

# Activate

Vol 13 No 6 February 2019

News, views and support for RCN activists



## 'Powerful duo' win key roles

### Council leaders pledge to fight for members and patients

Sue Warner, a nurse and manager in the NHS for nearly 40 years, has been elected Chair of RCN Council. Richard Jones MBE was re-elected as Vice Chair.

Sue holds the Council seat for the West Midlands. Her nursing career has encompassed orthopaedics, gynaecology and paediatrics. She has also worked as a district nurse and a health visitor.

She joined the RCN as a nursing student and has been involved with her local branch since 2001. She was elected to the West Midlands Board in 2003.

"I'm honoured that my Council colleagues have elected me to this role," she said. "The RCN is the leading organisation for nurses and nursing, with a great history. Our new Council will build on that, reconnecting with members and fighting to improve conditions for nursing staff so that they can provide safe and effective care to patients."

"The year ahead is a challenging one, but we will work together to deliver on these aims for members."

Richard has served as Council Member for Wales since 2016 and Council Vice Chair since January 2018.

He said: "It's an honour to continue in the role and I'm looking forward to working with our new Chair and Council, alongside our new President and Deputy President, to make sure we listen to members and that the College goes from strength to strength."

RCN Acting Chief Executive Dame Donna Kinnair described Sue and Richard as "a powerful duo" who would lead the RCN as it reconnects with members and fights important campaigns.

"Sue and Richard, along with all other Council members, will give their considerable skill and energy to the roles. They have the confidence of members at every level and the support of staff to provide strong governance for the RCN."

## Nursing workforce: latest trends

The RCN labour market review, which analyses trends in nursing employment and training, is now available on the RCN website. The review offers activists valuable evidence about the current pressures on the nursing workforce.

It says, for example, that the nursing register is now recording more leavers than joiners and that the number of registered nurses in employment across the UK fell by more than 5% between 2016 and 2018. Applications to study nursing also dropped – by 9% between 2017 and 2018. Download *The UK Nursing Labour Market Review 2018* at [rcn.org.uk/publications](http://rcn.org.uk/publications)

## Pension problems

Imposition of a pay deal by the Department of Health in Northern Ireland means some members on Agenda for Change contracts may earn less from this month because enhanced pension contributions will exceed their pay increase.

Staff on Bands 5 and 8A are most likely to be adversely affected.

The RCN in Northern Ireland says the situation has arisen because the pay deal was imposed without proper union consultation or full assessment of the implications.

Preparations are continuing for a ballot of RCN members on industrial action in response to the imposed deal.

## Find time for People's Vote, says RCN



The RCN has reiterated its call for an extension to Article 50, which governs a member state's withdrawal from the EU, to allow time for a People's Vote on the final Brexit deal.

Members agreed at RCN Congress last year that the College should respect the outcome of the EU referendum but should campaign for a vote on the final deal.

With the withdrawal agreement yet to be settled, the RCN has restated the serious implications of Brexit for health and social care, not least the impact on staff numbers.

The most recent figures from the Nursing and Midwifery Council show a fall in the number of EU nurses and midwives registered to work

in the UK – down by 2,385 in the year to September 2018.

In a blog on the RCN website, College President Anne Marie Rafferty wrote: "The RCN is clear that the only way members, our patients and the wider public can make an informed decision on the final Brexit deal and its impact on health and social care, as well as many other important issues, is through a People's Vote."

Anne Marie said the announcement that the fee for EU citizens to apply for settled status in the UK had been waived was positive. But she warned that without an extension to Article 50, time was running out for the concerns of health and care staff to be heard. Read Anne Marie's blog at: [tinyurl.com/rcnpresident-blog](http://tinyurl.com/rcnpresident-blog)

## New learning resources for reps

Two new learning packages have been added to the popular online learning portal for RCN reps.

The first focuses on digital health records and demonstrates how reps can support better ways of working.

RCN reps are uniquely placed to support employers in implementing local digital health record systems. They can provide a vital link between those who lead implementation of such systems and the frontline staff who will use them in the workplace.

The new resource was co-designed with the UK rep committees, incorporating expert input from the RCN Nursing Department and

the RCN e-Health Forum. It also draws on members' experiences and ideas.

