

Minutes of an Extraordinary General Meeting held on 28 September 2018 at the Birmingham Repertory Theatre, Broad Street, Birmingham

An Extraordinary General Meeting of the Royal College of Nursing of the United Kingdom was held at 11.00 hours on Friday 28 September 2018 at The Birmingham Repertory Theatre. The meeting was called by RCN Council in response to a requisition from 1017 members, following the implementation of the NHS Pay Deal in England, to discuss and vote on the following resolution:

We have no confidence in the current leadership of the Royal College of Nursing and call on Council to stand down

The meeting was chaired by Cecilia Akrisie Anim CBE, President of the Royal College of Nursing.

1. Welcome and introductions

- 1.1 RCN President, Cecilia Anim, welcomed everyone to the meeting. She introduced those seated at the top table; Deputy President Rod Thomson, Chair of Council Maria Trewern, Vice Chair of Council Richard Jones, Acting Chief Executive & General Secretary Dame Donna Kinnair, and Honorary Treasurer Dave Dawes.
- 1.2 The President introduced the rest of RCN Council who were also seated on the stage, and the Professional Nursing and Trade Union Committee members, who were seated at the front of the auditorium. Jane Clarke, RCN Group Secretary, was also introduced.
- 1.3 The lunch, first aid and speaking arrangements were explained.
- 1.4 The meeting noted that Rod Thomson would be managing the speaker queue.
- 1.5 The President confirmed that a poll would take place and the voting arrangements were explained. Members were asked to ensure they had their poll card. They were also asked to check if they had been appointed as a proxy on the lists in the registration area.
- 1.6 The President confirmed that the meeting was quorate.
- 1.7 She also emphasised the importance of adhering to the RCN's Respect Charter.
- 1.8 The President informed the meeting that its purpose was to discuss a motion of no confidence in the leadership of the RCN and a call for RCN

Council to stand down. Acting Chief Executive & General Secretary Donna Kinnair would provide the background and context to the meeting and would be followed by Danielle Tiplady, speaking for the petitioners and Maria Trewern, on behalf of Council.

- 1.9 Following this members would be able to ask questions and then the vote would take place.

2. Opening remarks

- 2.1 Dame Donna Kinnair began by thanking everyone for attending and outlining the background to the NHS pay negotiations in England. The RCN had, along with 13 other unions, negotiated the biggest pay deal for over a decade and with a government which was wedded to austerity. For most members in England the deal represented a minimum pay rise of 6.5% over three years and that the RCN believed, and still believed, that it was the best available pay deal that could be secured.
- 2.2 During the negotiations the RCN had secured a number of individual victories including the Secretary of State's agreement to drop his demand that staff forgo one day's annual leave as part of the pay deal.
- 2.3 Dame Donna stated that the RCN had fallen down, however, in its communications with members and had provided inaccurate information about its implementation. This had led to members believing that they would all get a 3% uplift in the first year of the deal.
- 2.4 It was explained that the RCN Executive team recognised that its structures and processes had not been sufficiently robust to deal with the complexity of the deal and acknowledged that important changes would need to be made in the light of the findings of the independent review commissioned from Electoral Reform Services into the governance and communication of the NHS pay negotiations.
- 2.5 Immediate remedial steps had been taken. The Chief Executive & General Secretary Janet Davies had left her post and Chris Cox, Director of Member Relations had since resigned.
- 2.6 The Acting Chief Executive & General Secretary emphasised that the RCN had always acted in good faith and was committed to providing the best possible support to its members. It would be a priority for the College to rebuild members' confidence in the organisation and would work hard to reconnect with members.
- 2.7 In conclusion Dame Donna encouraged a productive meeting and urged everyone to work together to strengthen the nursing profession.

