in some cases they might be withdrawn from clinical areas, many of which are already short staffed.

"It's in everyone's interest to try and prevent this from happening and safety reps are crucial in getting this message out there and making sure everyone is skin and glove aware."

"Severely cracked and broken skin is not only painful but it can be an infection risk to staff and patients"

There are some simple steps safety reps can take to raise awareness in their workplace. To mark *Glove Awareness Week*, which runs from 29 April, the RCN has produced a number of useful resources, including posters and leaflets. The College also has updated Tools of the Trade guidance on glove use and the prevention of contact dermatitis.

Kim says: "Any health care employer can use this guidance to make sure they have the appropriate processes in place. Safety reps may want to take a copy along to one of their health and safety committee meetings to make sure the issues around glove use and contact dermatitis are being discussed and addressed within their organisation."

Practical steps

Although the guidance was developed with members and safety reps in mind, it's relevant to all managers of clinical services and health care staff across the UK, including those who work in non-hospital settings. It includes a checklist on page 26 comprising practical steps safety reps and employers can take.

Kim says: "It's important to remember that it's the employer's legal responsibility to protect employees from the risks of workplace ill-health, including work-related dermatitis. But safety reps can use the checklist to help monitor and improve conditions in their workplace, working alongside their employer, occupational health and infection prevention and control teams.

"For example, if reps have capacity, they may want to pick a couple of areas to undertake an inspection and ask nursing staff questions such as whether they have regular skin checks carried out by their manager and access to hand cream at work. Safety reps could also find out if COSHH assessments have been carried out on harmful substances used in the work environment."



**Be
glove
aware**

To download *Glove Awareness Week* resources and the full Tools of the Trade guidance on glove use and contact dermatitis, go to rcn.org.uk/glove-aware

The RCN is hosting Glove Awareness Week in collaboration with Molnlycke and SC Johnson Professional.

NOTICEBOARD

Library learning



A video tutorial on the RCN Library and Archive Service website is designed to help reps give the best possible support to members.

The RCN hosts the largest nursing-specific library collection in Europe, with physical libraries in Belfast, Cardiff, Edinburgh and London offering study space and support from professional librarians.

The video tutorial outlines the many online library resources that reps may find useful, including reports, online journals and e-books. It also explores the wide range of useful information available in a specific RCN rep subject guide. This can be used to help reps support their arguments and achieve the best possible outcomes for members.

Kate Clark, the RCN library's Information Manager, said: "The Library and Archive Service has fantastic resources for finding clinical evidence but also for sourcing evidence to support members. The video tutorial can help reps to get the best from all the information available."

Watch the reps video at tinyurl.com/rep-tutorial

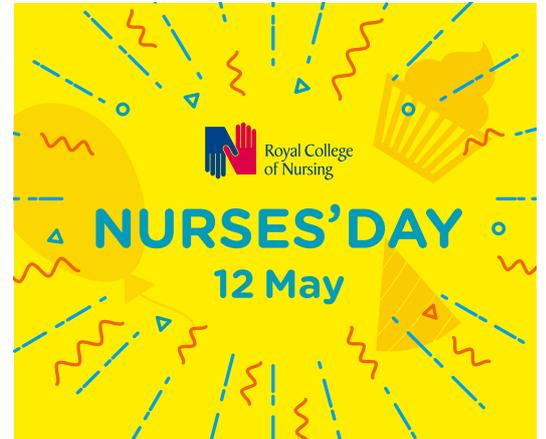
Get the party started

Nurses' Day – 12 May – is fast approaching and resources are available on the RCN website to help make the UK's Biggest Nursing Party a massive success.

There is a guide to ensuring that your Nurses' Day party is extra special, and digital party packs include everything from selfie props to popcorn holders. You can also download posters to help promote your event.

A specially created Spotify playlist is available too, with dance hits from Florence and the Machine, Kool and the Gang, Earth, Wind and Fire, and many others.

Find all you need at rcn.org.uk/nurses-day and



don't forget to customise your social media profile. Details at twibbon.com/Support/nurses-day-2019

Date for the diary

Have your say at our bi-annual national conference for reps

The autumn UK RCN joint reps conference will be taking place on 10-11 October in Milton Keynes.

All accredited RCN reps can expect an email invitation to apply for a place when booking opens in June.

The Chair of the UK Learning Reps Committee, Paul Brown, said: "The joint reps conferences are an opportunity for RCN learning reps, safety reps and stewards to discuss key nursing employment issues and current RCN campaigns. It's also useful for members to meet and network with their peers from across the UK."

To catch up on all the news from our last joint reps conference in March, visit rcn.org.uk/activate

Tools of the trade



The arbitration service ACAS has issued guidance on steps to take to avoid age discrimination in the workplace and how to deal with it if it happens. tinyurl.com/acas-discrim

Guidance on managing and promoting health at work has been issued by Public Health England. The guidance has links to toolkits on subjects such as suicide prevention and domestic abuse. tinyurl.com/phe-health-at-work

The Department of Health and Social Care has concluded its consultation on NHS pension scheme regulations covering

contribution rates for employers and employees, and changes to additional voluntary contributions (AVCs) and injury benefits. tinyurl.com/dhsc-pensionconsult

The Government has announced changes to immigration rules. Minimum salary thresholds will be reduced to £20,800 for nurses, paramedics and medical radiographers, potentially helping the NHS to continue to attract and recruit staff from overseas. Visit tinyurl.com/NHSE-salary and for guidance on the immigration points-based system from NHS Employers see tinyurl.com/NHSE-points