By working through the learning package and undertaking the activities described, reps will develop the knowledge, skills and confidence to make a difference, both at national and local levels.

The second resource is a suite of short video tutorials, recently updated, designed to guide stewards through the basics of the case management system.

The two learning packages are available via the reps' hub at [rcn.org.uk/reps-hub](http://rcn.org.uk/reps-hub) or at <https://learn.rcn.org.uk>

## Hard-hitting issues set to be debated at RCN Congress in Liverpool

Members attending this year's RCN Congress will vote on a number of important resolutions that will look to improve health and life chances for many vulnerable people.

The resolutions proposed include lobbying governments across the UK to decriminalise prostitution, end period poverty and invest resources to deal with rising child poverty. Reducing sepsis, loneliness, and the abuse of nitrous oxide will also be debated during this year's conference.

A number of important issues for the RCN will be discussed including membership of the International Council of Nurses, RCN boards and branches, and splitting the role of Chief Executive & General Secretary.

Several workplace issues will be discussed too. Bullying, the role of the NHS Staff Council in delivering fair and adequate pay, and clinical supervision arrangements for registered nurses are all on this year's agenda.

Chair of RCN Congress BJ Waltho said: "I believe this year's agenda is truly



membership-led; it's diverse and reflects what's important to nursing staff today."

RCN Congress 2019 takes place at the ACC in Liverpool, from Sunday 19 May to Thursday 23 May. Details, including booking information, the full agenda and how to submit suggestions for emergency agenda items are available at [rcn.org.uk/congress](http://rcn.org.uk/congress)

## Overpayment success

The RCN has secured a significant win for members overpaid by the NHS Professionals (NHSP) bank.

Some staff at Oxford University Hospitals NHS Foundation Trust were overpaid by an average of £558 for bank shifts last August and September. When they queried the payments, they were told they were accurate. Later, however, the bank tried to claw back the money.

When the RCN stepped in, NHSP backed down. Regional Officer James Steen said: "Although NHSP had accepted responsibly for the error, they still wanted our members to pay back the money received in good faith."

NHSP's U-turn meant members could continue to work for the bank confident that "what they earn is what they'll keep," he added.

## Landmark decision could mean Jersey strike action



RCN Council has authorised a ballot on strike action by members in Jersey if mediation over a long-running pay dispute fails.

The landmark decision by Council is the first time in its history the RCN has authorised a

strike ballot. If talks facilitated by the Jersey Advisory and Conciliation Service fail to result in settlement and staff walk out, it will be the first time RCN members anywhere have gone on strike.

Lindsay Meeks, Regional Director of RCN South East, said the decision by Council had come after years of poor pay and a "desultory" offer from the States of Jersey.

She added that if a strike goes ahead, members will take "every precaution" to ensure care remains safe.

Jersey members were asked to accept or reject a 3.1% pay rise for 2018 and a 3% increase for this year. More than 60% rejected the offer on a turnout of 63%. Nursing staff on the island are angry that their pay lags behind inflation and that of allied health professionals working there.

## Candidates set for crucial committee

Voting is now open for members in the South East to elect a candidate for their region's seat on the RCN Professional Nursing Committee.

The committee provides leadership on professional issues and the RCN's role as a Royal College.

Only nurse members in the South East region are eligible to vote.

Visit [tinyurl.com/rcn-south-east-seat](http://tinyurl.com/rcn-south-east-seat)

## Learning is key to safe staffing success



*“As activists, your role is critical”*

### RCN President Anne Marie Rafferty explains the crucial role of activists in shaping legislation in all parts of the UK

There's been a shift in attitudes towards nurse staffing levels in recent years. Regulators have recognised the need for guidance to help providers meet their duty to deliver safe patient care. The logical next step is to give that guidance teeth with laws that set out clear accountability and consequences for when standards fall short.

The RCN is building its campaign for safe nurse staffing legislation in all parts of the UK. Though each country is on a different journey, our work is underpinned by five principles. These outline the need for an adequate supply of nursing staff, with enough students coming through the system, and development of the existing workforce.

They state that there should be a clear workforce strategy that can be translated into national, regional and local plans so we have the right number of nursing staff with the right skills in the right place at the right time. Importantly, they demand responsibility and accountability for ensuring there are enough nursing staff to meet the changing needs of the population.