3. Danielle Tiplady – speaking on behalf of the petitioners

- 3.1 Danielle Tiplady introduced herself saying she felt proud and honoured to be speaking on behalf of the petitioners, and confirmed that she was speaking in support of the resolution.
- 3.2 The proposer of the motion went on to say that in her opinion the NHS pay deal in England had been a disaster overseen by RCN Council, and that the communications had left members confused.
- 3.3 Danielle Tiplady then referred to the report of the Independent Review and questioned why, if the deal had been so hard to understand and that there was little understanding of it in the RCN, had Council signed it off? She also questioned why the Trade Union Committee had been given the responsibility for making decisions on the deal if they were so new in their role, as highlighted in the report by Electoral Reform Services Ltd.
- 3.4 She acknowledged that the report had highlighted that Council had not been provided with sufficient information but queried why in that case they had not asked more questions.
- 3.5 Examples were given of members who had felt badly let down and unprepared when they received their July pay packet.
- 3.6 Members had raised concerns at Congress and about the weighted communications during the consultation and they felt that those concerns had not been heeded.
- 3.7 Danielle Tiplady continued by expressing concern at an email sent to members from the Council Member for Scotland and Board Chair which had portrayed the petitioners as party politically motivated, and denied that this was the case.
- 3.8 She went on to criticise the EGM communications for being biased towards Council and felt that members had not been communicated with adequately when the issue had emerged at the end of July.
- 3.9 The proposer maintained that Council had not provided leadership on this critical issue and had failed in its duties to challenge and hold staff to account.
- 3.10 In conclusion Danielle Tiplady asked for radical change and urged members to agree with the resolution.

4. Maria Trewern, Chair of Council

- 4.1 Maria Trewern responded on behalf of RCN Council and thanked Danielle for speaking with passion and conviction.

- 4.2 She said members were right to hold Council to account for the communications around the pay deal in England, and how their concerns were dealt with.
- 4.3 She acknowledged that the organisation had made mistakes and apologised to members.
- 4.4 The Chair of Council emphasised that once Council was aware of the issues they had taken immediate action and had demanded the independent review which had now been received. The review had highlighted that mistakes had been made, concerns raised by members had not been listened too, nor dealt with. She was clear that members deserved better.
- 4.5 On the departure of Janet Davies, the former Chief Executive & General Secretary, the Chair of Council stated that she believed it had been necessary and that there would be further management changes. There would also be a clear focus on improving engagement with members and strengthening decision making and reporting processes as recommended in the independent review.
- 4.6 Members were asked to trust in Council and give them the support to follow the measured, considered and informed process that they had already started. The Chair of Council assured Members that Council was listening to members and members had her word that things would change.

5. Questions from members

- 5.1 The President then invited questions. Members were reminded that Rod Thomson would be managing the speaker queue and that members viewing on line could email in their questions.
- 5.2 Philip Noyes asked how Council would respond to the second part of the Independent Review report in relation to the responsiveness of the organisation to members and the need to improve governance.
- 5.3 Tom Bolger asked whether Council had challenged at every stage of the pay negotiations. He felt that this issue had not been highlighted sufficiently in the report. Tom also asked what steps were being taken to ensure Council members were equipped for their role.
- 5.4 Elaine Maxwell said that she felt the issues identified by the review were more about governance than communication, and wanted to know how she could be confident that Council would address the governance issues which had been highlighted.
- 5.5 Maria Trewern responded to the first three questions by reminding members that Council had only been in its current format since January 2018 and that the new structure had been designed to strengthen

governance in the RCN.

- 5.6 She confirmed that, despite being in the early stages of the transition to the new structure both Council and the Trade Union Committee had asked questions about the pay deal and that she had also sought assurance from Janet Davies about the pay negotiations in their regular one-to-one meetings.
- 5.7 It was explained that it had always been planned to evaluate the implementation of the new governance arrangements at the end of the first year and this would look in particular at ways of working between Council and the Trade Union Committee and the way four-country issues such as pay should be handled in the future.
- 5.8 The Chair of Council acknowledged that Council had relied on experts on the staff to provide the evidence required to inform the decisions and judgments and accepted that this had been insufficient.
- 5.9 She emphasised that the action taken by Council, when concerns were raised in July, had been swift and decisive. The Chair also reported that work was already underway to review the complaints and disciplinary policies.
- 5.10 New task and finish groups set up by Council would enable members from country and regional boards, branches, forums and representative committees to inform pieces of work going forward.
- 5.11 She concluded her response to the first three questions by re-iterating that Council had asked questions and challenged throughout the pay negotiation process.
- 5.12 The next batch of three questions was then taken.
- 5.13 Michelle Russell expressed her concern about leadership and communication and made reference to her own case of sexual harassment stating her dissatisfaction at the way it had been handled by the RCN.
- 5.14 It was noted that Dame Donna Kinnair had agreed to meet Michelle in person to discuss her concerns.
- 5.15 Geoff Earl expressed his anger at not being listened to when he had raised concerns, and at a letter which had been circulated to Board members and branch executives in Scotland. Many had been concerned at its contents and refused to circulate it on. He also asked who had signed off the minutes which the ERS report had stated were inaccurate.
- 5.16 Greg Usrey affirmed that he would be voting to disagree with the resolution and believed that Council should be given more time to enact change. He also asked if the pay negotiations could be re-opened and