Learning will be key to our success and it's absolutely crucial that we capture our collective experiences to review, refine and develop our work. As activists, your role is critical in providing the intelligence on the ground to inform and guide our campaigning efforts. Achieving change is no small task, but together, we have the power to be a force for good.

### What's happening across the UK right now?

The Health and Care (Staffing) (Scotland) Bill is currently passing through parliament. The RCN has influenced key changes to the bill through its *Ask for More* campaign.

In Wales, where legislation was introduced for adult hospital wards in 2016, the RCN is monitoring the impact of the law and seeking its extension to more settings.

In England, campaign plans will be formed in partnership with members with a kick-off meeting this month.

In Northern Ireland, there is no law on nurse staffing levels, but the Department of Health has outlined nurse staffing in the Delivering Care framework.

Visit [rcn.org.uk/safe-staffing](http://rcn.org.uk/safe-staffing) for more.

## ASK AN ADVISER



### Gifts from patients



### How should members respond to presents from grateful patients?

Patients and family members often leave small gifts of thanks for staff. Section 21 of the Nursing and Midwifery Council Code is clear that as a registrant you should “uphold your position as a registered nurse, midwife or nursing associate”.

The Code then says: “To achieve this, you must refuse all but the most trivial gifts, favours or hospitality as accepting them could be interpreted as an attempt to gain preferential treatment.”

Accepting a small gift such as chocolates or flowers should be fine. But if a gift is substantial, or if a patient, a former patient or a family member is considering leaving a gift in a will, members are advised that they should:

- document this at work
- seek immediate advice from their line manager
- check the local policy.

More information is available at [tinyurl.com/rcn-gifts-advice](http://tinyurl.com/rcn-gifts-advice)

**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](http://www.rcn.org.uk/direct)  
**0345 772 6100**



## View from the frontline



### Making the most of student life

I'm quite active and like to be involved in things, so when I saw other student nurses talking on social media about being RCN student information officers (SIOs) and doing lots of cool things, I thought it was something I'd like to get involved in.

Being an SIO has made me realise the worries of student nurses are being heard. A lot of my cohort are unaware of what the RCN is campaigning for at the moment, and some are not even aware they can use the RCN library.

If someone asks me a question about finance, I tell them to get behind the RCN *Fund Our Future* campaign, which is calling on the Government to fix how it funds nursing higher education, including putting a minimum £1bn into student nurse training.

Since I started my SIO role a year ago, I've been involved in so many things. The best bit is all the opportunities, such as going to Parliament, where I went in May last year for the bursary lobby.

More recently, I attended the SIO conference. It's inspiring when you feel like everyone is coming together to try and change things for the better.

**Rachael Palmer, RCN student information officer**

Get behind the *Fund Our Future* campaign at [rcn.org.uk/fundourfuture](http://rcn.org.uk/fundourfuture)

## Public sector pensions appeal

The RCN is closely monitoring two legal cases concerning public sector pension schemes – for judges and firefighters. The final outcomes may have implications for members in the 1995/2008 NHS Pension Scheme.

The cases considered whether members of the judges' and firefighters' pension schemes were discriminated against on the grounds of age. Younger scheme members were eligible for less favourable benefits than older scheme members during a transition period after their pension schemes changed.

The Government accepted it had discriminated against the claimants but argued that this was a proportionate means of achieving a legitimate aim – to protect those closest to retirement.

The firefighter claimants were unsuccessful at first but in December the Court of Appeal decided that both the judges' and firefighters' age discrimination claims should succeed.

All the age discrimination claims have now been sent back to the Employment Tribunal to determine next steps but the Government has asked for permission to appeal to the Supreme Court.

These two cases may have implications in respect of the transitional provisions of the NHS Pension Scheme for members in the 1995/2008 scheme who were subject to tapering protection or no protection when the new scheme came into force on 1 April 2015. The RCN will monitor the appeal process closely.

If members are due to retire or their employment is terminated, they only have three months less one day to pursue an age discrimination claim if they believe they have been discriminated against. For further information contact RCN Direct on 0345 772 6100.

**Joanne Galbraith-Marten**  
RCN Head of Legal  
(Employment)



## Fighting for fair pay at a local level

Meet RCN steward Anne Kennedy who supported a group of nursing staff to move up to higher NHS pay bands and receive back-pay following changes to their job roles

Anne, pictured with grateful staff, first met the group of six nurses and eight health care assistants (HCAs) in November 2016 when they asked her to help them revise their job descriptions.

The nursing staff had been working closely with clinicians in their department to meet the increasing needs of the service. This meant working more autonomously and carrying out more complex procedures that they felt were outside their agreed pay band.

“The Band 5 nurses had been trained to carry out procedures that the doctors used to do,” explains Anne. “They’re complicated procedures that you’d expect to see in advanced practice. Similarly, the HCAs were carrying out tests which used to be done by nurses. These required independent decision-making that was outside of a Band 2 job description.

“Overall, it was positive because staff had been upskilled and it was enabling the service to grow, allowing more patients to receive treatment safely and effectively. But the nursing staff needed to be paid for the work they were doing.”

### The steps to success

Like most NHS organisations, Anne’s trust has a protocol for matching and re-banding jobs, following the national NHS Job Evaluation Scheme processes. Anne began by meeting the nursing staff to make sure their duties were outside their pay band and establish whether the tasks they were doing did fit into a higher banding.

Anne says: “I’d already been working with the trust’s senior nursing team and other staff side representatives to produce core job descriptions for Band 6, 7 and 8 specialist nurses and Band 2, 3 and 4 HCAs. I was able to use these as a comparison.”

Once she had determined that the roles met the criteria for the higher bands, Anne then revised the specific job descriptions for the group and approached their managers to ask if they agreed with these.



*“The Band 5 nurses had been trained to carry out procedures that the doctors used to do”*

In this case, the managers did agree and the jobs were successfully matched moving from a Band 5 to a Band 6 for the nurses, and from a Band 2 to a Band 3 for the HCAs.

“We then had to agree back-pay,” says Anne. “Thankfully the training nursing staff had received was robust and there was evidence to demonstrate exactly when they were assessed to be competent to carry out the procedures.”

After a long process Anne was overjoyed when the staff received the remainder of their back-pay at the end of last year.

Anne says: “In this case, the management team were ethical and honest and acknowledged the work the nursing staff were doing. It’s really benefitted the staff, the service and, most importantly, the patients.”

### Helpful resources

Following a Congress resolution in 2017, the RCN has published resources to help RCN reps support members who feel their job evaluation banding outcome is incorrect.

These are available at [rcn.org.uk/publications](https://www.rcn.org.uk/publications) (codes: 007 205 / 007 206 / 007 207) or you can find them in the “Quick Links” section of the RCN reps hub.

## What reps need to know about pay progression

**Introducing RCN National Officer Hannah Reed who is developing new materials that explain how pay progression in the NHS will work**

Since the three-year NHS pay deal in England was agreed last summer, negotiations have continued about how aspects of the settlement will be implemented.

Hannah Reed, RCN National Officer and Team Leader NHS, has been overseeing those discussions on behalf of the College.

Hannah joined the RCN in October last year after 18 years at the Trades Union Congress (TUC) where she was policy lead on individual and collective employment rights.

“I’m a great believer in the important role collective bargaining and negotiations between trade unions and employers can play in delivering high-standard pay and conditions for working people,” she says.

So the opportunity to help the RCN deliver on fair pay, in partnership with others on the NHS Staff Council, was an attractive proposition.

“Nursing staff are the backbone of the NHS,” Hannah says. “And ensuring they receive decent pay and conditions is critical to moving the NHS forward. One of my roles now is to make sure that the pay deal is implemented effectively and that RCN members benefit from it.”

She adds: “While the team I lead has recently focused on implementing the England pay deal, we are also working very closely with Scotland, Wales and Northern Ireland to ensure there’s a continued four-country approach to pay and conditions for NHS nursing staff.”

She and her team of fellow national officers are currently working with other health unions and employers on important points to emerge from the three-year pay deal. Pay progression is one of them.

The 2018 agreement on reform of Agenda for Change in England introduced plans for a new pay system with faster progression to the top of pay bands, with fewer pay-step points.

*“My role now is to make sure the pay deal is implemented effectively”*



In negotiations with employers and other health unions, the RCN is working to produce resources for members, reps and officers on how pay progression will work from 1 April.