whether there was an inflation clause built in.

- 5.17 In response to those questions Dame Donna Kinnair confirmed that she would be meeting with Michelle Russell to discuss her case.
- 5.18 On the question about the email circulated to Board members and branch executives in Scotland Donna Kinnair stressed that the RCN was an apolitical organisation and confirmed that it had been felt that it was appropriate to bring to the attention of members that political elements outside the College were getting involved in its business.
- 5.19 She also referenced comments made about Council members on social media and that many were untrue and unacceptable.
- 5.20 Maria Trewern emphasised Dame Donna Kinnair's comments about the abuse and personal vilification Council and other members had received on social media.
- 5.21 In response to spontaneous comments made off mic by Elaine Maxwell, Rod Thomson reminded members to refrain from personalising the discussion and to be respectful.
- 5.22 Elspeth Caithness, Council member for Scotland, responded to Geoff Earl's question by saying that she had felt it important to share the letter with the Scottish Board members.
- 5.23 Geoff Earl said he was outraged that members were being accused of political motives. He also stated that Council was not listening in their campaign but telling members what to do.
- 5.24 Samantha Margerison confirmed she was one of the petitioners and went on to state that she had not heard anything about Council's accountability, and commented on Council's lack of response on social media to concerns which had been raised by members. She criticised Council for lack of leadership.
- 5.25 Amina Ahmed agreed with the previous speaker.
- 5.26 Celia Manson asked that courtesy be afforded to Council Members and that they should be given an opportunity to put things right.
- 5.27 Dame Donna Kinnair responded to the questions and statements by affirming that there was a lot to learn and a lot to do. She assured members that they were being listened to. She re-iterated that mistakes had been made and that Council and the Executive team were committed to learning from them.
- 5.28 In response to Samantha Margerison, Maria Trewern drew attention to the actions that had been taken by Council, including the change of management. She thanked Celia Manson for her words of

encouragement and re-stated the rationale behind the changes to the governance structure to involve more members in the governance of the professional nursing and trade union work of the College.

The meeting then adjourned for lunch

- 5.29 Following the lunchbreak Tom Sandford, Director RCN England, replied to Greg Usrey's earlier question by confirming that the pay negotiations could not be re-opened but that amendments to the deal could be called for if there were higher than expected inflation levels. This process would require the Staff Side to put forward evidence to the Pay Review Body and for the Pay Review Body to take that forward in the normal way.
- 5.30 Roger Cowell requested information about how the communications issues, highlighted in the ERS report, would be addressed.
- 5.31 Lora Allford, Chair of the Trade Union Committee, responded to earlier questions by emphasising the hard work and commitment of Council and committee members, and spoke of her experiences of being on the Staff Side Council. She questioned the responsibility of NHS Employers in the implementation of the pay deal, and emphasised the importance of RCN members not being divided and staying strong together.
- 5.32 David Cooper, Director of Organisational Change and Capability, responded to the question on communication by acknowledging that communications in the College had not been good enough and that a number of new appointments had been made. He also confirmed that the Council and Acting Chief Executive & General Secretary were currently considering about how best to provide strategic communications advice to Council going forward.
- 5.33 In response to a question from Andrew Bassett Scott Toogood Dame Donna Kinnair clarified the composition of RCN Council. She explained that their role was to set the strategic direction of the college, and emphasised that Council Members undertook the role on a voluntary unpaid basis.
- 5.34 It was further confirmed that the President, Deputy President and Chair of Congress were on RCN Council on an ex-officio basis, and that there had been recent elections for the Chair of Congress, and for the Eastern region member of Council. Elections were currently taking place to elect a new President, Deputy President and Student member of Council.
- 5.36 John Hill asked which Council members had a voting seat on Council, and it was confirmed by Dave Dawes, Honorary Treasurer, that only the Chair of Congress was a non-voting member but took part in all the discussions at the meetings.

- 5.37 Jane – Elizabeth Tooke asked about the information which had been provided to Council and why it had not been clear enough.
- 5.38 Elizabeth Rees put forward the view that members in each individual country or region should be responsible for voting out their own Council members. She also observed that other unions had not subjected themselves to this level of scrutiny.
- 5.39 Maggy Heaton questioned whether Council or the Executive team had been the decision-makers in the pay deal, and commented that members of the pay working group were all staff. She also highlighted that safe staffing was a major concern but was not even mentioned on the home page of the RCN website.
- 5.40 Rod Thomson then read a question submitted by Claire Picton who wanted to know whether or not Council members could re-stand if they stood down.
- 5.41 In response to the earlier questions Maria Trewern explained that Council and the Trade Union Committee had been supported by staff including the Chief Executive & General Secretary, the Director of Member Relations, and the Lead Negotiator. She also remarked that the framework agreement was a very lengthy and detailed document, and it was not until deep into the document that the implications of the pay deal were clear. She believed that support for the Committees in understanding the detail had been inadequate.
- 5.42 The Chair of Council also confirmed that all the existing Council members were eligible to re-stand for election to Council.
- 5.43 In response to a written question Richard Jones, Vice Chair of Council, confirmed that the only member of Council not in attendance was Trevor Peel who was on a holiday booked a long-time beforehand.
- 5.44 Joan Pons Laplana expressed his view that the RCN had a massive problem with engagement amongst members and referred to the turn-out in recent RCN elections. He was also of the view that the RCN's position on the pay deal had amounted to bullying members to accept the deal, and that the option of industrial action had not been presented.
- 5.45 Tom Murray asked how such errors in the pay negotiations and communications could have been made by an organisation which had so much experience in this area. He also asked what Council would do in relation to staff who had mistakenly or wilfully misled Council.
- 5.46 Mike Travis spoke as a member of the Trade Union Committee and urged members to appeal their own individual pay bands as this would be more productive than trying to re-open pay negotiations. He also spoke in support of the Lead Negotiator and her work on behalf of members and as an advocate for nursing. He asked members to look at the accountability

of the Executive team to Council and how they provided information for decision-making to Council and the Trade Union Committee. He also emphasised the importance of members in their own countries and regions making the decision about who represented them on RCN Council.

- 5.47 Joan Pons Laplana referred to his experiences on staff Council and that he had felt uncomfortable with the implementation of the deal but acknowledged decisions were made on information provided at the time. He urged members to work together, and not to use media such as Facebook to create division.
- 5.48 In response Maria Trewern said that the response to the pay poll had been insufficient to meet the requirements of trade union legislation for industrial action. She also said that communications, and the removal of the Director of Communications role by the former Chief Executive & General Secretary, had been a key issue for her and that she was currently discussing the re-introduction of that role with Dame Donna Kinnair. The issue of member engagement more widely was a major concern and she had put forward a number of ideas for consideration including a membership survey, an annual road show to gather information and listen to members, and potentially live streaming Council and committee meetings.
- 5.49 Zeba Arif stressed that the RCN owed a good deal of care to its members because members paid for it and, therefore, the relationship must be one of trust. She said that members had not been listened to and had been told they did not know what they were talking about. She continued by emphasising the point that members no longer trusted the RCN leadership.
- 5.50 Jeremy Benton stated that members' incomes had dropped by 14% over the past ten years in real terms, and believed that the RCN was not in a position to act on behalf of members. He believed the solution was to restructure the organisation and create a separate trade union with an elected General Secretary. He also requested information about how the RCN had identified 600 political activists on the petition.
- 5.51 Andrea Spyropoulos said she believed the organisation needed to change, and that the complex pay award had not been explained well-enough to members. She also criticised the organisation for not finding time to meet her and arrange for her to film a podcast when she had raised these concerns, and for recommending acceptance of the pay deal when it was clear in the minutes of meetings that concerns had been expressed.
- 5.52 Jeni Watts asked for responses from all the Council members to the questions being asked, and also asked for further clarification on the 600 people on the petition who had been identified as having political

affiliations as well as the letter which had been sent to Scottish members.