### **Making sure the system works fairly**

“The guidance and materials provide checklists for employers, managers and staff,” says Hannah. “The RCN is also working with other trade unions to provide negotiating guides – toolkits for reps – to ensure the new system works fairly and that members are able to move on smoothly to the next pay step.”

At the outset, limited numbers of members will be affected by the pay progression changes – only new entrants who join after 1 April and staff promoted to new roles. But Hannah says reps need to make sure local managers don’t try to introduce the new pay progression arrangements for all staff.

“Local partnership boards should be being set up in trusts to discuss how pay progression will be implemented and obviously it’s important those boards have full staff representation, including RCN representation.”

Other strands of the pay deal the RCN is currently working on with staff side and employers include:

- enhanced shared parental leave
- child bereavement leave
- buying and selling of annual leave.

*Activate* will offer updates on these negotiations as they develop.



### **Find out more**

For pay progression resources see the NHS Employers website: [tinyurl.com/nhse-pay-progression](https://tinyurl.com/nhse-pay-progression)

# NOTICEBOARD

## Changing perceptions



Do you want to get involved in changing the way nursing and midwifery are perceived?

The RCN and NHS England are calling for ambassadors to showcase the achievements and career opportunities that are possible within nursing and midwifery.

By signing up you will get resources for a series of 30-day challenges. The aim is to support recruitment and retention of nursing and midwifery staff. There are already 2,000 ambassadors and the goal is to recruit 5,000.

There are easy ways to make a difference, including adding RGN/RN to your social media profiles or emails.

For more information visit [nhs70.crowdicity.com/](https://nhs70.crowdicity.com/)

There's still time for activists to sign up for a free one-day workshop on becoming an ambassador at RCN HQ in London on 19 February. Visit [www.events.england.nhs.uk/events/rcn-activists](https://www.events.england.nhs.uk/events/rcn-activists)

## Creating a culture of continuous improvement

The RCN, in partnership with other professional bodies and unions, has produced new principles to guide continuing professional development.

The principles will help health and social care organisations create a culture of continuous improvement that contributes to better outcomes.

Gill Coverdale, RCN Professional Lead for Education, said: "By setting out what employers and staff should expect, these principles will help develop the knowledge, skills and competencies that lead to an effective workforce prepared to deliver high quality care."

The five principles make clear that CPD should be owned by the individual and supported



by employers. It should benefit service users, improve service delivery and be relevant to each person's scope of practice. It should also be recorded and have a demonstrable effect on the individual's practice.

Download the principles from the College of Paramedics website: [tinyurl.com/rcn-lifelong](https://tinyurl.com/rcn-lifelong)

## Nursing associate resources

The RCN has published a range of guidance and resources designed to support nursing associates in their career development and integration into the workplace.

More resources will be added to the nursing associate webpage of the RCN site as they are made available.

These are expected to include links to a flyer for joint reps on the new role and "mythbusting" material.

RCN Council is reviewing College membership categories to reflect emerging roles but currently nursing associates can join in the health practitioner category.

The first nursing associates have now qualified and are entering the workforce in England as Nursing and Midwifery Council registrants.

Find the RCN nursing associates resources at [tinyurl.com/rcn-associate](https://tinyurl.com/rcn-associate)

## Tools of the trade



A Work Foundation report suggests men are reluctant to seek help in the workplace for mental health problems unless available services are promoted in ways that resonate with them. It says terms such as "tackling stress" rather than "anxiety" are less likely to alienate male staff. See [tinyurl.com/wf-men](https://tinyurl.com/wf-men)

NHS Employers has developed an interactive toolkit to help recruitment teams and managers. Download the *Inspire, Attract and Recruit* toolkit at [tinyurl.com/nhse-inspire](https://tinyurl.com/nhse-inspire)

New guidance from NHS Employers explores how to build a business case for flexible working and best practice. For details go to [tinyurl.com/nhse-flexible](https://tinyurl.com/nhse-flexible)

The UK Government has published plans for reforms of the labour market. Employees on zero-hours contracts, "temps" and "gig economy" workers are set to benefit. They will be entitled to a written statement of their rights to sick pay and paid leave from the first day of work. [tinyurl.com/labour-market-reform](https://tinyurl.com/labour-market-reform)