- 5.53 In response Rod Thomson said that he would invite Council members to respond to questions, and provided clarification that whilst the Standing Orders required 1000 signatures on a petition Council had agreed that in this modern age it would be appropriate to accept an electronic petition with 1000 names. 1017 members on the petition had been verified as RCN members.
- 5.54 Donna Kinnair then clarified that she had not said petitioners but rather that it had been brought to her attention that there were people on the petition who were party-politically affiliated from South East London.
- 5.55 Andy Thurgood asked how these people had been identified as political activists.
- 5.56 Rod Thomson clarified that that there was a difference in the numbers of people on the petition verified as members, and the total number of people who had put their name to it which had raised the questions about their motivation to do that.
- 5.57 Mike Travis, Trade Union Committee member, expressed a concern that he had been unaware of the staff pay campaign group, and felt that the committee members had not been fully informed by the Executive Team.
- 5.58 Rod Thomson then read out two questions which had been submitted online – firstly, why had negotiators not recognised that the pay deal would affect members’ pension contributions, and secondly a request to publish the ERS report in a proper format.
- 5.59 Tom Sandford provided clarification of the purpose of the staff working group on pay explaining that it involved front line staff and had been in existence through the negotiations testing out the proposals as they came through.
- 5.60 Andy Ridley asked why the pay deal had been accepted as the best that could be negotiated and said that he believed there was an appetite for industrial action. He also believed that the RCN was not political enough and spoke of the exhaustion of nurses and the crisis in nursing with 42k nurse vacancies.
- 5.61 Maria Trewern responded with examples of how she had been involved in political activity on behalf of members including attendance at the current round of party conferences, the work she had undertaken on safe staffing, and the RCN’s participation in the Brexit debate.
- 5.62 Tony McGeown asked for clarification on where the information about the political affiliation of members had come from, and also requested how the Chair of Council had received assurance on the support for the Trade Union Committee when the ERS report stated that it had had insufficient

support. He also asked if Council would be bound to act if the resolution were to be passed.

- 5.63 In response Maria Trewern replied that the reassurance had come from the Chief Executive & General Secretary and the Director of Member Relations. She also affirmed that she had been in regular contact with the Chair of the Trade Union Committee who had confirmed that they were receiving all the information they required.
- 5.64 She clarified that the information which had been circulated to the Scottish Board members had been provide to help Council members provide responses to comments members were making social media.
- 5.65 Tom Sandford and Patricia Marquis, Regional Director for the South East, then provided further clarification on the purpose of the staff pay working group explaining that it was a reference group which worked on sense checking the pay proposals, and had fed through comments on proposed campaign materials and information for members.
- 5.66 In response to the question on the actions of Council following the EGM, Dave Dawes explained that Council would be meeting the following week to discuss next steps.
- 5.67 Dan Langley felt that the prime focus should be how difficult it was currently being a nurse in a pressurised, understaffed and underpaid environment and that it had been a derisory pay deal. He felt the RCN needed to change and asked what Council would do if they lost the resolution.
- 5.68 Ajitha Wickrama Gunaratne said he would be supporting the resolution and said that Council had misled the members. He described the impact of the Government efficiency savings which had led to the NHS being at breaking point with huge deficits and acute vacancy rates. NHS staff had worked hard to protect patients and he felt that all the health unions had not done enough.
- 5.69 Anne Wells asked why the RCN did not go back to the NHS staff Council when it became clear that increments were part of the pay deal. She also asked why the ERS report on the website had been amended after its publication.
- 5.70 Katrina McNamara said that her main concern was the role of the Executive Team and the filtering of information which she found unacceptable but offered caution against voting to support the resolution because of the risk of creating disarray at a critical time for nursing.
- 5.71 Rod Thomson then read a question from Nicky Williams which had been submitted by email and which asked if the Chief Negotiator was present

and would she remain in post.

- 5.72 Tina Donnelly, Director RCN Wales, offered comment on the pay situation in Wales and confirmed there was a commitment by the Department of Health and Social Care to fully fund the deal in Wales but that it was a slightly different pay deal to that in England because of the underfunding that was attributed to the Barnett consequential.
- 5.73 Sue Warner, Council member West Midlands, stressed that the RCN has to be a political organisation in order to carry out its work and that, although she had her own personal political views, did not discuss those because the RCN was not aligned to any specific political party. She also spoke of the hard work being undertaken by Council members and believed that the new Council was working well but needed more time.
- 5.74 In response to earlier questions Dame Donna Kinnair clarified that, on her advice, the Lead Negotiator was not present at the meeting but was watching on the web cast. The Acting Chief Executive & General Secretary also clarified that she would be reviewing the Lead Negotiator's role in light of the findings of the ERS report and would take any further action if appropriate.
- 5.75 Ursula Gallagher commented that she felt there were some real issues of insight and ownership for the RCN to address, and was very concerned for the organisation. She expressed disappointment at the behaviour of some individuals and asked instead that members model the behaviours that the RCN asked of other organisations. She felt it had been a difficult afternoon and reflected how hard it was for Council and how easy it was to criticise. She felt conflicted but thought it was time for a fundamental review of how the RCN worked.
- 5.76 Ed Freshwater felt that if Council lost the vote of no confidence then they should stand down. He also questioned why the RCN had not continued to fight the pay deal even if they had been given an ultimatum by the Government.
- 5.77 Stuart Crawford concluded the session by emphasising that many members earn less than £20,000 and struggled to attend events such as the EGM, and reminded members that they too were part of the union.

6. Summing Up

- 6.1 The Chair thanked everyone for their questions and then asked Danielle Tiplady to sum up on behalf of the petitioners.
- 6.2 Danielle Tiplady thanked everyone and, in summary, said that she remained unconvinced and still had no confidence in RCN Council. She said she was appalled that the Chair of Council and Acting Chief Executive had implied the petitioners were party-politically motivated, and was concerned that Council had no plan in place following the outcome of

the vote of no confidence. She concluded by asking members to agree with the resolution.

- 6.3 In response Maria Trewern explained that Council would meet to discuss next steps following the vote and pledged that whatever the outcome there would be change. She reflected that there were many shared opinions and that everyone wanted the RCN to be successful, to represent nurses, and to be the voice of nursing. She also confirmed that the ERS report had not been received until the Wednesday preceding the EGM and that it had been published as soon as possible. She urged everyone to read it.
- 6.4 The President, Cecilia Anim, concluded by thanking every one for coming and viewing on the website. She asked Jane Clarke, Group Secretary, to take everyone through the vote.
- 6.5 Jane Clarke asked members to complete their poll cards as they left the auditorium and to return to the hall in 30 minutes to hear the results.

The meeting then adjourned whilst the voting took place and was counted.

- 6.6 The Chair welcomed everyone back to the meeting and asked Jane Clarke to read out the result.
- 6.7 Jane Clarke read out the indicative result to the resolution:

We have no confidence in the current leadership of the Royal College of Nursing and call on Council to stand down.

Votes which agreed with the resolution = 11,156 (78.1%)

Votes which disagree with the resolution = 3,124 (21.9%)

Abstentions = 1,112

- 6.8 The resolution was passed and it was confirmed that Electoral Reform Services would verify the result and their scrutineer's report would be posted on the RCN website no later than Tuesday 2 October.
- 6.9 The Chair of Council, Maria Trewern, thanked everyone for voting. She said that it has been an open and honest debate and that she hoped the College would emerge stronger as a result. She said that the message had been clear and that Council would now enter a period of transition. An urgent meeting of Council had been convened for the following week to plan the way forward.

End of meeting